SENATE—*Wednesday, October 10, 1973*

The Senate met at 11 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

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

O Lord, Thou who hast been our dwelling place in all generations and taught us to keep the soul with all diligence for out of it are the issues of life, we pause to nourish our souls in the reality of Thy presence. May we know Thy nearness in hours of work as vividly as in moments of prayer. Equip us for our tasks that we may be physically fit, mentally alert, morally straight, and spiritually strong. In a world of hostility and hate may we remain kind and patient and true. Keep us at peace with Thee and with one another that we may be instruments for peacemaking in our turbulent world.

We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 9, 1973, be dispensed with.

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

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL NOVEMBER 7 TO REPORT S. 2373

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare have until November 7, 1973, to report S. 2373, the Federal Food Inspection Act of 1973.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations placed on the Secretary's desk.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar placed on the Secretary's desk will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard and in the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

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

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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 423 up to and including 428.

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

DISPOSAL OF ALUMINUM FROM THE NATIONAL STOCKPILE

The bill (S. 2413) to authorize the disposal of aluminum from the national stockpile, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately two hundred and seven thousand four hundred and forty short tons of aluminum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. Section 2 of Public Law 89–460 (80 Stat. 212) is repealed.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

The Senate proceeded to consider the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration and for other purposes, which had been reported from the Committee on the Judiciary with amendments, on page 8, line 3, after the word "bicentennial." insert "In preparing the Administration's plans and programs, the Administrator shall give due consideration to any related plans and programs developed by State, local, and private groups, and he may designate special committees with respresentatives from such bodies to plan, develop, and coordinate specific activities."; on page 10, after line 14, strike out:

SEC. 7. (a) There are hereby authorized to be appropriated annually such sums as the Congress may deem necessary to carry out the purposes of this Act.

And, in lieu thereof, insert:

SEC. 7. (a) (1) There are hereby authorized to be appropriated annually to carry out the provisions of this Act, except for the program of grants-in-aid established by section 9(b) of this Act, not to exceed $10,000,000, of which not to exceed $2,475,000 shall be for grants-in-aid pursuant to section 9(a) of this Act.

(2) For the purpose of carrying out the program of grants-in-aid established by section 9(b) of this Act, there are hereby authorized to be appropriated such sums, not to exceed $20,000,000, as may be necessary, and any funds appropriated pursuant to this paragraph shall remain available until expended, but not later than June 30, 1976.

On page 12, after line 7, strike out:

SEC. 9. The Administrator is authorized to use nonappropriated funds to carry out a program of grants-in-aid in furtherance of the purposes of this Act. Subject to such regulations as he may prescribe, the Administrator may—

(a) make grants to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

And, in lieu thereof, insert:

SEC. 9. (a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as he may prescribe—

(1) make equal grants of appropriated funds in each fiscal year of not to exceed $45,000 to Bicentennial Commissions of each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor;

(2) make grants of nonappropriated funds to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

On page 13, at the beginning of line 10, strike out "(b)" and insert "(3)"; after line 21, insert:

(b) For the purpose of further assisting each of the several States in developing and supporting bicentennial programs and projects, the Administrator is authorized, out of funds appropriated pursuant to section (a) (2) of this Act, to carry out a program of grants-in-aid in accordance with this subsection. Subject to such regulations as he may prescribe, the Administrator may make grants to each of the several States to assist such State in developing and supporting bicentennial programs and projects. Such grants may be up to 50 per centum of the total costs of the program or project to be assisted, but in no event shall the aggregate amount received by any such State under this subsection exceed $400,000. No such grant

shall be made unless the recipient agrees to match the total value of the grant for such bicentennial program or project.

And, on page 15, after line 22, strike out:

(f) The Chairman and Vice Chairman of the Board shall be elected by members of the Board from members of the Board other than the Administrator.

And, in lieu thereof, insert:

(f) The Administrator shall serve as Chairman of the Board. The Vice Chairman shall be elected by members of the Board from members of the Board.

Mr. HRUSKA. Mr. President, I rise in support H.R. 7446 which was recently reported out of our Senate Judiciary Committee. This bill is designed to establish an independent but temporary American Revolution Bicentennial Administration to replace the present American Revolution Bicentennial Commission.

The Commission was established on July 4, 1966, by Public Law 89–941. That statute authorized the Commission to plan, encourage, develop, and coordinate activities during the Bicentennial era. The Commission was thereby directed to prepare and submit to the President for transmission to the Congress a blueprint for a nationwide Bicentennial plan. This plan was presented to the Congress on July 7, 1970, and was strongly endorsed by the President.

The national plan for our Nation's Bicentennial envisions programs and activities developed by public and private organizations. The framework for this program is the network of State Bicentennial Commissions at work across the Nation. This concept represents a considered judgment that the Federal Government's role is to coordinate and assist the citizens in organizing this event, not to direct or mandate the commemoration for them.

The Commission has received wide acclaim and praise from many quarters for its achievements. However, in the 7 years of its existence, it has also been the subject of considerable disagreement and controversy. Criticism is to be expected because of the very nature and scope of its important work.

On August 1 and 2, 1972, the standing Subcommittee on Federal Charters, Holidays, and Celebrations of the Committee on the Judiciary held extensive oversight hearings on the operations and organization of the Bicentennial Commission and the direction in which it was moving. These hearings provided the subcommittee with an excellent opportunity to learn of suggestions for the restructuring of the Bicentennial effort.

Subsequently, the General Accounting Office and the House Judiciary Committee made extensive investigations of the operations and structure of the Commission. The consensus which emerged out of all of these hearings and studies was that a national grassroots commemoration involving all of our citizens and emphasizing the ideals of the Revolution was the proper approach. There was also a general agreement that a new organizational structure was necessary to insure a worthy commemoration in 1976.

Accordingly, the executive branch drafted legislation for this purpose which was introduced in the House on February 1, 1973, as H.R. 3695. The House Judiciary Committee held 2 days of hearings on this proposal on March 14 and 15, 1973. Numerous public and private citizens were given an opportunity to submit their views on this important matter. Following extensive deliberations, the House Judiciary Committee reported out a revised bill, H.R. 7446, which passed the House on June 7, 1973, by a vote of 344 to 14. The House of Representatives is to be commended for its detailed consideration of this important legislation and for the many improvements made to it.

The Senate Subcommittee on Federal Charters, Holidays, and Celebrations held hearings on H.R. 7446 on July 11. My distinguished colleagues, Senator MATHIAS, of Maryland, Senator KENNEDY, of Massachusetts, and Senator NUNN, of Georgia, made valuable suggestions regarding the provisions of this bill. Both Senators MATHIAS and NUNN are presently members of the Commission. Additionally, the subcommittee counseled with Senator BROOKE, of Massachusetts and Senator MONTOYA, of New Mexico, who are also members of the Commission.

These public hearings have provided Congress with an exhaustive background on the activities and progress of the Commission. Many suggestions have been received for improving the Federal Government's mission to aid in preparation for the Bicentennial celebration.

After listening to diverse views and suggestions for the new Bicentennial structure, I am encouraged by the degree of interest shown by so many in this event. I am convinced that the American Revolution Bicentennial Commission has been heading in the right direction and has provided a good foundation on which the full implementation of commemorative activities can now take place.

I now turn to the basic provisions of H.R. 7446.

This bill would establish the American Revolution Bicentennial Administration as an independent establishment for the observance of the Bicentennial. The new administration would assume the functions and responsibilities of the present American Revolution Bicentennial Commission, which would be abolished.

The new administration will be temporary in nature. It would terminate on June 30, 1977. The administration will be headed by a full-time Administrator who would be nominated by the President along with the Deputy Administrator. Both would be confirmed by the Senate.

The policies of the administration would be defined by an 11-member American Revolution Bicentennial Board for the guidance of the Administrator.

Also, a 25 public member Advisory Council would be appointed by the President from a broad segment of our population to advise the Administrator in carrying out his duties. No more than 15 Council members may be from the same political party.

The bill states its basic purposes as being to coordinate, facilitate, and aid in the scheduling of events and projects of State, local, national, and international significance. One of the primary functions of the new administration is the maintenance of a master calendar of events to take place between March 1975 and December 31, 1976.

Section 4 outlines the various functions to be carried out by the Administrator with the specific proviso that the administration shall not operate any programs unless specifically authorized by law.

Section 7 of the bill authorizes annual appropriations not to exceed $10,000,000 per year to the termination date of the administration on June 30, 1977, primarily for the expenses of administration.

Section 9 of the bill continues the authority of the present Commission to use nonappropriated funds to carry out programs of matching grants-in-aid to State bicentennial commissions and nonprofit organizations for their bicentennial projects. Also, section 9, as amended by the Judiciary Committee, would continue the minimal support of $45,000 annually to each State bicentennial commission, and would authorize $20,000,000 in appropriated funds for a new matching grants-in-aid program to the States with a maximum of $400,000 to each State. I will discuss these particular amendments in detail later.

I now turn to the amendments which the Judiciary Committee has made to the House-passed bill.

The committee adopted an amendment directing the Administrator to coordinate activities, to the extent practicable, with those being planned by State, local, and private groups. The committee recognizes that the administration should not hold a monopoly on either ideas or initiative. Therefore, this amendment suggests that cooperation of the American Revolution Bicentennial Administration with other interested groups will help to produce programs that are truly reflective of the expectations of all Americans. This amendment signifies again the importance of community-based programs and local participation in bicentennial activities.

The second amendment establishes a ceiling of $10,000,000 per year to be appropriated to the American Revolution Bicentennial Administration. This sum includes $7,625,000 for the costs of carrying out the purposes of the bill, and $2,475,000 for the $45,000 grants to State bicentennial commissions contained in the third amendment.

Additionally, this amendment would make available from appropriated funds a sum not to exceed $20,000,000 for 50 percent matching grants to assist in developing and supporting bicentennial programs.

The third committee amendment would continue the authority presently available to the American Revolution Bicentennial Commission to make minimal $45,000 annual grants from appropriated funds to support State bicentennial commissions in the area of planning. This amendment would also provide $45,000 to the Bicentennial Commissions of the District of Columbia, the Commonwealth of Puerto Rico and the territories.

The second part of the third amendment would continue the grant program of nonappropriated funds to assist in

development and support of State and local bicentennial activities on a 50-percent matching basis. This program was formerly the basic method by which the American Revolution Bicentennial Commission was allowed to distribute money to States, localities, and other nonprofit organizations.

The fourth amendment is technical in nature and merely renumbers particular sections of the bill.

The fifth amendment is designed to implement the new grant program which authorized the appropriation of $20,000,000 of Federal funds. This amendment would authorize the distribution of not to exceed $400,000 in appropriated funds for each State on a 50-percent matching basis. Thus, a total of $20,000,000 would be available through June 30, 1976, for such assistance. Each State would determine its own level of participation in commemorative activities up to the $400,000 maximum. The committee believed this additional Federal assistance was generally consistent with the concept of grassroots participation in the commemoration.

The sixth amendment provides that the administration shall be the Chairman of the Board. H.R. 7446, as passed by the House of Representatives, provides that the Chairman and Vice Chairman of the Board shall be elected by members of the Board from members of the Board, other than the Administrator.

The committee is of the opinion that the House proposal would perpetuate the problems which have hampered the operations of the current Bicentennial Commission and which have led to the proposals to restructure the Commission.

Under the House-passed bill, the Board is authorized to give final approval to grants, and to review, approve, disapprove or ratify basic policy and guidelines, including the budget to be presented by the Administrator in carrying out the purposes of the bill. The result is that the Administrator's authority for carrying out the day-to-day operations of the administration is circumscribed by the authority vested in the Board. Thus, responsibility is split between the Administrator and the Board resulting in confusion over roles and the slowing down of the decisionmaking process.

The committee's amendment requiring the Administrator to be Chairman of the Board will result in a unity of policy making and executive action and will also pinpoint responsibility so that the President, the Congress and the public can determine whether the Administrator is performing adequately.

Furthermore, to relegate the Administrator to a role subservient to the Board with his actions subject to Board review and possible repudiation will make it difficult to attract an outstanding person to assume the position of Administrator.

It is the committee's considered judgment that clear cut and unified lines of authority and responsibility will be established by a requirement that the Administrator be Chairman of the Board. On the other hand, the prerogatives of the Board are maintained and will provide desirable policy guidance while not forestalling prompt and efficient decisionmaking.

At this point I would like to address myself to several points of particular concern.

It appears that certain law enforcement problems may arise out of the Bicentennial Celebration in 1976. In recent hearings, the Senate Appropriations Subcommittee on the State, Commerce, Justice appropiations bill for fiscal year 1974, was advised that approximately 45 million visitors to this city are expected in 1976. Other major cities have been alerted to similar projections.

It is important that planning begin immediately for public safety, law enforcement and criminal justice problems which will be incidental to this major event. This legislation would permit the American Revolution Bicentennial Administration to cooperate with and accept available resources from Federal agencies such as the Law Enforcement Assistance Administration for the planning and coordination of law enforcement efforts related to the bicentennial.

Turning to another point, I am in full agreement with H.R. 7446 as reported by the Judiciary Committee except for the amendment which would authorize $20,000,000 in appropriated funds for matching grants to the States.

In my judgment, Federal financial assistance to nationwide bicentennial projects has been generous. Such assistance is included in appropriations for various Federal agencies such as the Department of the Interior, the National Endowments for the Humanities and the Arts, and the Smithsonian Institution. Additionally, as I previously indicated, the bill would continue existing outright grants to State Bicentennial Commissions annually in the amount of $2,475,000, which, through fiscal year 1977, will result in a grant total of approximately $15,000,000.

In addition to these appropriated amounts, American Revolution Bicentennial Commission and its successor, the American Revolution Bicentennial Administration, is authorized to utilize revenues from the sale of items such as commemorative medals for grant assistance to State and local Bicentennial Commissions. Commission representatives have estimated these revenues in the neighborhood of $15,000,000 through 1976.

Furthermore, the authorization for appropriated matching grants is contrary to the established philosophy of the Commission and its successor Administration not to act as a major funding agency for Bicentennial programs. The amendment runs contrary to such a concept and opens the new Administration to pressures for additional funding.

The proposed infusion of large Federal funding for the Bicentennial may have an adverse side effect. A basic premise of Bicentennial planning is for a grassroots, nationwide commemoration involving all of our people and our many institutions. Additional Federal funding may convince the States, local communities, and the private sector that the commemoration will be funded primarily by the Federal Government and thus dry up these important sources of funding and support for a meaningful Bicentennial by and for the people.

It is my view that additional Federal financial grant support for State Bicentennial projects, if at all justified, should be accomplished through regular Government agencies under their respective programs.

In conclusion, I would like to state that the new Administration proposed in H.R. 7446 is necessary if the Nation is to have a commemoration of its 200th anniversary worthy of the occasion. This legislation will help to provide a structure and sufficient funds to meet the demands placed on the American Revolution Bicentennial Administration in the short time remaining before 1976. Time is running out and cannot be reclaimed. Therefore, I urge favorable consideration of H.R. 7446, as amended.

The commemoration of the Bicentennial can be a great occasion if we all work together. Enactment of this bill will be a big step in getting the necessary job done.

Mr. BROOKE. Mr. President, I am very pleased to speak in support of H.R. 7446, the bill establishing the American Revolution Bicentennial Administration. As a congressional member of the Bicentennial Commission, I have an avid interest in the success of this important legislation.

I would like to commend the Senate Judiciary Committee, particularly the chairman and the ranking minority member, Senators EASTLAND and HRUSKA, for reporting out an excellent bill.

I am especially grateful for the prompt action the Bicentennial bill received in committee. As we all know, precious little time remains before the commencement of Bicentennial activities. In fact, in less than 20 months we will reach the 200th anniversary of the "shot heard around the world."

The passage of H.R. 7446 will go far in correcting many of the shortcomings of our past Bicentennial effort. Up to now the national Bicentennial organization has suffered from inherent structural weaknesses. This lack of concentrated authority has been responsible for its one central failure: It has never been able to produce a coherent, much less stimulating, vision of what the scope and spirit of Bicentennial activities should be.

H.R. 7446 establishes a Bicentennial Administrator to be appointed by the President with the advice and consent of the Senate. This full-time Administrator is given enough power to get things accomplished.

The bill also creates a Bicentennial Board, the policymaking arm of the administration. To insure Congress coordinate and equal role in the planning of the Bicentennial celebration, congressional representatives will be on the Board. In addition, the bill provides congressional oversight responsibility by directing the Board to report at least monthly to the Congress.

When the House passed this measure, I was favorably impressed, especially with its structural reform of the national

Bicentennial organization. However, I was disappointed that the House failed to authorize the appropriation of adequate sums of money to assist the States in their Bicentennial projects.

The Senate Judiciary Committee amendments overcome this deficiency in the House bill. As amended by the committee, the bill provides funding to allow the States the maximum opportunity to prepare properly for the Bicentennial year.

Like the House, the Judiciary Committee thought it unwise to appropriate large sums of money to the States. However, the bill reported out by the Judiciary Committee does authorize reasonable funding. The bill now provides: First, that the Bicentennial Administrator may make equal grants of appropriated funds in each fiscal year of not to exceed $45,000 to State Bicentennial Commissions, and, second, that the Administrator out of appropriated funds may carry out a program of grants-in-aid on a matching basis to the several States up to $400,000 per State. These appropriated sums, along with the grants of nonappropriated funds, will enable the States to carry out meaningful, substantive bicentennial programs.

Again, I congratulate the Judiciary Committee for reporting out so quickly this excellent bill. I strongly recommend that the Senate swiftly pass this important legislation. If we are to experience the type of celebration of our Nation's birth that we all desire, we can afford no more delays.

The committee amendments were agreed to.

Mr. MANSFIELD. Mr. President, I send another amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 13, line 25 after the word "section" insert the numerical "7".

The purpose of the amendment is to correct a typographical error in the bill as printed.

Mr. HRUSKA. Mr. President, this amendment which is submitted is a technical amendment to correct typographical errors in the printing of the bill.

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

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISPOSAL OF SILICON CARBIDE FROM THE NATIONAL STOCKPILE

The bill (S. 2493) to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of *America in Congress assembled,* That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately one hundred and ninety-six thousand five hundred short tons of silicon carbide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile establish pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

DISPOSAL OF ZINC FROM THE NATIONAL STOCKPILE

The bill (S. 2498) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately three hundred fifty seven thousand three hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

JAMES W. TRIMBLE DAM

The bill (S. 2463) to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Beaver Dam in the State of Arkansas shall hereafter be known as James W. Trimble Dam and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of James W. Trimble Dam.

RICHARD B. RUSSELL DAM AND LAKE

The Senate proceeded to consider the bill (S. 2486) to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga., and S.C., shall hereafter be known and designated as the "Richard B. Russell Dam and Lake."

Mr. THURMOND. Mr. President, I would like to add my support to this bill introduced by my distinguished colleagues from the State of Georgia. I think it is most fitting that this lake and dam which lie between Georgia and South Carolina should be dedicated to the memory of a man who meant so much to both States.

It has been my privilege to serve with Richard Russell on the Senate Armed Services Committee from 1958 until his death. His leadership in military affairs and his dedication to the welfare of America's servicemen will long be remembered by a grateful nation. Richard Russell believed in America, and most especially in a strong America.

In addition to his leadership in the areas of defense and national security, he stood firm as a champion of constitutional government. His leadership in this area was invaluable through many long and difficult controversies and it left a lasting impression on this country.

Mr. President, South Carolinians felt a special bond with Richard Russell, and it is with great pleasure that I urge prompt acceptance of this resolution in his honor.

The bill was 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 in honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a Member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake", and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the "Richard B. Russell Dam and Lake".

MANDATE OF THE PEOPLE OF PUERTO RICO

Mr. MANSFIELD. Mr. President, Gov. Rafael Hernandez-Colon of Puerto Rico made a commemorative statement on the 21st anniversary of the promulgation of the Commonwealth. His message to the people of Pureto Rico was one of "good hope." To the United States, it was a message of good will. The Governor spoke with integrity and profundity about the origins, development, and current status of our legal relationship with the Caribbean island. In particular, Governor Hernandez-Colon noted that as the level of self-government in Puerto Rico has grown over the years, so too has the intimacy of the relationship with the United States. Democracy, in short, has yielded not separation but the deepening understanding and the growing mutual acceptance of equals. The two peoples have come a great distance since the days of suspicion and disillusionment at the end of the Spanish-American War and the subsequent period of military government.

Today, the relationship between Puerto Rico and the United States flourishes. People move back and forth freely and in great numbers. Trade goes on in a growing volume; Puerto Rico is now the fourth largest market in the world for U.S. products and the United States leads in taking Puerto Rican goods. Two mil-

lion Puerto Ricans are domiciled in the United States. Americans flock to the island for business and pleasure, many to become permanent residents.

The principle which the U.S. Congress, by law, and the Puerto Rican people, by ballot, established under the present Constitution, is maximum Puerto Rican self-government in continuing union with the United States. Through successive U.S. administrations, beginning with that of President Truman, that principle has been applied to the practical problems of the relationship and has supported the hopes and aspirations of the Puerto Rican people. Now an ad hoc joint committee has been designated by President Nixon and by Governor Rafael Hernandez-Colon to explore further the application of the principle.

The work of this group will be of great importance to the interests of this Nation and Puerto Rico, and I would expect that it will be so recognized by all concerned. Our able colleagues the Senator from Kentucky (Mr. COOK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from New York (Mr. BUCKLEY) are included in the committee and can be counted on to make major contributions to its endeavors. The Puerto Rico delegation includes not only the able Resident Commissioner of Puerto Rico in the House of Representatives, the distinguished educator, Jaime Benitez, but it is headed by one of the most creative and constructive political leaders of our times. I refer to Luis Munoz-Marin, Puerto Rico's outstanding elder statesman. Munoz-Marin was, one might say, the chief architect, engineer, and construction manager of the Commonwealth concept, and he was the first Governor of Puerto Rico to be elected under that statute.

The work of the United States-Puerto Rico ad hoc group will be followed with great interest in Puerto Rico and in this country, and notably, in the Congress of the United States. Proposals which may be made by the committee could lay the basis for an elaboration of Puerto Rican responsibility for Puerto Rican affairs within the context of continuing association with the United States. If the evolution of the relationship to date is any guide, the work of the ad hoc committee could bring about even closer and mutually beneficial ties between the people of Puerto Rico and the United States than those of the past two decades.

Mr. President, I ask unanimous consent that the statement of Governor Rafael Hernandez-Colon, previously referred to, be printed in the RECORD.

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

MANDATE OF THE PEOPLE OF PUERTO RICO: MAXIMUM SELF-GOVERNMENT WITHIN PERMANENT UNION WITH THE UNITED STATES OF AMERICA

(Address by the Governor of the Commonwealth of Puerto Rico, Hon. Rafael Hernández-Colón, on the occasion of the 21st anniversary of the Commonwealth Constitution, July 25, 1973, San Juan, Puerto Rico)

Today we are celebrating twenty-one years of Commonwealth. These twenty-one years have witnessed remarkable progress in the democratic evolution of Puerto Rico and a consolidation of its constitutional institutions.

With a new awareness of the potential of their free will, our people have exchanged one administration for another without altering their basic democratic principles; they have transmitted political power from the generation which founded our institutions of government to a generation which was in adolescence when these institutions were created.

A new generation of Puerto Ricans has undertaken responsibility for public affairs. This generation is now being tried in the fire of an intense struggle to carry out a wholly integrated development of our community.

Thus, we have arrived at a new beginning. We have inaugurated an Era of Good Hope and we intend to create a new Puerto Rico.

INTEGRAL PROGRESS

We have begun by viewing the problems of our country as a whole. We see them as a whole and we intend to attack them as a whole.

We all know that during the twenty-one years of Commonwealth, Puerto Rico has made dramatic and noteworthy progress. The economic indicators place us among the world's richest nations. However, we are also aware that these indicators, even though economically valid, do not truly express the Puerto Rican reality or the level of satisfaction of our people.

The fact is that we find ourselves in an unusual stage of development—one which is, perhaps, the most critical. It is a stage where, on the one hand, we are confronting problems which accompany a high level of development—problems such as pollution and the breakdown of the environment, social dislocations, and drug addiction. On the other hand, we are still saddled with problems associated with underdevelopment—chronic unemployment, proliferation of slums and extreme poverty.

Our economic progress has not been equitably distributed. There is too much poverty alongside prosperity. Modern communications permit all of us to be aware of our partial prosperity even when not sharing it. This creates expectations, demands, and a sense of urgency in a large part of our community which are hard to satisfy at once.

At the same time, the growing political ability and maturity of the Puerto Ricans have fostered an awareness of the possibilities of participation in public matters. Activism is on the rise in all fields. There is concerted action toward goals in labor, student, community, and political affairs of all sorts. Puerto Rico is no longer a passive country. Instead, it has become activist, with all the related consequences.

Whoever believes that simple, rapid or improvised solutions can be found for the problems growing out of the realities of today's Puerto Rico, is mistaken. He who would offer such solutions, deceives.

The real solutions are complex. They require a complete and integrated knowledge of Puerto Rican realities. They require the sensitivity to be able to grasp what is happening in this country. They require fusing different elements in order to produce satisfactory results. They require, moreover, imagination to conceive them and the will to carry them out. Above all, they require time and effort, for which there is no substitute.

Within our concept of an integral approach to the problems of our society, we have begun a series of reforms and programs directed toward resolving some of these problems in depth.

Tax reform for the purpose of widening our tax base and achieving a fairer distribution of wealth and income is under way. A fundamental revision of our system for providing health services has also been inaugurated. At the same time we are making progress with electoral reform which will provide a maximum of political participation for the people.

We have created new organisms, conceived with imagination and realism, to give new life to our agriculture, our countryside and our small towns. We have legislated powerful instruments to address the frightening inflation from which Puerto Rico is suffering at this moment, along with the rest of the world. We have gathered together at last, in a newly-created Department, the different programs and services for fighting drug addiction, alcoholism, and related disorders.

New perspectives for our industrial development are being opened by a deep-water port project which is being evaluated at this moment. Consideration of this idea has been open and public, with participation of all sectors in this issue. This reflects the high level of participation in basic decisions which we wish to encourage.

We are forging ahead wih reforms, programs and far-reaching projects whose results will be seen later. At the same time, we are also running the day-to-day government, rebuilding its institutions, giving it a sense of purpose and self-respect, confronting and resolving the immediate problems which cannot wait. We are taking care of the most urgent problems without forgetting the more important ones.

Thus, while we are searching for the root of our problems, and also battling on different fronts and on various levels, we have begun an Era of Good Hope. We are keeping an overall view while we push forward in particular areas. We have a lot of ground to cover and in certain areas we haven't even begun. But we hope to generate unified progress for our country, progress which may be evaluated not only in quantitative terms, but also on the basis of its quality, so that as we create new job opportunities, we may assure ourselves that our environment does not deteriorate; so that as we construct new housing and modern communications, we may avoid turning this Island into a huge cement plantation, destroying the beauty which can alone satisfy the spirit; so that as we go on filling the basic material needs of our families we may always preserve the ties and relations of togetherness and mutual consideration which enrich life far more than mere consumer goods.

This is a battle being fought on many fronts at once; on the economic, the social, the political, the cultural, and the spiritual fronts. At one moment, we will be emphasizing one area; at another moment, another. We will always be watchful, however, so that when it comes time to weigh our achievements, we will have gained ground on all fronts with progress as evenly distributed as possible. This is our concept of integral development.

Today being the 25th of July, it is time to talk about our political development.

POLITICAL STATUS

Over four centuries of colonialism—interrupted only by a brief but honorable exception, the Charter of Autonomy granted to us by Spain in 1898—came to an end twenty-one years ago, when on a day like today the Free Associated State (Commonwealth) was established by the people of Puerto Rico in the exercise of their right of self-determination.

Today we honor that occasion as a day of freedom, a day in which the will of our people created a new political relation with the United States and gave to itself the basic instruments of self-government.

From that day on, Puerto Rico has been the ruler of its own destiny, which we have joined by our own will to the destiny of the United States of America, for the purpose of achieving the highest possible levels of civilization, while maintaining liberty, democracy, and respect for human dignity and basic human rights.

The 25th of July which saw for the first time the flag of Puerto Rico flying alongside

the American flag marked the end of a consultative process initiated by Puerto Rico before the Congress of the United States through the bill that became P. L. 600 of 1950.

The opening words of this law lay down the philosophic principle which was to guide the whole process of the development of Commonwealth. Congress expressed it thus: ". . . *fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.*"

On this same principle and in the following year, the United Nations granted its recognition to the Commonwealth, expressed in a formal resolution adopted by the General Assembly on the 27th of November of 1953 to the effect that: ". . . *when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination.*"

Thus the Commonwealth was born. Its legitimacy stemmed from the will of the people of Puerto Rico. It was the people who created it in the free exercise of their right to determine for themselves their own political destiny. It was the consent of the people of Puerto Rico which gave legal and moral validity to the new relationship between Puerto Rico and the United States as of July 25, 1952.

Some time later, on February 28, 1955, a high official of the government of the United States addressed a joint session of the Legislative Assembly of Puerto Rico. He expressed himself as follows: "*To me, it seems that Puerto Rico's Commonwealth status is something new in constitutional governments. Something new in this sense: that at one and the same time, Puerto Rico is free, and in spite of the fact, Puerto Rico is associated, a free and associated state. Free because you are, and associated because you want to be.*"

In this simple but profound fashion, the essence of the self-determination which gives life to the Commonwealth was grasped by the then Vice-President, now President of the United States of America, Richard Nixon. He likewise grasped the solid and fruitful principles of Commonwealth: liberty and association—liberty to govern our own life and our own destiny in association with the United States in such a way that we may grow, develop, and mature to the limit of our ability as individuals and as a people.

From the moment that Commonwealth was born, it was expected that future changes in the relationship would be made by mutual agreement as part of the very nature of this new relationship.

To this end, the Constitutional Convention approved Resolution 23, expressing that: "*The people of Puerto Rico reserves the right to propose and accept modifications in the terms of its relations with the United States of America in order that these relations may at all times be the expression of the agreement freely entered into between the people of Puerto Rico and the United States of America.*"

In the same spirit, the United Nations, in the resolution extending recognition to the Commonwealth, expressed their assurance that: ". . . *in accordance with the spirit of the present Resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American people in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.*"

Time passed, but in spite of the Commonwealth having been founded and having demonstrated itself to be a successful instrument of self-government, the status question continued to be debated in Puerto Rican politics. In the general elections held every four years, the electorate continued to divide itself along the lines of the three possible solutions to the status problem.

Finally, the status question was dealt with in a plebiscite held on July 23, 1967, in order that the people of Puerto Rico might express their preference between Commonwealth (with the capability for development in self-government), Statehood or Independence.

Commonwealth was overwhelmingly ratified by 60.41% of the votes, Statehood receiving 38.9% and Independence less than 1%.

The poor showing in favor of Independence in the plebiscite does not vary greatly from that achieved by its proponents in the general elections. At best, in the last four general elections, they have received some 6% of the votes.

On ratifying the Commonwealth, the people approved a mandate: ". . . *to develop Commonwealth in accordance with its fundamental principles to the maximum of self-government compatible with a common defence, a common market, a common currency and the indissoluble bond of the citizenship of the United States.*"

To implement this mandate, the people imposed upon the Governor of Puerto Rico the obligation of proposing to the President of the United States the joint formation of advisory groups (Ad Hoc Committees) to study the areas for development and to make pertinent recommendations to the President, the Congress, the Governor and the Legislature of Puerto Rico.

Complying with this mandate with great satisfaction, I initiated through the Resident Commissioner the appropriate steps with the White House to set up an Ad Hoc Committee which would be in accordance with the expressed will of our people. Everyone is familiar by now with the message which the President sent to me, indicating his willingness to heed the demand of our people by naming those members which it is his responsibility to appoint to a new Ad Hoc Committee.

What should be the goal of this Committee? Naturally it must be to fulfill the mandate of our people for the development of the Commonwealth. But what are the guidelines which the people have laid down in their mandate? How should the Commonwealth be developed?

In the first place, this growth must proceed in accordance with the basic principles of the Commonwealth itself. These basic principles are:

1—Association by compact freely agreed upon by Puerto Rico and the United States.

2—Puerto Rico should be and should remain united to the United States by means of the association which the people have created.

What is the nature of the relationship established by the people?

It is a permanent union.

How and when was it created?

PERMANENT UNION

Permanent union is the result of an historical process that began with the change of sovereignty in 1898.

It was shaped by the people of Puerto Rico and the people of the United States.

In 1952, the Commonwealth compact gave legitimacy to this union—legal and moral dignity—and strengthened it by basing it on the freely expressed will of the people of Puerto Rico. But the roots of union go much deeper than its constitutional expression.

Beginning with the change of sovereignty in 1898, the slow weaving of more and more extensive relationships between the two peoples went on; bonds were formed which grew closer and tighter with the passing of the years.

Commercial ties were formed which over time have made of Puerto Rico the fourth largest market for American products, and of the United States the largest market for Puerto Rican products.

The economies of both countries were joined at a growing rate in the fields of industry, insurance, agriculture, finance, construction and in practically every kind of economic activity.

Through Operation Bootstrap, American and Puerto Rican businessmen have established heavy, medium and light industries in Puerto Rico, thereby creating hundreds of thousands of job opportunities for Puerto Rican workers. In every town on the island the industries established jointly through this effort by the government of Puerto Rico, the American and Puerto Rican industrialist and the Puerto Rican worker are producing for the local market and, in even greater measure, for the large market of the United States.

Over the years systems have been established and rights have been granted which bind thousands of Puerto Ricans directly to the federal government—social security for example, and veterans rights earned by Puerto Ricans for their honorable part in the various wars fought by the United States.

American citizenship was granted to Puerto Ricans, and in enjoyment of their prerogatives a great number of our fellow-countrymen began to move to the continent. This number has grown to a point where today close to two million Puerto Ricans make their home in the continental United States.

But this Puerto Rican emigration has displayed a special nature. The dream of every Puerto Rican who departs for the United States is to come home one day. This is probably true of all emigrants, but the difference in the case of Puerto Ricans is that because of common citizenship, free movement between Puerto Rico and the United States, and cheap and fast transportation between both countries, the possibility of achieving his dream becomes a reality every day for hundreds of Puerto Ricans.

The Puerto Rican in the United States clings to his identity, an identity whose integrity and development is defended by the Commonwealth. The longing to seek their roots and find their identity surges with astonishing force through the second and third generation of Puerto Ricans living in the United States. I must confess that I saw one of the finest exhibitions of Puerto Rican art that I have ever seen in the Puerto Rican district of Manhattan. I have witnessed with great emotion, in a visit to a Bronx public school, the teaching of Spanish and English to children by teachers brought from Puerto Rico; I saw the school walls hung with our coat of arms and with posters of our great leaders; I heard "La Borinqueña (the Puerto Rican Anthem) sung in their assembly hall.

During recent decades we have witnessed a growing circular movement of Puerto Ricans going to the United States and returning to the Island. To define our people as those who at a given moment may be residing on the Island is therefore totally unreal. The reality is that the Puerto Rican people are in a constant state of flow and movement. Hundreds of those who are here with us today will be leaving tomorrow for the United States. Hundreds of those who are today in the United States will be leaving tomorrow for Puerto Rico. If there exists a truly permanent and unbreakable bond, one which makes unchangeable the union between Puerto Rico and the United States of America, it is that coming and going, that ebb and flow of this great body of our fellow-countrymen between Puerto Rico and the United States.

In the juridical sphere, common citizenship cements the real, living and palpable union. It binds every Puerto Rican, no matter where he lives, to the United States. It is a bond of such strength that the Supreme Court of the United States has determined that Congress itself cannot deprive a Puerto Rican of his American citizenship. American

citizenship—bestowing rights, but also imposing upon us responsibilities which we Puerto Ricans have honorably taken up and which we are ready to fulfill at all times.

Beyond all these factors, as the foundation or breeding ground for this permanent union, are the bonds of affection and the deep values which both peoples share. These are the things in which we both believe and in whose defense we are ready to pay any price: our faith in liberty, in the essential equal rights for every human being; respect for the majority will of the people, for the democratic system of government, and for the rule of law over the rule of men. These are the ideals which have nurtured brotherhood between Puerto Rico and the United States. Within a communion of values and principles, we have joined our countries to confront together the destiny of mankind.

Our permanent union is, then, a vital reality forged by history, maintained by the will of the people of Puerto Rico, and consecrated by the Commonwealth.

Upon this permanent union, and through the association by compact, we have built the Commonwealth. We have built it, therefore, upon the foundation of reality, which in its various forms constitutes the firm and fundamental basis for the creation of political formulas in the world.

In projecting the political development of the Commonwealth twenty-one years since its creation, there should be no doubt that our community desires that our political development be fulfilled within the scope of permanent union. This scope is defined and bounded by common defense, common market, common currency and common citizenship between Puerto Rico and the United States.

Within this framework, our people have ordained that we achieve the maximum of self-government. In an attempt to stifle the growth desired by the people, a theory has been developed which holds that any expansion of self-government for the Commonwealth, even within the bonds I have indicated, constitutes a weakening of permanent union. Those who hold this theory do not understand what permanent union is and do not share the desires of the people of Puerto Rico as expressed in their exercise of their right to self-determination.

For them, permanent union is not what we have just explained. For them, it is something else. It is the degree of authority which the federal government exercises over Puerto Rico. According to them, the more authority the federal government has, and the less self-government Puerto Rico has, the more permanent is the union. This is fallacious reasoning: it is rejected by the people of Puerto Rico.

Based on this reasoning, we would have to conclude that the union between Puerto Rico and the United States was most permanent during the time of the military government which was established by the United States in 1898. Following this reasoning, the Foraker Act (1900) which allowed Puerto Rico to elect its House of Representatives weakened the permanent union; it was further weakened, according to this reasoning, by the Jones Act (1917) which gave a Senate to our people; and later by the Elective Governor Act (1948). Still following this same mistaken reasoning, the Commonwealth Constitution (1952) and the compact of association went even further towards weakening the permanence of the union between Puerto Rico and the United States.

Obviously this reasoning is erroneous. What our history demonstrates is precisely the opopsite: as the people of Puerto Rico have acquired greater self-government and greater freedom to direct their own affairs, their union with the United States of America has gained greater strength. The truth is that the union is stronger today than at any other time. History shows that as the years have passed, the ties between Puerto Rico and the United States have been voluntarily growing closer and closer.

To those of our friends who hold such an incorrect notion of the essence of our union, we should recall the words which President Eisenhower spoke on the occasion of the first anniversary of the Commonwealth. This is what President Eisenhower said in his message to the people of Puerto Rico: *"The union which we share will endure because it is founded on freedom. Time may bring changes in its outward forms and expressions, but they shall ever be expressions of the mutual trust and the mutual friendship binding us today and always."*

My fellow-countrymen: I have wished to clarify the idea of permanent union, so that, understanding it as clearly as the people understand and desire it, we can concentrate on the self-determination of Puerto Rico and on the development of Commonwealth without making an issue out of permanent union, because it is not an issue. Starting from the basis that any development must occur within permanent union, let us examine what it is that our people desire.

THE POLITICAL DEVELOPMENT WHICH PUERTO RICO DESIRES

The people want their own Commonwealth government brought to its fullest expression.

The people have again exercised their right to self-determination. The people proposed to the United States that the Commonwealth be carried to the maximum of self-government.

This is the fundamental purpose of the Ad Hoc Committee which I have proposed to the President in fulfillment of the mandate of the people expressed in the plebiscite. Nothing less than this will satisfy the desires of the people of Puerto Rico. Nothing less than this will fulfill the stipulations of our Constitutional Convention and the dispositions of the General Assembly of the United Nations in giving its recognition to the Commonwealth.

In defining how the development of the Commonwealth will achieve a maximum of self-government, the Ad Hoc Committee will be able to address itself to a series of immediate problems which create difficulties within the present relationship, such as the problem of air and maritime freights; the minimum wage problem; the regulation on income allocation for tax purposes by the Internal Revenue Service; the application of the regulations of the federal Environmental Protection Agency to Puerto Rico, as well as other limitations on our self-government. The Committee may also study alternate forms of participation which the people of Puerto Rico ought to consider, together with the Presidential Vote, to determine how they wish to take part in federal affairs, in harmony with Commonwealth status.

All this can and should be examined as a whole, in view of the plebiscite mandate for the development of a maximum of self-government compatible with common defense, common market, common curency, and common citizenship.

This means that the Ad Hoc Committee which we are setting up by common agreement must not be limited to a restricted area. Rather, it must include a group of problems which are interdependent among themselves and with all the rest of the problems of Puerto Rico. Otherwise, we might possibly fall into the error of artificially dividing the indivisible, of separating the inseparable.

With regard to the appointment of those fellow Puerto Ricans who will discharge a patriotic duty by representing their country on the Ad Hoc Committee, I agree with the President's view that the Committee should be broadly representative. I will endeavor to insure that the Puerto Rican members will be representative of Puerto Rico in the broadest and most profound meaning of that term. However, my appointments will be guided by the criteria on commitment to the Commonwealth, established for the naming of such persons by our Supreme Court in interpreting the law under which the plebiscite was held.

Since the beginning of the century, it has become habitual in Puerto Rican political life for certain leaders to try to win in the circles of power in Washington or in the United Nations what they have lost at the polls in Puerto Rico. By circumventing the free voice of our own civic struggles, they wish to impose their own preferences on the will of the people channeled through the democratic process for the growth of the Commonwealth.

Their partisan lobbying will not succeed, simply because the government of the United States, just as the government which I head in Puerto Rico, has a responsibility to the will of the people of Puerto Rico. This will has been repeatedly, overwhelmingly, and democratically expressed at the polls. This conviction has been endorsed by the conduct of President Nixon, as it was in the past by other presidents of whatever political affiliation. This is as it should be, and I am confident it will remain so in the future.

Neither the legitimate interests of the people of Puerto Rico as a people, nor those of the United States in relation to Puerto Rico, can depend upon transitory partisan considerations. Our relations must be conducted between governments and between countries, without consideration of casual party lobbying. This has always been my conviction.

Only because of this can we explain the good news which we are celebrating today. If it were not so, reason, justice, and the moral and political right of Puerto Rico to those powers which will make Puerto Rican life more democratic and more just, would be subordinated to considerations of petty local politics, far removed from the democratic mandate of our people.

Moreover, and very specially, the President of the United States designated to represent him here today a high federal official whose conduct in relation to Puerto Rico is the incarnation of the principle and method of reason and justice which I have just described: our friend, the Attorney General of the United States, Elliot Richardson.

In possibly his last decision as Secretary of Defense before passing to that post which he currently fills, Mr. Richardson did justice to Culebra, to Puerto Rico and to the good name of the United States.

I am very happy today to extend to him the salute and the recognition of our people on the occasion of his celebrating with us the achievement and the potential of Commonwealth.

Next week I will be meeting with other distinguished representatives of the President to define the working agenda of the Committee and to move ahead towards the development of Commonwealth.

AN ERA OF GOOD HOPE IN POLITICAL DEVELOPMENT

Because of all that I have stated, this 25th of July is a date of Good Hope for Puerto Rico: Good Hope for its overall progress; Good Hope for its political development. We rejoice, then, in our Good Hope.

Moreover, on the occasion of the twenty-first birthday of the Commonwealth, we rejoice because we have special reason to celebrate today the undeniable historical fact that the relationship which has grown between Puerto Rico and the United States has great validity in its present form, in spite of the need for improvement. It cannot be doubted that this relationship has made possible the spectacular progress our people have achieved.

We rejoice because when the essential validity of Commonwealth has been put to the test in trying times, it has emerged successful. And today it is reason for special celebration that the President designated as his representative a man like Elliot Richard-

son who, with courage and determination, made a fundamental decision on a problem which put to the test the essence of our relationship.

We have, therefore, many reasons to be deeply satisfied as we honor Commonwealth Day today. Our creation is not a perfect status. It has many sensitive and delicate areas which must and will be reevaluated.

But it works. It functions well. This, above all, is what we should celebrate today. Those twenty-one years of existence have shown that a country small in population and size can unite with another people great in number and territory without losing its identity, without compromising its dignity, without hampering its right of self-determination. Those twenty-one years have demonstrated that when the life of peoples is ruled by profound ideals of freedom, of democracy, of sincere and mutual respect and a faith in justice, the most serious difficulties can be overcome and the hardest problems resolved; that where democracy and liberty exist, power in the long run is subordinated to justice and to reason; and that on these bases peoples can complement each other and can together seek their mutual happiness and the common progress of mankind.

What all this means for Puerto Rico, for the United States and for the world is masterfully set forth in the words of the Spanish philosopher Julian Marias, whom in conclusion I quote: *"If I am not wrong, Puerto Rico has created, in the reality and doctrine of the Commonwealth, one of the most original and fruitful socio-political formulas of our epoch—possibly the only alternative invented to date capable of overcoming the anachronistic 'nation-colony' dilemma. In an age of feeble political imagination this Puerto Rican creation could easily be overlooked. The possibility is so much the greater because its size keeps Puerto Rico from becoming a sounding board. Who would suspect that in a tiny island in the Caribbean there has been hammered out a concept of universal range and the greatest contemporaneity?"*

With this great potential for distilling from our experience a creative contribution of universal scope for the democratic, peaceful, and brotherly development of other peoples, Puerto Rico faces its rendezvous with destiny.

Mr. HUGH SCOTT. Mr. President, permiteme extender a los pueblos Puertoricanos mis felicidades.

THE SENATE'S SPLENDID RECORD: TRIBUTE TO SENATORS METCALF, MAGNUSON, AND OTHER SENATORS

Mr. MANSFIELD. Mr. President, as the Senate goes into the latter part of this week in its effort to complete the available business for this session of the 93d Congress, a word should be said about the outstanding diligence, cooperation, and consideration exhibited by many Members of this institution. It has been an abundance of such qualities demonstrated by all Members that has made possible the Senate's plan to complete the bulk of its business thus enabling Members to enjoy an abbreviated schedule of business for the 2 weeks ahead to await House action on the remaining significant bills that must be acted upon prior to any adjournment sine die.

While I was personally absent on the Senate's official business last Thursday, the bill then under consideration by the Senate was the appropriations measure for the Departments of Labor, and Health, Education, and Welfare. This enormous funding measure was led through committee and managed on the floor of the Senate by the distinguished Senator from Washington (Mr. MAGNUSON). The responsibility for shepherding this massive funding bill that is required for so many important programs vital to the domestic life of this Nation is a burden and a task that is exceeded by none other in the experience of the Senate. Senator MAGNUSON performed the task with exceeding skill, competence, and ability as he has done for so many years.

Though away when the Senate disposed of this most important item, I did not fail to recognize upon my return to the Senate the special significance of Senator MAGNUSON's accomplishment with respect to this particular funding measure for fiscal year 1974. In brief, every recommendation of Senator MAGNUSON and of the Appropriations Committee was sustained on the floor of the Senate. The ultimate overall funding figure approved by the Senate was well within the target ceiling for this appropriation bill established earlier this year by the Committee on Appropriations. It is certainly compatible with the priorities established by the Senate when it imposed—on its own—an overall spending ceiling of $268 billion—a ceiling that is under the spending ceiling suggested by the President last January.

I think each Member of the Senate may take great pride in this achievement. Our highest praise, however, is reserved for Senator MAGNUSON for his outstanding diligence and ability, his enormous talents and effective advocacy. The Senate is deeply in his debt.

The Senate is indebted as well to the distinguished Senator from New Hampshire (Mr. COTTON), the ranking minority member on the Appropriations Subcommittee responsible for the Labor-HEW bill. As always, Senator COTTON joined with his extremely capable support and assistance and cooperated to assure this magnificent success.

I would like to turn now to the Senate's action this week in disposing of the so-called strip mine bill. This represented another outstanding achievement—another achievement that has paved the way for the Senate to complete all of its work for this session, save those matters that are still pending before the House of Representatives. For this success our thanks go to my distinguished colleague from Montana, LEE METCALF, who so ably steered through the Committee on Interior and Insular Affairs and through the Senate during the past 2 days a bill that seeks to balance the interests of the coal industry and the need for energy generally with the protection of our environment. This was an enormously difficult task but one which LEE METCALF performed with the same degree of diligence, the same appreciation for all sides of the issue that has characterized his many years of service to this Nation. With this fine achievement also was exhibited the same high degree of cooperation and consideration by all members of this institution that have marked every success that we have gained during this session.

To Senator METCALF for his work on this measure and for his many contributions to this institution we are deeply grateful. We are grateful as well to the able and distinguished Senator from Washington (Mr. JACKSON) for his able and outstanding assistance as the chairman of the Committee on Interior and Insular Affairs. His support and leadership were indispensible to this fine success. The same may be said of Senator HANSEN and Senator FANNIN, the able and distinguished ranking minority members of the committee. Indeed, their support was indispensable.

I would only conclude by saying that I personally am deeply gratified about the performance of the Senate during this session. The recent work of Senator MAGNUSON on the HEW appropriations bill and that of LEE METCALF on the strip-mine measure are in keeping with a record that has not been exceeded in all of my years of service in this institution.

THE MIDDLE EAST WAR

Mr. HUGH SCOTT. Mr. President, the joint leadership of both parties met this morning and were brought up to date on diplomatic and military developments in the Middle East.

I am glad to note that the resolution which the Senate adopted on Monday not only supports what is being done but represents also the general goals of our Government.

I am very pleased that those present indicated their general support of the efforts of the United States toward an early and peaceful solution of the hostilities in the Middle East and a very strong desire, shared by the Executive and the executive department, for the continuation and initiation of diplomatic initiatives; so that we may hope for not only a termination of hostilities and a return to the lines before the outbreak of the current belligerency but also for a permanent peace in the region.

In any event, the United States is conducting itself responsibly, other governments not involved in the hostilities appear to be conducting themselves responsibly, and we are in continuous, daily, and constant contact with any and all governments which have very special interest in what is going on.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for not to exceed 15 minutes.

SENATE JOINT RESOLUTION 161—A PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO THE ASSIGNMENT OF PUPILS TO PUBLIC SCHOOLS

Mr. ALLEN. Mr. President, last year——

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

Mr. ALLEN. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The Senator has a joint resolution at the desk which requires second reading today, when we get back into legislative session. My inquiry is this: Is it possible, by unanimous consent, to have the second reading now?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. If the leadership does not mind, I ask unanimous consent that second reading may take place now, if it is agreeable to Senator ALLEN.

Mr. ALLEN. I have no objection.

The PRESIDING OFFICER. The Chair lays before the Senate, Senate Joint Resolution 161, which has come over from the previous legislative day.

The clerk will now read it the second time.

The legislative clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed, color, or status be assigned to or required to attend a particular school.

"SEC. 2. Congress shall have the power to enforce this article by appropriate legislation.".

Mr. JAVITS. Mr. President——

Mr. ALLEN. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Under rule XIV, the bill will be placed on the calendar.

The Senator from Alabama may proceed.

Mr. JAVITS. I thank my colleague.

S. 2555—INTRODUCTION OF THE SCHOOL GUIDELINES ACT OF 1973

Mr. ALLEN. Mr. President, in order further to accommodate the distinguished Senator from New York, as he knows, I have a bill that I plan to introduce at this time—I plan to introduce it at the conclusion of my remarks—but I should like to ask unanimous consent for the immediate consideration of the bill, which proposes an enactment of Congress providing for prohibiting forced mass busing of schoolchildren. I ask unanimous consent for the immediate consideration of this bill.

The PRESIDING OFFICER. Will the Senator send the bill to the desk, so that the clerk may report it by title?

The legislative clerk read as follows:

A bill (S. 2555) to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes.

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

Mr. JAVITS. I object.

Mr. ALLEN. I call for the first reading of the bill, Mr. President.

The PRESIDING OFFICER. It has been read the first time.

Mr. JAVITS. Mr. President, a parliamentary inquiry, if the Senator will yield for it.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. JAVITS. Does the rule respecting relegation to the calendar after second reading, if there is an objection to immediate consideration, apply to the bill as it did to the joint resolution?

The PRESIDING OFFICER. It is the same.

Mr. JAVITS. If the Senator is willing, might we just have unanimous consent that it go to the calendar?

Mr. ALLEN. I have no objection. As the Senator will recall, I made that proposal to him yesterday with respect to the constitutional amendment.

The PRESIDING OFFICER. With objection, the bill will be considered as having been read the second time and will be placed on the calendar.

Mr. JAVITS. I thank my colleague.

Mr. ALLEN. I wish to make a further inquiry, Mr. President.

The constitutional amendment which was introduced yesterday, now having had the second reading, an objection having been made to further proceedings on the joint resolution, that resolution has now gone to the calendar, and both the joint resolution proposing a constitutional amendment and the bill proposing the enactment of the statute will appear on the calendar tomorrow?

The PRESIDING OFFICER. They are both on the calendar.

Mr. JAVITS. Mr. President, if the Senator will yield further, may I state that when, as, and if either of these measures is called up, I shall—unless someone else does—move to refer each of them, respectively, to the appropriate legislative committee.

Mr. ALLEN. Mr. President, I ask unanimous consent that these parliamentary proceedings not be charged against the time allotted to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, to give a little history of what has taken place on the Senate floor at this time, going back to the last session of Congress, the last half of the 92d Congress, the House of Representatives passed a bill sharply limiting the power of Federal district judges to apply the remedy of forced busing of schoolchildren in implementing desegregation orders. That bill passed the House by a large margin, came to the Senate, and was sent to the Senate calendar; and before the end of the session, the distinguished majority leader called the bill up for consideration by the Senate.

A majority of the Members of the Senate favored the passage of that bill. A filibuster ensued, conducted by Senators, I assume, who favored the busing of schoolchildren. Three efforts were made to cut off debate, each vote resulting in a majority of the Senate voting in favor of cutting off debate and getting on to the consideration of and vote on the bill itself. But the vote fell short of the required two-thirds vote.

Starting with the 93d Congress, soon after it convened, numerous anti-forced-busing bills and numerous proposed constitutional amendments banning forced busing of schoolchildren were introduced in the U.S. Senate. I dare say that more than a dozen such bills were introduced. Although hearings have been held on some of the bills, no one bill has been reported to the Senate for consideration by the Senate.

Yesterday, I introduced a proposed constitutional amendment that would have the effect of preventing the forced busing of schoolchildren. I asked for its immediate consideration, and objection was made; and just a few minutes ago, the bill, under the rules of the Senate, received its second reading. I then objected to the further proceedings on the bill on this legislative day. That automatically put the bill on the calendar—the constitutional amendment.

Today, the distinguished Senator from New York (Mr. JAVITS) asked unanimous consent that, instead of following the same procedure with respect to the bill I have just introduced, this bill go on the calendar for consideration tomorrow.

So, Mr. President, we have two approaches to this problem; one, the constitutional amendment; one, the proposed statute.

It is said that the Senate needs to take a 2-week recess in order that the House can catch up with the Senate. The Senate has gone so far ahead with its schedule it will have to take 2 weeks off so the House can catch up with the Senate. We now have two bills on the calendar that I rather imagine could use up that 2-week period, so I really see no necessity for the Senate taking a 2-week recess if the distinguished majority leader, and I see him entering the Chamber at this time, would merely schedule these bills for action by the Senate. I think it is entirely likely that we could take up the 2 weeks in the consideration of these most important measures.

The bill I introduced this morning would clarify and reaffirm public policy with reference to problems involved in

dealing with conditions of segregation in all public schools.

Mr. President, what number was assigned to the bill?

The PRESIDING OFFICER. The bill has not been assigned a number yet.

Mr. ALLEN. I thank the Chair.

In addition, the bill imposes certain limitations on the assignment and transportation of students to public schools and imposes reasonable Supreme Court recognized limits on the discretionary power of Federal judges to formulate segregation decrees. The bill also provides for uniform applicability of desegregation guidelines.

In other words, it is the same old story of trying to get but never quite succeeding in getting the same desegregation rules applied in the North as are applied in the South. As I said, the bill also provides for uniform applicability of desegregation guidelines, criteria, and judicial decrees which relate to desegregation of schools without regard to the origin or cause of the segregation and without regard to the region of the United States which may be affected by such guidelines, criteria, and decrees.

In other words, if segregation exists in the South, and it is wrong, if it exists in the North it is also wrong.

Mr. President, I ask unanimous consent that the bill I have introduced this morning be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. Mr. President, let me point out that every single one of the provisions of this bill has previously been passed by both houses of Congress and signed into law by the President. If that is so, what is the need for another bill? Those provisions will be found in Public Law 92–318—June 23, 1972—referred to as the Emergency School Aid Act. The provisions of the statute have been modified only to the extent necessary to clarify the original intention of Congress in the enactment of the statute and to give general applicability to its provisions as distinguished from specific applicability as would be the case if the provisons were limited to the context of specific education grant programs.

In other words, the Supreme Court held that the safeguards that were set up in past legislation applied only to areas outside of the South and the South got no protection under those provisions of law even though the act very clearly showed it was the intention of Congress that the law applied to segregation in whatever form it existed and whatever its origin and whatever the region in which it existed.

With reference to clarification of congressional intent, the provisions of Public Law 92–318 have been modified in this bill to eliminate ambiguities relating to the legal significance assigned by the U.S. Supreme Court to the term "racial balance," as used in previous statutes. The object is to conform the provisions of this bill to the original intention of Congress, as expressed in Public Law 92–318 and to what the U.S. Supreme Court considers necessary to give the provisions of the bill uniform applicability.

Mr. President, it is worth noting that not one of the provisions of Public Law 92–318 has been declared unconstitutional by any court—nor have any of them been amended or repealed by Congress. The provisions remain in force and effect but some Federal court judges and officials of the Department of Justice refuse to be governed by them.

Mr. President, the root of the problem lies in a Supreme Court decision in the case of Drummond against Acree, decided September 1, 1972, a little over a year ago. In the opinion written by Mr. Justice Powell, it is said that there is nothing in Public Law 92–318 to suggest that Congress intended to use "racial balance" language in a new or broader sense than it was used in the "Civil Rights Act of 1964." The legal effect of this construction of the statute is to perpetuate the de jure—de facto distinctions which the statute had to abolish in order to provide uniform applicability of its provisions. This finding by the Court is grievously in error in my opinion and makes it necessary for Congress to reenact these provisions with only such changes and modifications as are necessary to make the intention of Congress unmistakably clear and provide for uniform applicability to the law as required by the statement of public policy in the act.

Mr. President, it can be demonstrated that the finding by the Court is inconsistent with the public policy upon which the act was based. This policy is set out in title VII of the Emergency School Aid Act in which it is declared that guidelines and criteria for desegregation of schools under provisions of the statute shall apply without regard to the origin or cause of segregation. It is also the declared policy of Congress that guidelines and criteria promulgated pursuant to title VI of the Civil Rights Act of 1964 shall apply uniformly in all sections of the United States without regard to the origin or cause of school segregation, and it is specifically provided by section 806 of the act that section 407(a) of the Civil Rights Act of 1964 shall apply uniformly throughout the United States, thus, effectively abolishing the de jure-de facto distinctions based on considerations of the origin and cause of segregation in schools.

Mr. President, Public Law 92–318 was based on congressional findings which give rise to the statement of public policy and to the separate provisions of the act. Specifically, Congress found that the desegregation process involves the expenditure of funds to which local educational agencies do not have access. Thus, Congress made funds available to enable school authorities to eliminate segregation in schools without regard to the origin or cause of the segregation—which is to say, without regard to whether or not the segregation was found to be de facto or de jure. How, then, can it seriously be contended that Congress did not intend to eliminate the de jure-de facto distinctions in assisting in funding the desegregation process? But more than that, Congress intended, by section 719, to give legal recognition to the validity of neighborhood schools, and, I repeat, without regard to the origin or cause of segregated neighborhood schools.

How the Supreme Court could have made such a ruling is beyond me and I am at a loss to know how Congress could make it more clear than it did in the act, Public Law 92–318. It made it clearer that the de facto-de jure distinctions are abolished when it comes to formulating guidelines and decrees dealing with desegregation.

So up to this point, it can be said without fear of contradiction that Congress acknowledged that to desegregate schools required Federal funding; that funding should be provided without regard to de jure-de facto origins of segregated schools; and that local educational agencies which assign students to schools on the basis of nondiscriminatory geographical attendance areas would not be required to adopt any other method of student assignment. The question is, did Congress intend that these binding provisions of the law be applied in the South? The answer, as stated in the act, is that Congress intended these provisions to apply in all schools and in all regions of the United States without regard to the origin or cause of segregation. But has the law been applied in the South? The answer is that it certainly has not.

So, Congress has the duty to determine why U.S. district court judges and why officials of the Department of Justice refuse to abide by the law. Only they can answer that question, but I can surmise, and I will proceed to do so.

Mr. President, up to now I have discussed only the congressional findings and policy statements in the funding provisions of the act. Title VIII broadens the scope of the act and primarily deals with specific limitations on the assignment and transportation of students which limitations are applicable to all schools and to all regions of the United States without regard to the origin or cause of segregation.

The controlling provision of title VIII is found in section 802(a), which places limitations on the use of appropriated funds for transportation of students. Congress prohibited the use of Federal funds for transportation to overcome "racial imbalance" and to assure geographic uniformity specifically prohibited use of such funds "in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials."

Mr. President, the U.S. Supreme Court maintains that Congress intended to perpetuate geographic de facto segregation by the use of the term "racial imbalance," when the term was used in the

context of eliminating geographic distinctions previously associated with the term. The purpose of the act, consistent with public policy stated in the act, was to abolish geographic distinctions based on de facto-de jure distinctions. So, the Court has said, in effect, in trying to abolish de facto-de jure distinctions. Congress really intended to and did in fact perpetuate the distinctions.

So this bill will make it clear, in the judgment of the Senator from Alabama, even to the Supreme Court that the distinction between de jure and de facto segregation is abolished and that the same rules apply throughout the United States, that wherever segregation may exist, whether it be in the North or in the South or in any other section of the country, it is bad throughout the entire country.

In this connection, the U.S. Supreme Court has taken a position that the same racial-balance language as used in section 407(a) of the Civil Rights Act of 1964, is really a prohibition against busing to eliminate de facto segregation in schools located outside of the South. To take such a position is to say that Congress has the power and had the intent and did in fact limit the 14th amendment so as to exclude from its protection segregated school conditions located in areas outside of the South.

It seems to me that, to borrow an observation from Mr. Justice Powell, "If Congress had desired," to perpetuate segregated school conditions in schools outside the South, "it could have used clear and explicit language appropriate to that result."

But let us return to the question of whether or not Congress in enacting Public Law 92–318 did in fact intend to perpetuate geographic de facto distinctions in application of laws relating to segregation in schools. Let us look at section 808. This section declares that section 407(a) of the Civil Rights Act of 1964 shall apply uniformly throughout the United States. More specifically, section 808 sets out the provision of the 1964 Civil Rights Act, upon which the Supreme Court relies for its argument that the term "racial balance" means de facto segregation.

The first part of that section reads in substance as follows:

No court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school requiring transportation of students from one school to another . . . in order to achieve such racial balance. . . .

Now, remember that the U. S. Supreme Court construed this racial balance language to mean de facto segregation which is identified with a region of the United States. Congress specifically repudiated the regional implications of that language in clear and explicit language appropriate to the stated public policy to provide uniform application of all desegregation laws. Congress has said that the racial balance language:

. . . shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such pupil school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

Mr. President, I have just read the law as it is written in Public Law 92–318. I am at a loss to know how Congress could make it more clear that the de facto-de jure distinctions are abolished when it comes to formulating guidelines, criteria, and decrees dealing with desegregation. Unless the Sureme Court is prepared to say that the Constitution prohibits Congress from requiring uniform application of desegregation guidelines and criteria in resolving desegregation problems, then the provisions of this bill will withstand all criticisms from a constitutional point of view.

The U.S. Supreme Court must be made to understand that de jure segregation no longer exists in the South—nor are there vestiges of de jure segregation in the South except as Federal judges consider any deviation from racial balance to be a vestige of a dual system. Such segregation as exists in the South is de facto segregation resulting from housing patterns. There is no segregation of Southern schools required by law enforced by law, or maintained by operation of law, rule, or regulation.

Mr. President, it is time to put an end to needless turmoil in our public schools. Let us fulfill our duty and enact this bill.

Mr. President, I would like to say that the Senate rules are logical and reasonable and fair, and when bills have been bottled up in committees for almost 10 months, it is only reasonable and fair that resort be made to the Senate rules in order that those bills can be placed on the calendar and thereby prevent the committees from bottling them up. That is the purpose of the Senator from Alabama with respect to this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

EXHIBIT 1

S. 2555

A bill to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Guidelines Act of 1973".

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW RELATING TO DESEGREGATION

SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to this Act or any other Act providing for an applicable educational program shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

(b) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

NEIGHBORHOOD SCHOOLS

SEC. 3. Nothing in this Act or in any other Act providing for an applicable educational program shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

PROHIBITION AGAINST ASSIGNMENT OR TRANSFER OF STUDENTS TO OVERCOME RACIAL IMBALANCE OR TO CARRY OUT A PLAN OF RACIAL DESEGREGATION

SEC. 4. No provision of this Act or any other Act providing for an applicable educational program shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance, or in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request or appropriate officials of the local educational agency involved.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 5. (a) No funds appropriated for the purpose of carrying out any applicable educational program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(b) No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable educational program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of

a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

PROVISION AUTHORIZING INTERVENTION IN COURT ORDERS

SEC. 6. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 7. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States.

APPLICATION OF PROVISO OF SECTION 407 (a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

SEC. 8. The proviso of section 407 (a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every district, territory, commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

DEFINITIONS

SEC. 9. As used in this Act, the term—

(1) "applicable educational program" means any program subject to the provisions of the General Educational Provisions Act;

(2) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

REPEALER

SEC. 10. Sections 801, 802, 804, 805, and 806 of the Education Amendments of 1972 are repealed.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

TRANSFER OF CERTAIN LAND

A letter from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report concerning NASA's plan to initiate procedures to transfer, through the General Services Administration, to the State of Mississippi 321 acres of land at the NASA Mississippi Test Facility, Bay St. Louis, Miss. (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy transmitting a draft of proposed legislation to authorize certain reimbursements, transportation for dependents, a dislocation allowance, and travel and transportation allowances under certain circumstances, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

REPORT OF THE COMMUNICATIONS SATELLITE CORPORATION

A letter from the Senior Vice President and General Counsel of the Communications Satellite Corporation transmitting, pursuant to law, the tenth annual report of the operations, activities, and accomplishments of the Communications Satellite Corporation (with an accompanying report). Referred to Referred to the Committee on Commerce.

PROPOSED LEGISLATION BY THE SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce transmitting a draft of proposed legislation entitled "Fire Safety and Education Act of 1973" (which accompanying papers). Referred to the Committee on Commece.

MONTHLY LIST OF GAO REPORTS

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

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "More Usable Dead or Damaged Trees Should Be Salvaged To Help Meet Timber Demand" (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

A letter from the chairman of the Administrative Conference of the United States transmitting, pursuant to law, the report of the Administrative Conference of the United States covering the significant activities of the agency for the period July 1, 1972 through June 30, 1973 (with an accompanying reports). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION BY THE ATTORNEY GENERAL

A letter from the Attorney General of the United States transmitting a draft of proposed legislation to make level IV of the Executive Schedule applicable to the U.S. Attorney for the Central District of California and to the U.S. Attorney for the Northern District of Illinois (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF THE U.S. COMMISSION ON CIVIL RIGHTS

A letter from the Staff Director of the U.S. Commission on Civil Rights transmitting a report entitled "Cairo—Racism at Flood Tide," based on the Commission's hearings in Cairo in November, 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORT BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a report on the National Health Service Corps (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

ADDITIONAL TIME FOR REPORT BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States stating that additional time is required to submit a report on the research, pilot, and demonstration programs related to the prevention and control of water pollution. 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 joint resolution of the Legislature of the State of California. Referred to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 35

"Relative to the Rural Electrification Administration

"Whereas, The Rural Electrification Administration (REA) has, in the nearly 38 years of its existence, brought low-cost electrical and telephone service to countless millions of people living in rural and sparsely populated regions, and by providing these vital services has furthered the more complete unification of the people of this country by helping to bring the benefits of tech-

nology and modern communication to all; and

"Whereas, The success of REA over these many years has been due to the availability of loans at an interest rate of 2 percent for rural electrification and telephone installation; and

"Whereas, The Department of Agriculture has announced that the REA electrical and telephone 2 percent interest loan program is being converted to a program of insured and guaranteed loans at 5 to 7 percent interest; and

"Whereas, This proposed change will increase many times over the charges involved in securing funds for these vital and important projects, and will deny or delay the benefits of electricity and modern communications to some of this country's most disadvantaged people; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate, and the President of the United States to expend, funds enabling REA to continue its program of rural electrification and telephone loans at 2 percent interest; and be it further

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

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

"ASSEMBLY JOINT RESOLUTION No. 58

"Relative to the National Guard and other reserve elements

"Whereas, The National Guard and other reserve elements are an important facet in national defense and in resolving domestic emergencies; and

"Whereas, To maintain a high degree of efficiency and effectiveness, the National Guard and other reserve elements must retain their skilled and experienced corps of men and women; and

"Whereas, The National Guard and other reserve elements are presently facing a crisis as great numbers of its ranks are failing to reenlist; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to initiate and support legislation to grant a bonus to each National Guardsman or persons of other reserve elements who extends his enlistment for three years; and be it further

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

A joint resolution of the Legislature of the State of California. Refered to the Committee on Banking, Housing and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION No. 2

"Relative to the federally assisted code enforcement program

"Whereas, The Federally Assisted Code Enforcement Program, also known as F.A.C.E., is one of the most successful programs for achieving improvement of declining neighborhoods and older housing; and

"Whereas, The program is coming to a halt in California and elsewhere throughout the nation, because the Department of Housing and Urban Development has failed to request approval for its funding due to lack of support for the program by the Office of Management and Budget; and

"Whereas, The record of F.A.C.E. has been impressive, for more than 496,000 dwelling units throughout the country have been rehabilitated at the very low cost to the taxpayer of less than $700 per unit; and

"Whereas, The Office of Management and Budget has not yet released $70,000,000 appropriated by Congress to support this worthy program during the current fiscal year; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congres of the United States, the Director of the Office of Management and Budget, and the Secretary of Housing and Urban Development to take steps necessary to provide adequate funding for the continuation of the Federally Assisted Code Enforcement Program during the current and succeeeding fiscal years; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Director of the Office of Management and Budget, and to the Secretary of Housing and Urban Development."

A joint resolution of the legislature of the State of California. Referred to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 66

"Relative to memorializing Congress to support Federal "Buy American" legislation

"Whereas, The Congress of the United States is currently considering several pieces of legislation which would amend the "Buy American Act" of 1933; and

"Whereas, These proposed amendments, if enacted, would:

"1. Establish a 50-percent preference for domestic goods, when purchases are made by all departments of the federal government.

"2. Redefine a "domestic product," as one having at least 75 percent of the cost of all components of American origin.

"3. Allow all states to have "buy American" legislation or administrative rulings requiring the purchase of domestic materials with public moneys, if they wish.

"4. Require the provisions of the federal "Buy American Act" be made a part of any contract financed in whole or in part by federal loans or grants; and

"Whereas, Such legislation would greatly strengthen many important sectors of the American economy by encouraging increased use of domestic products; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully, memorializes the Members of Congress to enact legislation pending before it amending the "Buy American Act" of 1933; and be it further

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

A joint resolution of the Legislature of the State of California. Referred to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION No. 28

Relative to increasing funds provided under the Federal-State partnership program

"Whereas, The Congress appropriates to the National Endowment for the Arts under the Federal-State Partnership Program an equal amount for each state to be used for funding projects and productions in the arts; and

"Whereas, Such allotments are made without regard to the amount of the appropriation by each state for the arts, and without regard to the needs, population or the level of artistic activity in each state; and

"Whereas, It is expected that each state shall receive in Federal-State Partnership Program funds one hundred fifty thousand dollars ($150,000) in the fiscal year 1974; and

"Whereas, For example, California, with a population of 19,953,134 (1970), and Alaska, with a population of 302,173 (1970), will receive the same amount; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Congress to amend the National Foundation on the Arts and Humanities Act of 1965 to provide that funds appropriated to the National Endowment for the Arts under the Federal-State Partnership Program be increased and allotted at least in part on the basis of population, needs and the level of artistic activity in each state, including the amount of appropriation each state makes to its own arts agency; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, to the Chairman of the National Council on the Arts, and to each member of the National Council on the Arts."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2556. An original bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury (Rept. No. 93–457). Considered and passed.

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

H.R. 3799. A bill to liberalize eligibility for cost-of-living increases in Civil Service retirement annuities (Rept. No. 93–456).

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

H.R. 3180. A bill to clarify the proper use of the franking privilege by Members of Congress, and for other purposes (Rept. No. 93–461).

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

S. 1864. A bill to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests in the State of Colorado (Rept. No. 93–459).

By Mr. INOUYE, from the Committee on Commerce, without amendment:

S. 2300. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry (Rept. No. 93–458).

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

S.J. Res. 158. A joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended (Rept. No. 93-460).

By Mr. THURMOND (for Mr. HARTKE) from the Committee on Veterans' Affairs, without amendment:

S. Con. Res. 51. A concurrent resolution expressing the appreciation of Congress to Vietnam veterans on Veterans Day, 1973 (Rept. No. 93-462).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Bessie Boehm Moore, of Arkansas;

Julia Li Wu, of California; and

Daniel William Casey, Sr., of New York, to be members of the National Commission on Libraries and Information Science.

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board.

Lowell J. Paige, of California, to be an Assistant Director of the National Science Foundation.

Marjorie W. Lynch, of Washington, to be an Associate Director of ACTION.

Howard Jenkins, Jr., of Colorado, to be a member of the National Labor Relations Board.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 2555. A bill to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes. Ordered to be placed on the calendar.

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

S. 2556. An original bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury. Considered and passed.

By Mr. ROBERT C. BYRD:

S. 2557. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60. Referred to the Committee on Finance.

By Mr. HRUSKA (by request):

S. 2558. A bill to amend title 28 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon acts or omission of U.S. employees and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 2559. A bill entitled "The Domestic Food Price Impact Statement Act of 1973." Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SAXBE:

S. 2560. A bill for the relief of Ellen Yin-Hsian Niu. Referred to the Committee on the Judiciary.

By Mr. CLARK:

S. 2561. A bill for the relief of Mitsuo Kakutani, his wife Akaiko Kakutani, and their child Kota Kakutani. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 2562. A bill for the relief of Frederick Po-Shing Chu; and

S. 2563. A bill for the relief of Grace Wing-Ping Chu. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2564. A bill entitled "The Claims Adjudication Act of 1973." Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 2555. A bill to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes. Ordered placed on the Calendar.

(Senator ALLEN's remarks when he introduced the above bill and the ensuing debate are printed earlier in the RECORD.)

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

S. 2556. An original bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Considered and passed.

(Mr. SPARKMAN's remarks on the introduction of the above bill and the ensuing debate prior to its passage are printed later in the RECORD.)

By Mr. ROBERT C. BYRD:

S. 2557. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60. Referred to the Committee on Finance.

LOWER THE ELIGIBILITY AGE FOR SOCIAL SECURITY PAYMENTS

Mr. ROBERT C. BYRD. Mr. President, today, I am introducing a bill which proposes, what I consider to be, a badly needed and long overdue change in the social security system.

My bill will amend the Social Security Act to provide that monthly insurance benefits, when based upon attainment of retirement age, will be payable in full at the age of 62 and on an actuarially reduced basis at age 60.

Since I was first elected to Congress in 1952, I have consistently worked and voted for legislation designed to provide more realistic social security benefits, and legislation designed to improve and strengthen the structure, administration, and financing of the social security system.

Last fall, I introduced this measure as an amendment to H.R. 1, and it was adopted by the Senate. Unfortunately, the House conferees would not accept the amendment and it, therefore, was not included in the conference-reported bill. While there were many improvements and liberalizations adopted in H.R. 1, as finally enacted, I hope that the need for other improvements, such as would be effectuated by the bill I am introducing today, will now be more clearly recognized by Members in both Houses of Congress so that this legislation might receive expeditious consideration and enactment into law this session.

There are, at present, over 28 million Americans receiving social security benefits. For many of them, these benefits are their only source of income. However, beyond the 28 million citizens who are already drawing social security benefits, there are many other Americans who are being forced out of the labor market, because of the early retirement policies of many businesses and by the forced closing of plants. There are many other individuals who are too ill to work, but who cannot yet meet social security disability regulations. It is this group of citizens that my bill is aimed at assisting. It is important that we also realize that many of these citizens have seen their company-sponsored retirement plans disappear with bankruptcy or merger.

Under the provisions of my bill, which would permit full benefits to be received at age 62 and actuarially reduced benefits to be received at age 60, the Social Security Administration estimates that approximately 3.8 million persons, not eligible for monthly benefits under the present program, would become eligible to claim benefits, thus creating an initial cost of about $1.8 billion.

In West Virginia, approximately 18,000 persons would become eligible for claiming reduced benefits, if the age were lowered from 62 to 60, and the increase in benefits for West Virginians would be approximately $25 million.

This bill, if adopted and enacted into law, will provide benefits for persons who need it now—citizens who have been forced to retire, or who, because of failing health, would like to retire, but who have been unable to do so, because the social security program does not cover them and they are without other means of support. These people have been paying into the program for a long time, and they deserve to be covered by the program now.

By Mr. HRUSKA (by request):

S. 2558. A bill to amend title 28 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon acts or omission of U.S. employees and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I am pleased to introduce, on behalf of the administration, a bill which would amend title 28 of the United States Code to broaden the liability of the United States in suits based upon acts or omissions of its employees occurring within the scope of their employment, and to provide for an exclusive remedy against the United States in suits based upon these acts or omissions.

When the Federal Tort Claims Act was enacted in 1946, the primary purpose was to put the Federal Government on a par with private employers in situations where employees committed torts within the scope of their employment. Accordingly, the Tort Claims Act states that the United States will be liable for the negligent or wrongful act of its employees "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." Despite this language, various exceptions to Government liability were written into the Federal Tort Claims Act, including those in 28 U.S.C. 2680(h), which presently reads as follows:

Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

When the Federal Tort Claims Act was first adopted, it was thought that claims based upon these torts could be too easily exaggerated and defense against them by the Government would be too difficult. Experience with the act, however, has indicated that many of these exceptions can be abolished without unduly hampering the operation of the Government or the administration of the Tort Claims Act, and thereby take a significant step toward achieving the act's primary purpose of putting Government on a par with private employers who are liable for the intentional torts of their employees. The bill I am introducing would amend 28 U.S.C. 2680 (h) by limiting the number of exceptions to Government liability in that section, thereby rendering the United States liable for torts of assault, battery, false arrest, false imprisonment, malicious prosecution, and abuse of process committed by its officers and employees within the scope of their employment.

While enlarging the scope of the area in which the citizen may obtain relief from the Government, this bill at the same time would enlarge the scope of protection of Government officials. Under existing law, the liability of the United States is an alternative to and not in lieu of the liability of the employee who committed the tort. Federal employees particularly law enforcement agents, are being sued in their individual capacities in greater numbers for acts performed within the scope of their employment and are, therefore, exposed to personal money judgments. These suits are sometimes for vindictive and harassment purposes. It is reasoned that the intimidating threat of suit against the individual Federal employee has an effect on his job performance through loss of initiative and lowering of morale.

Since passage of the Tort Claims Act, Congress has passed three statutes which protect certain Government employees from suits based upon scope of employment acts of the employees; namely, Government drivers, medical personnel of the Veterans' Administration, and Public Health Service personnel. These statutes provide that the exclusive remedy available to the injured citizen is against the Government employer. It appears to be an inconsistency that some public servants are immune from suit while others remain personally liable for wrongful acts or omissions in the scope of their employment. It is believed that the general principle of immunity of Federal employees is a desirable one and that further piecemeal legislation should be avoided.

The bill I am introducing would accomplish equality of treatment by broadening the present statutory immunity of Government employees from personal liability in tort, and from claims sounding in tort for relief arising under the Constitution or Federal statutes of the United States, to all Federal employees. In so doing, the bill assures the citizen aggrieved or damaged by the employee a reasonable avenue of redress and an assurance, in meritorious claims, of full monetary recompense.

While I am not unalterably wed to each and every provision of this bill, I believe it will serve as an excellent vehicle for the needed reforms of the Federal Tort Claims Act. Therefore, I urge that it receive prompt hearings, upon proper referral, as well as full consideration and debate so that we may enact worthy legislation in this area.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my remarks along with a section-by-section analysis and the Attorney General's letter of transmittal.

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

S. 2558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1346(b) of Title 28, United States Code is amended by striking the period at the end of the Section and adding the following:

", or where the claims sounding in tort for money damages arise under the Constitution or statutes of the United States, such liability to be determined in accordance with applicable federal law."

SEC. 2. Section 2672 of Title 28, United States Code, is amended by inserting in the first paragraph the following language after the word "occurred" and before the colon: ", or where the claims sounding in tort for money damages arise under the Constitution or statutes of the United States, such liability to be determined in accordance with applicable federal law".

SEC. 3. Section 2674 of title 28, United States Code, is amended by deleting the first paragraph and substituting the following:

"The United States shall be liable in accordance with the provisions of section 1346 (b) of this title, but shall not be liable for interest prior to judgment or for punitive damages: *Provided,* That for claims arising under the Constitution or statutes of the United States, recovery shall be restricted to actual damages and, where appropriate, reasonable compensation for general damages not to exceed $5,000."

SEC. 4. Section 2679(b) of title 28, United States Code, is amended to read as follows:

"(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his employment is exclusive of any other civil action or proceeding arising out of or relating to the same subject matter against the employee whose act or omission gave rise to the claim, or against the estate of such employee."

SEC. 5. Section 2679(d) of title 28, United States Code, is amended by inserting in the first sentence the word "office or" between "scope of his" and "employment."

SEC. 6. Section 2679(d) of title 28, United States Code, is amended by deleting the second sentence and substituting the following:

"After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States under the Federal Tort Claims Act. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court: *Provided,* That where such a remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States is provided by any other law, the case shall be dismissed, but in that event the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation of other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section."

SEC. 7. Section 2680(h) of title 28, United States Code, is amended to read as follows:

"Any claims arising out of libel, slander, misrepresentation, deceit, or interference with contract rights."

SEC. 8. Section 4116 of title 38, United States Code, is repealed, as of the effective date of this Act.

SEC. 9. Section 223 of title II of the Public Health Service Act, 58 Stat. 682, as added by section 4 of the Act of December 31, 1970, 84 Stat. 1870 (42 U.S.C. 233), is redesignated as section 224 and is amended to read as follows:

"Authority of Secretary of designee to hold harmless or provide liability insurance for assigned or detailed employees."

"SEC. 224. The Secretary of Health, Education, and Welfare, the Secertary of Defense and the Administrator of Veterans Affairs, or their designees may, to the extent deemed appropriate, hold harmless or provide liability insurance for any officer or employee of their respective departments or agencies for damage for personal injury, including death or property damage, negligently caused by an officer or employee while acting within the scope of his office or employment and as a

result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such employee is assigned to a foreign country or detailed to other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679 (b) of Title 28, for such damage or injury."

SEC. 10. This Act shall become effective on the first day of the third month which begins following the date of its enactment and shall apply to only those claims accruing on or after the effective date.

SECTION-BY-SECTION ANALYSIS OF THE BILL TO PROVIDE FOR AN EXECUTIVE REMEDY AGAINST THE UNITED STATES IN SUITS BASED UPON ACTS OR OMISSION OF U.S. EMPLOYEES AND FOR OTHER PURPOSES

Section 1. Section 1 amends Section 1346(b) of Title 28 of the United States Code to extend the exclusive jurisdiction of the United States District Courts to include claims arising under the Constitution and statutes of the United States. Section 1 also provides that the liability of the United States is to be determined in accordance with applicable Federal law. Because the cause of action arises under the Constitution or Federal statute, Federal law must necessarily control; hence, the reference to Federal law in Section 1 is merely declaratory of the decisional law in its present state. The current reference in 28 U.S.C. 1346(b) to the law of the place where the act or omission occurred will continue to apply in routine tort situations which arise under State law.

Section 2. Section 2 amends Section 2672 of Title 28 of the United States Code to provide additionally for the administrative adjustment of claims arising under the Constitution or statutes of the United States and provides that the liability of the United States for such claims shall be determined in accordance with applicable Federal law.

Section 3. Section 3 amends Section 2674 of Title 28 of the United States Code so as to provide a measure of damages for claims arising under the Constitution or statutes of the United States by providing unlimited recovery for actual or liquidated damages sustained, and by permitting where appropriate, additional reasonable compensation for general damages but not to exceed $5,000.

Section 4. Section 4 amends Section 2679(b) of Title 28 of the United States Code to extend the present exclusiveness of the Tort Claims Act remedy to include all government officers and employees. Under existing law, only government motor vehicle operators, and medical, and paramedical personnel of the Veterans Administration and the Public Health Service are personally immune from suit and civil liability for acts performed while in the scope of their Federal employment.

Section 5. Section 5 amends Section 2679(d) of Title 28 of the United States Code by inserting the words "office or" between "scope of his" and "employment" appearing in the first sentence of 2679(d). This amendment is a technical amendment designed to make clear that the scope of the Tort Claims Act remedy extends to officers of the Government as well as employees.

Section 6. Section 2679(d) presently reads in relevant part as follows:

"Upon a certification by the Attorney General that the defendant employee was acting within the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto."

Section 6 amends Section 2679(d) so as to include language designed to make clear that in a suit originally commenced against an officer or employee of the government for which a remedy exists under the Federal Tort Claims Act, the United States may assert and establish such defenses to the suit as would have been available to it had the suit originally been commenced against the United States. Thus, under existing decisional law federal employees injured as an incident of their government employment and who are entitled to the benefits provided by the Federal Employees' Compensation Act, 5 U.S.C. 8101 *et seq.*, are restricted to their compensation rights and may not sue the United States under the Federal Tort Claims Act. Similarly, military personnel who sustain injury as an incident of their military service (by Supreme Court decision, *Feres* v. *United States*, 340 U.S. 135 (1950)), may not use the United States under the Tort Claims Act. Section 6 will assure preservation of these types of defenses as well as other statutory defenses peculiar to the Federal Tort Claims Act.

Section 7. Section 7 amends Section 2680 (h) of Title 28 of the United States Code so as to eliminate the present sovereign immunity of the United States for claims arising out of "assault, battery, false imprisonment, false arrest, malicious prosecution, and abuse of process." By reason of the 2680(h) exception, a citizen's uncertain remedy for these types of specified torts has heretofore been only against the individual whose conduct gave rise to the claim. The bill modifies the scope of the present 28 U.S.C. 2680(h) exception, enlarges the waiver of immunity, and thus provides a Tort Claims Act remedy for the types of torts most frequently arising out of activities by federal law enforcement officers.

Section 8. Section 8 is a technical amendment; it repeals Section 4116 of Title 38 United States Code which presently extends the exclusiveness of the Tort Claims Act remedy to claims arising out of activities by medical and paramedical personnel of the Veterans' Administration. With the enactment of this bill, Section 4116 of Title 38 is no longer necessary and is appropriately repealed.

Section 9. Section 9 is also a technical amendment and would effect the partial repeal of 42 U.S.C. 233 which, like 38 U.S.C. 4116, presently extends the exclusiveness of the Tort Claims Act remedy to include claims based upon activities of Public Health Service medical and paramedical personnel. Section 9 also provides for a retention (as a redesignated Section 224 of Title 42 U.S.C.) of language peculiar to the Public Health Service which presently appears in 42 U.S.C. 233(f).

Section 10. Section 10 assures the prospective application of the provisions of the bill by providing that the Act becomes effective on the first day of the third month following its enactment and applies only to those claims accuring on or after the effective date.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 17, 1973.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend Title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of United States employees, and for other purposes."

This proposal is intended to provide for the immunity of Federal employees from personal liability in tort for acts done in the scope of their employment and immunity from claims sounding in tort for relief arising under the Constitution or federal statutes of the United States. The Federal Tort Claims Act as passed in 1946 did not bar suits against Government employees who committed torts. However, if a civil action is brought against the Government under 28 U.S.C. 1346(b), a judgment in such action constitutes a complete bar to any action against Federal employees for damages for the same act or omission. 28 U.S.C. 2676.

Three statutes were subsequently enacted which barred suit against three particular classes of Federal employees—Government drivers, medical personnel of the Veterans Administration, and Public Health Service personnel. The Government Drivers Act passed in 1961, Public Law 87–258, provides that the remedy by suit against the United States under 28 U.S.C. 1346(b) shall be the exclusive remedy when the damage claimed results from the operation of a motor vehicle by an employee of the Government while acting within the scope of his office or employment. The procedure by which the Drivers Act is invoked is set forth in 28 U.S.C. (b)–(c). The action is usually brought in the State court and is removed to the Federal court upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the accident. Upon removal, the United States is substituted for the employee as defendant and the action proceeds in the manner prescribed for any other tort claim against the United States.

A similar statute was enacted in 1965, Public Law 89–311, 38 U.S.C. 4116, with respect to medical personnel of the Veterans Administration, and in 1970, Public Law 91–623, 42 U.S.C. 233, with respect to Public Health Service personnel. In succeeding sessions of Congress, bills have been introduced proposing the protection of other classes of Federal employees such as FBI agents and the flying personnel of the Federal Aviation Agency.

It is this Department's opinion that the general principle of immunity of Federal employees is a desirable one and that piecemeal legislation should be avoided. Accordingly, this proposed bill would afford equality of treatment by extending the immunity from personal liability in tort, and from claims sounding in tort for relief arising under the Constitution or federal statutes of the United States to all Federal employees.

The proposed bill would amend 28 U.S.C. 1346(b) and 28 U.S.C. 2672 by extending the applicability of these sections to include claims sounding in tort for money damages arising under the Constitution of the United States.

The proposed bill would amend 28 U.S.C. 2679(b) by extending its applicability to all Federal employees acting within the scope of their office or employment. Further provisions of the proposals are intended to make it clear that the previously existing tort remedy against Federal employees, as well as any claims sounding in tort arising under the Constitution or federal statutes of the United States, is now barred and that the exclusive remedy for compensation in these matters is pursuant to the procedures of the Federal Tort Claims Act.

The proposed bill would also amend 28 U.S.C. 2680(h) by limiting the number of exceptions in that Section, thereby rendering the United States liable for torts of assault, battery, false arrest, false imprisonment, malicious prosecution, and abuse of process committed by its officers and em-

ployees within the scope of their employment.

The proposed bill would repeal Section 4116 of Title 38, United States Code, and Section 233(a)(b)(c)(d)(e) of Title 42, relating respectively to medical personnel of the Veterans Administration and the Public Health Service, as the proposed bill provides broad coverage for federal employees. Finally, the proposed bill would continue authority in the Secretary of Health, Education and Welfare and would provide authority for the Secretary of Defense and the Administrator of Veterans Affairs to hold harmless or provide liability insurance for medical personnel assigned to foreign countries or detailed to other than a Federal agency or institution, or where circumstances would likely preclude remedies of third persons against the United States described in Section 2679(b) of Title 28.

I recommend the introduction and prompt enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

———— ————,

Attorney General.

By Mr. SCHWEIKER:

S. 2559. A bill entitled "The Domestic Food Price Impact Statement Act of 1973." Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SCHWEIKER. Mr. President, I am introducing today the Domestic Food Price Impact Statement Act of 1973. In addition, I will be introducing this proposal as an amendment to H.R. 10710, the Trade Reform Act, which has been reported to the House of Representatives by the House Ways and Means Committee, as soon as this trade bill is sent over to the Senate.

My amendment requires the publication of a "Domestic Food Price Impact Statement" by the Secretary of Commerce prior to approval of any exports of any American agricultural commodity in excess of 20 percent of the projected crop.

Commodities exporters are presently required to file an Anticipated Export Report with the Department of Commerce at the time each foreign sale is made. Anticipated export reports for the current wheat crop show 778.8 million bushels registered for export, with another 200 million bushels tentatively slated for export by an unidentified party. The Department of Agriculture informs me the latter figure may represent a hedge by speculators, and the actual export may never take place.

But in any case, very nearly 1 billion bushels of our current wheat crop are now slated to be shipped overseas. And what is our total projected wheat crop? About 1.7 billion bushels—which means that more than half of our present wheat crop will leave this country, at a time when our wheat and bread prices are already at an all-time high.

So we have a reporting requirement already, Mr. President. But once the reports are filed, the massive exports which have driven our food prices through the roof continue on schedule. It is a little like having an extensive security system designed solely to report any fire outbreaks to the fire department—but with the understanding that the fire department will keep the reports neatly cataloged for future reference, but will never come put out the fire.

Under the Export Administration Act of 1969, the Department of Commerce may impose export controls, if there is a domestic scarcity, and a national security impact, and an undesirable foreign policy effect. And in fact, export controls occasionally are imposd under this authority, most notably in the case of soybeans, after the price jumped from $3.13 per bushel to over $12 per bushel in less than a year.

But the price of No. 2 wheat recently jumped from $2.64 per bushel to $4.29 per bushel in 2 months; corn oil went from 20 cents per pound to 35 cents per pound in the same period. Yet we still have export reports and exports as usual, but no controls. Mr. President, in this situation I think it is high time we stop being satisfied with reports, and start demanding that the fires be put out.

My bill would prohibit all commodity exports until the Secretary of Commerce has approved each individual export registration statement. Once the approved export registration statements represent 20 percent of the projected crop—or such lower figure as the Secretary of Commerce may set—no further exports can be approved until the Secretary of Commerce has published a "Domestic Food Price Impact Statement." In this statement, the Secretary of Commerce must certify that additional exports will not, first, cause domestic scarcity; second, have direct or indirect adverse impact on U.S. consumer prices; or third, increase U.S. unemployment.

Mr. President, this "Domestic Food Price Impact Statement" will be the counterpart of the environmental impact statement, which has been an effective tool in saving our environment. It will, for the first time, require a high Government official to certify to the American people, before our food goes overseas, that the exports will not take place at the expense of the American consumer. And my amendment requires the updating of this statement each time an additional 10 percent of any crop is registered for export.

I have no objection to feeding the world's poor and hungry populations, and I want America to continue its proud reputation as the world's breadbasket. But I do object to the secret deals, where a handful of speculators enrich themselves at the expense of the American taxpayers. What my amendment does, Mr. President, is force these speculators to put their cards on the table, and empower the Secretary of Commerce to represent the American people in these transactions.

Our skyrocketing food prices need no documentation, and excessive exports are clearly the major contributing factor. In this session of Congress alone, at least 77 bills have been introduced to deal with the food price/export problem. To my knowledge, however, none of these bills makes the Secretary of Commerce directly accountable to the American people to end these exports at the expense of the American consumer. My bill does that, Mr. President, and I hope it will be promptly enacted.

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

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

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be cited as the "Domestic Food Price Impact Statement Act of 1973."

SEC. 2. DEFINITIONS. As used in this title—

(1) the term "Secretary" means the Secretary of Commerce; and

(2) the terms "agricultural commodity" and "commodity" mean any raw agricultural commodity produced in the United States, including flour, meal, and oil derived from any such commodity.

SEC. 3. REGISTRATION.

(a) No agricultural commodity may be exported to any foreign country unless (1) the person exporting such commodity has submitted an export registration statement to the Secretary, and (2) the Secretary has approved such statement.

(b) An export registration statement shall be in such form, shall contain such information, and shall be submitted at such times as the Secretary may, by regulation, require for the orderly administration of his functions under this title.

SEC. 4. EXPORT LIMITATION.

(a) Except as provided in subsection (b), the Secretary may not approve an export registration statement for a quantity of a commodity which, when added to the quantity of such commodity already approved for export during the crop year (for the commodity concerned) in which the export will occur, exceeds 20 per centum (or such lower per centum as may be established under section 5(a)) of the Secretary's estimate of the level of domestic production of that commodity for that crop year.

(b) The limitation contained in subsection (a) shall not apply to any commodity with respect to which the Secretary causes to be published a Domestic Food Price Impact Statement which contains the Secretary's certification that—

(1) the domestic production of such commodity will be sufficient to insure against domestic scarcity;

(2) exports in excess of the limitation will not have any direct or indirect impact on consumer prices in the United States; and

(3) such exports will not result in increased unemployment in the United States.

SEC. 5. ADDITIONAL LIMITATIONS AND REQUIREMENTS.

(a) The Secretary may by regulation establish a limitation lower than 20 per centum for any commodity for the purpose of section 4(a) if he (1) determines such lower limitation to be necessary to insure against domestic scarcity, consumer price inflation, or increased unemployment caused by exports, and (2) causes such determination to be published.

(b) Whenever the level of exports of a commodity covered by export registration statements increases by 10 per centum, and thereafter whenever the level of exports of such commodity increases by any multiple of 10 per centum, of the estimated domestic production of that commodity above the limitation established under section 4(a) or subsection (a) of this section, the Secretary may not approve any additional export registration statement for such commodity unless he first publishes another Domestic Food Price Impact Statement containing the cer-

tifications referred to section 4(b) with respect to such increased level of exports.

SEC. 6. ADMINISTRATIVE REVISION OF ESTIMATES OR LIMITATIONS. The Secretary may revise upward or downward his estimate of domestic production or any limitation established by him if he determines on the basis of new information that the estimate or limitation originally established was erroneous or that such estimate or limitation should be revised for other reasons.

SEC. 7. CONSULTATION. In carrying out his functions under this title, the Secretary shall consult with the Secretary of Agriculture for the purpose of estimating domestic production of and demand for agricultural commodities and with the Secretary of Labor for the purpose of determining possible price and employment effects of various export levels of such commodities.

SEC. 8. ADMINISTRATION. The Secretary is authorized to issue such rules and regulations as may be necessary to carry out the provisions of this title.

SEC. 9. APPLICABILITY. This title applies to agricultural commodities planted for harvest in 1974 and subsequent years, except that section 3 of this title does not apply to any quantity of an agricultural commodity exported pursuant to a contract entered into prior to the date of enactment of this title.

By Mr. MAGNUSON (by request):

S. 2564. A bill entitled "The Claims Adjudication Act of 1973." Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, today I am introducing, on request, a bill designed to facilitate the fair and equitable settlement for claims of loss, damage, or injury alleged to have occurred in shipment.

This bill would amend the Interstate Commerce Act in order to give the Commission explicit authority to both adjudicate liability and to determine the amount of loss or damage when a shipper alleges that the carrier caused the loss or damage. As an alternative to this Commission procedure, the bill would give the shipper the option of setting up Commission-approved informal dispute settlement procedures, such as arbitration, which would be used in lieu of Commission adjudication. The bill specifically provides that the right to go to court to settle these matters is preserved to the claimant, and provision is made to include attorney's fees as part of any judgment secured in court. This provision will help provide an incentive to utilize approved arbitration procedures, and is modeled upon procedures specified in the recently passed Magnuson-Moss Warranty Federal Trade Commission Improvements Act.

Mr. President, this bill is another attempt to get at the difficult problems surrounding the lack of any presently available mechanisms for adjudicating loss and damage claims. I have introduced several proposals to deal with this problem, including one upon request of the Interstate Commerce Commission. The Commerce Committee is currently involved in an examination of the problem surrounding this area, and we are attempting to design optimum statutory mechanisms to see that these claims are settled quickly, fairly, and inexpensively. All of these proposals will be considered in hearings on this subject which will be announced sometime within the next several months.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 649

At the request of Mr. JAVITS, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 649, the Japan-United States Friendship Act.

S. 1769

At the request of Mr. MAGNUSON, the Senator from Utah (Mr. MOSS) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1988

At the request of Mr. MAGNUSON, the Senator from Texas (Mr. TOWER) 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. 2200

At the request of Mr. CRANSTON, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2200, a bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes.

S. 2454

At the request of Mr. HUMPHREY, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2454, the Emergency Home Financing Act.

S. 2513

At the request of Mr. RIBICOFF, the Senator from Nevada (Mr. BIBLE) and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

SENATE JOINT RESOLUTION 158

At the request of Mr. RANDOLPH, the Senator from Iowa (Mr. CLARK) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 158, to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended.

SENATE RESOLUTION 181—SUBMISSION OF A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES TO TESTIFY AND PRODUCE CERTAIN COMMITTEE RECORDS

(Considered and agreed to.)

Mr. ERVIN (for himself and Mr. BAKER) submitted a resolution authorizing the chairman of the Senate Select Committee on Presidential Campaign Activities to testify and produce committee records before the United States District Court for the Southern District of New York, pursuant to subpenas issued in a criminal case pending in such court.

(The debate on the above resolution, together with its full text, is printed later in the RECORD.)

SENATE RESOLUTION 182—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE OF THE SENATE TO CONSIDER A VICE-PRESIDENTIAL NOMINEE

(Referred to the Committee on Rules and Administration.)

Mr. ABOUREZK (for himself, Mr. MONDALE, and Mr. STEVENSON) submitted the following resolution:

(The subsequent remarks of Senator ABOUREZK appear later in the RECORD.)

S. RES. 182

Resolution to establish a temporary select committee of the Senate to consider the character and fitness of any individual or individuals nominated under the Twenty-fifth Amendment to fill the present vacancy in the Office of the Vice Presidential nominee.

Whereas the Twenty-fifth Amendment to the Constitution of the United States provides that, in the event of a vacancy in the Office of the Vice President of the United States, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress;

Whereas the duty of confirming a nominee for the office of Vice President, entrusted by the Twenty-fifth Amendment to the Legislative Branch, is a solemn and important responsibility, involving as it does the second-highest office in the co-equal Executive Branch of our government;

Whereas any nominee for the office of Vice President must be carefully scrutinized as to his or her character and fitness to discharge the duties of that office; and

Whereas there is presently no committee of the Senate properly constituted for the purpose of considering any Vice Presidential nominee: Now, therefore, be it

Resolved, That on account of the vacancy in the office of the Vice President, there is established a temporary select committee of the Senate, to be known as the Select Committee on the Vice Presidency (hereafter referred to as the "select committee").

The select committee shall study and investigate the character and fitness of any individual nominated to fill the present vacancy in the Office of Vice President of the United States.

SEC. 2. The select committee shall consist of seven Members of the Senate, four of whom shall be appointed by the President pro tempore of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President pro tempore of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

SEC. 3. The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceeding.

SEC. 4. (a) The select committee shall take

all steps necessary or appropriate to investigate and study the character and fitness of any individual nominated under such Twenty-fifth Amendment for the Office of Vice President of the United States.

(b) Subpenas may be issued by the chairman or by the select committee over the signature of the chairman. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

SEC. 5. To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters it is authorized to investigate and study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, to produce for its consideration or for use as evidence in its investigation and study any materials relating to the committee's investigation and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; and (8) to expend to the extent it determines necessary or appropriate any money made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

SEC. 6. The select committee shall make a report of the results of its investigation and study to the Senate at the earliest practicable date, but not later than thirty days after the date on which any nomination is submitted to the Congress to fill the present vacancy. On the sixtieth day after the date on which the appointment of a Vice President is approved under the Twenty-fifth Amendment, the select committee shall cease to exist.

SEC. 7. The expenses of the select committee under this resolution shall not exceed $1,000,000. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SENATE RESOLUTION 183—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A COMPILATION OF MATERIALS ON THE 25TH AMENDMENT AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. BAYH submitted the following resolution:

S. RES. 183

Resolved, That a compilation entitled "Selected Materials on the Twenty-Fifth Amendment", prepared by the Subcommittee on Constitutional Amendments, Committee on the Judiciary, be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of that committee.

SENATE RESOLUTION 184—SUBMISSION OF A RESOLUTION CONCERNING CLERICAL AND OTHER ASSISTANTS TO THE VICE PRESIDENT ON THE PAYROLL ON THE DATE OF HIS RESIGNATION

(Considered and agreed to.)

Mr. CANNON (for himself, Mr. MANSFIELD, Mr. COOK, and Mr. HUGH SCOTT) submitted the following resolution:

Resolved, That the clerical and other assistants to the Vice President on the payroll of the Senate on the date of his resignation, October 10, 1973, shall be continued on such payroll at their respective salaries for a period of not to exceed thirty days, such sums to be paid from the contingent fund of the Senate: Provided, That any such assistants continued on the payroll, while so continued, shall perform their duties under the direction of the Secretary of the Senate, and the Secretary of the Senate is hereby authorized and directed to remove from such payroll any such assistants who are not attending to the duties for which their services are continued.

(The discussion of this resolution when it was submitted and agreed to appears later in the RECORD.)

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. JAVITS, the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Concurrent Resolution 50, regarding the World Food Conference.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. THURMOND, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. TALMADGE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Concurrent Resolution 51, expressing the appreciation of Congress to the Vietnam veterans on Veterans Day, October 22, 1973.

HOUSING ACT OF 1973—AMENDMENTS

AMENDMENT NO. 622

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON. Mr. President, I am pleased to submit, with my distinguished colleague from Indiana (Mr. BIRCH BAYH), an amendment to S. 2182, the Housing Act of 1973, to increase the surety bond guarantee authority of the Small Business Administration from $500,000 to $1,000,000.

On July 14, 1969, Senator BAYH, introduced legislation aimed at opening job and business opportunities for small construction contractors. This legislation which was signed into law by the President on December 31, 1970, is the administrative base for the surety bond guarantee program of the Small Business Administration. This bill though not strictly directed at minority groups has helped bring many small minority contractors into the mainstream of the construction industry.

The benefits of this program are open to any small contractor that is required to have a bond, performance, or payment, in order to obtain a contract. The Small Business Administration guarantees 90 percent of the loss risk to the surety. Thus the surety bond guarantee program is capable of assisting the small contractor in achieving a respectable line of credit, thereby enabling the firm to eventually obtain a bond in the regular market on its own merits.

Presently contracts eligible for Small Business Administration bond guarantee cannot exceed a $500,000 limit. Many small contractors with the capability, but without the needed capital to get bonding would like to do a $600,000 or $750,000 job. The National Association of Minority Contracts has indicated that they constantly get complaints of this nature indicating the need to increase the bonding authority. The problem of bonding for small contractors has been with us for a long time. The growth of the program is dramatic evidence of the extent of the problem and the need for the program. Since 1970, construction cost due to inflation has been increasing on the average of 1.5 percent a month. The average construction contract that previously use to cost $500,000 now costs $750,000. Therefore, the inflationary factor alone can justify an increase in the bond guarantee to $1,000,000.

The surety bond guarantee program has become one of the most successful and fastest growing programs within the Small Business Administration. The Small Business Administration reports they approved 2,316 bond applications in fiscal year 1972 which resulted in 1,339 contracts worth $94.4 million. In fiscal year 1973, they approved 8,657 applications which resulted in 5,597 contracts worth $351.2 million. The loss ratio of the total program is lower then ever anticipated at 1.3 percent of contracts awarded and is expected to decrease. On September 19, 1973, Small Business Administrator Kleepe stated before the House Select Committee on Small Business:

I think its safe to say that this program has made it possible for small contractors to obtain business that they would otherwise not even had the opportunity to bid on. The

successful bidders under our bond guarantee have averaged 7 percent under the next lowest bidder. Since about half of these jobs involve local, state, and federal government contracts, we are talking about savings to the taxpayer. We predict a volume of $600 million or more in FY 1974. This should mean at least $21 million in direct savings to governmental units across the country.

As of August 1973, there were 92 surety companies participating in this program. On bonds guaranteed by the program companies must give up 10 percent of their gross premiums in return for the 90-percent guarantee of loss. Minority participation in the program has remained consistent around 35 percent during the last 2 years. We must assure that small contractors share in the millions of public dollars and increasingly large amounts of private capital that is committed to rebuilding our cities.

I ask unanimous consent that my 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. 622

At the end of the bill, add the following:

CHAPTER IV—MISCELLANEOUS

SEC. 401. The Small Business Investment Act of 1958 is amended—

(1) by striking out "$10,000,000" in section 403 and inserting in lieu thereof "$20,000,000"; and

(2) by striking out "$500,000" in section 411 and inserting in lieu thereof "$1,000,000".

AMENDMENT NO. 623

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

PROPERTY IMPROVEMENT LOANS TO FINANCE ENERGY CONSERVATION IMPROVEMENTS

Mr. CRANSTON. Mr. President, we are all concerned with finding solutions to the energy crisis. To date, I have concentrated on developing means of tapping the inexhaustible energy of the sun. In addition, I know many of us are investigating the possibilities of geothermal energy, nuclear fusion, and other future energy sources.

Certainly all of these possible solutions are worthy of further study, but I would ask my colleagues to ponder for a moment whether we should not look closer around us for a solution. While we sit in our homes and office buildings, precious energy in the form of heat is slipping between the windows or oozing through poorly insulated walls out into the atmosphere. Fred S. Dubin, a consulting engineer and planner, estimated in testimony this summer before the House Subcommittee on Energy that—

Energy conservation through design, using off-the-shelf hardware/systems/methods, can reduce the yearly energy consumption of new buildings by 35 to 50 percent and of existing buildings by 15 to 20 percent. More than half the savings in energy can be accomplished with no appreciable increase in initial costs.

The current issue of the Smithsonian magazine cites a Rand Corp. study which concluded that better insulation in new housing would cut heating and cooling requirements by 40 to 50 percent. This article, entitled "There Are Ways To Help Buildings Conserve Energy," is such a thoughtful exposition on the subject, Mr. President, that I ask unanimous consent that the full text of it be printed in the RECORD at this point.

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

THERE ARE WAYS TO HELP BUILDINGS CONSERVE ENERGY

(By Jane Stein)

A man—say he is a city official—sits in his office, the late afternoon sun beaming through the glass wall and flooding his desk with light. Electric bulbs burn overhead and cool air whispers from a metal duct as the man worries about fuel shortages, brownouts and the energy crisis. He might do better to contemplate the state of American architecture.

For architecture and the construction industry have a vast influence on energy use. Constructing and operating buildings consumes 7.5 and 50 percent, respectively, of all the electricity produced in the United States. To practice energy conservation in this sector, we do not need to return to caves and candlelight, nor do we need new technologies.

The main problem is that the simple and technologically available ideas for saving energy are meeting tremendous indifference, if not actual resistance. Certainly it is a profound indifference to energy conservation that fosters the construction of buildings such as the 110-story World Trade Center in lower Manhattan with its fantastic array of electrical requirements, the most astounding of which is that the center will require as much electricity per year as the entire city of Schenectady, New York, which is home for 100,000 persons.

How much energy a building needs for heating, cooling and lighting depends upon its site, its shape and the materials used. All of us could learn something about the wise use of natural energy by studying the cave dwellings of Mesa Verde in Colorado. In the winter when the sun is low in the sky, it shines directly on the adobe brick walls which store the heat during the day and release it during the night. In the summer the sun strikes at the horizontal surfaces—the roofs of wood and grasses act as insulation.

Never more than one-quarter of the cave's inner surfaces are lit in summer; only one quarter remains shadowed through the winter day. "Buildings today can be organized in much the same way, generating their form from the way the sun moves," says Ralph Knowles, professor of architecture and urban design at the University of Southern California.

If you design with the sun in mind, you can even put an all-glass building in the desert without paying too much of a penalty in energy costs. In Tempe, Arizona, the striking new municipal building has glass walls, slanted at a 45-degree angle to reduce the amount of solar heat that can enter the building.

In a less dramatic vein, it is axiomatic that the broad surfaces of the common, slablike high-rise building should face north and south. Fred Dubin, a New York engineer, has calculated that a building uses 29 percent less energy for cooling if the broad sides face north and south. Why is it, asks Dubin, that all sides of a building are often treated as if they were the same? Why not have no windows on the west side, and fewer in the corners? His point is simply that energy use must be factored into building design, and that means starting at the beginning.

"From the very outset of the architectural process energy is used wastefully," says Richard Stein (no relation of the author), a New York architect and a leading advocate of energy conservation. "Our basic structural sciences are in reality based more on practical experience than on a scientific analysis of how materials should be used."

For example, according to the National Building Code, the concrete beams for the standard classroom are designed to carry three times as much weight as they are likely to need for normal use. While a safety factor of three might not seem excessive, Stein points out that design computations use a value for the strength of concrete only about one-third of its actual strength, so that there really is a safety factor of at least nine. There are additional safety margins: Concrete gains strength for years after hardening. In cement production alone, modified design standards could result in energy savings of about 20,000 million kilowatt-hours a year—enough to provide the electric power for three million families for a year.

Aluminum is gaining in popularity as a building material. It has a pleasant sheen, upkeep is simple, and it takes less aluminum to make the skin of an office building than it does to use stainless steel. But aluminum is very expensive to make in terms of energy. The energy savings for just one typical high-rise office building—if steel were used instead of aluminum—would be 1.3 million kilowatt-hours.

It is not just a matter of using energy-expensive materials; how a building material is used has much to do with energy waste. Dense concrete can get as cold as a stone. Lightweight concrete, with air bubbles blown into the mixture, acts as insulation.

Since Lever House was built on Manhattan's Park Avenue in 1952, glass-clad buildings have sprung up all across the nation. Most are energy hogs because glass is a notoriously poor insulator. Heat loss could have been cut by half had double-glazing been used (that is two panes of glass hermetically sealed with an air space between them which acts as an insulator). Heat *gain* can be reduced by using the new reflective metallic glass, which substantially blocks solar heat and light.

What is true for an office or apartment building is true for a home. A Rand Corporation study says that better insulation in new housing would cut heating and cooling requirements by 40 to 50 percent. Extra construction costs, the report continues, could be recaptured in four to seven years through reduced fuel and utility bills. Over the last two years the Federal Housing Authority (FHA) revised its insulation standards for single and multifamily housing units, with the stated objective of reducing air pollution and fuel consumption. The FHA standards are merely guidelines to assist appraisers in determining the salable value of a housing unit. Since they are used by appraisers of conventional loan organizations as well as the FHA, they do exert considerable influence on the residential construction industry.

In addition to energy-rich materials and poor insulation, air conditioning and ventilation are extremely important components of wastefulness-through-design. The President's Office of Emergency Preparedness has estimated that, by making fairly simple and obvious changes in the design, 11 percent of the forecasted energy use in 1980 could be saved. Take air conditioning. Richard Stein claims that an average office building is occupied 3,100 hours annually with 500 hours in the temperature range where untreated outdoor air could be used. Simply opening the windows would bring about a 19 percent reduction in the use of energy for handling air—but how many office buildings have windows that can be opened?

Another part of the artificial world which architects have designed for the office worker is perhaps a super-abundance of light. In a high-rise building 54 percent of the electrical energy consumed goes into lighting; in a low building this rises to 62 percent.

Consider the high-rise office buildings twinkling through the night with a full array of lights (p. 35) for the cleaning personnel and handful of late-working executives. Selective lighting—lighting up only those rooms or parts of rooms in which someone is at work—would make a less striking skyline but it would save considerably on lighting. Separate switches could be installed so that lights around the perimeters of glass-walled buildings could be used only when natural light is insufficient. Other electrical savings include lower-voltage lighting in less occupied areas—hallways, storage areas—or more use of fluorescent lighting, which uses one-quarter as much as ordinary filament bulbs. The overall overage lighting levels, many building specialists feel, could be cut in half.

Much extravagant illumination is the fault of lighting standards (used by building codes, boards of education, industries and commercial developers), which have risen sharply and more than doubled in many cases over the past 15 years. Yet there is considerable disagreement as to whether such high illumination at such uniform intensity is necessary or even desirable.

While developing a new building system for school construction in California, architect Ezra Ehrenkrantz sought to develop, among other requirements, low-brightness lighting. Each bidder was required to state the wattage required to perform the job. Bids ranged from 3.3 watts to 6.3 watts per square foot of space to meet the same performance specification. (The system using the least energy, as it turned out, was also the lowest cost.) Ehrenkrantz tallied up some numbers and figured out that a saving in energy for the average California high school of one watt per square foot was equivalent to a teacher's annual salary. "The public," he says, "is not aware of how many teachers are burned up annually with the flick of a switch."

In addition to wasting electricity, lighting producers waste heat which, in most buildings, is then dissipated into the atmosphere. A few architects are now trying to catch this "heat of light" and pass it through conventional ducts and vents to help heat a building.

Making use of wastes, in fact, is the basis of what are now called "total energy systems," in which a building (or a group of buildings) contains its own generating system—usually small gas turbines or fuel cells. Waste heat is not released but reused by converting it into usable heat at little or no additional expenditure of energy. Such systems are costly, however, they require fairly constant demand for waste heat and are still far from perfected.

The resistance to energy-saving stems, in part, from financial institutions. The traditional way of financing buildings is based on first costs—what it actually costs the owner at the time the building is completed. Bank loans are made on the basis of first costs. Low first costs usually mean high energy consumption.

For savings in money and energy, building designs as well as bank loans should be calculated in terms of life costs: what it will cost to build and operate the building over its lifetime. Charles Berg, deputy director of the Engineering Institute for Applied Technology at the National Bureau of Standards, says that "energy conservation methods will obviously come at extra expense, but over the normal expected lifetime of the building, substantial savings in upkeep and energy use could be made."

An example of how these economics can work is seen in the work of Ehrenkrantz. He recently took bids for an air-conditioning system for student housing units, which he based on annual costs over 20 years. He gave the bidders energy requirements based on efficiency factors for the equipment. The cost of additional energy—if the bidders needed it—was to be added to the overall 20-year maintenance costs. The results: better equipment at lower life costs.

The federal government, seeking to break down the first-cost mentality, plans to use life-cost accounting on federal and federally assisted buildings. It is hardly a bandwagon, but interest is catching on. Owens-Corning Fiberglas Corporation has an energy conservation award competition for architects and engineers. Currently, the American Institute of Architects is circulating an exhibition, organized by the design firm of Arnold Saks, showing in photographs "The Architect and the Energy Crisis."

Easy availability of power can no longer be taken for granted and, as energy costs go up, energy conservation will be taken more seriously. Legislators are now predicting that builders will have to inform power companies in detail of their intended energy requirements. Legislation to control the amount of energy per unit of volume may well be with us within a decade. Building codes could be amended to raise insulation standards or to include new provisions for use of glass, ventilation and building orientation to reduce energy requirements. Kilowatt-hours could be taxed, annual kilowatts per building could be rationed.

Such restrictions might inspire architects, engineers and builders to come up with some energy-saving solutions. Energy conservation—if widely practiced—will also stretch our limited resources so that the benefits of enegry will be available to more people.

Mr. CRANSTON. Mr. President, in order to encourage more efficient energy utilization, I am introducing with the cosponsorship of Senator TAFT, an amendment to S. 2182, the Housing Act of 1973, which would authorize the Federal Housing Administration to insure property improvement loans for financing additions or improvements to structures in order to conserve energy. The same provision would apply to the installation of solar energy equipment. In order to prevent the abuse of the concept by slipshod materials or untested technical ideas, the amendment directs the Secretary of Housing, Urban and Development, in consultation with the National Bureau of Standards, to prescribe appropriate design standards and performance criteria.

This amendment is, of course, only a small part of the total effort we must make to solve the energy crisis. It will make a contribution toward this effort, however, by enabling individuals to obtain loans for installing energy conserving improvements in their homes.

In the very near future, I plan to introduce a series of bills to provide incentives for energy conservation and the utilization of solar energy. It has been estimated that about 40 percent of all the energy consumed annually in America is for heating, air-conditioning, ventilation, lighting and power systems in buildings. If we can encourage sensible, energy conserving designs for future buildings and similar improvements to existing structures, we will have accomplished a great deal in our efforts to reduce energy consumption and to promote more efficient energy utilization.

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

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

AMENDMENT No. 623

On page 29, line 23, after the word "include", insert the following: "energy conserving improvements, the installation of solar energy systems, or".

On page 29, line 23, after the period, insert the following: "As used in this title the terms 'energy conserving improvements' or 'solar energy systems' mean any addition, alteration or improvement to an existing or new structure which is designed to reduce the total energy requirements of that structure, and is in conformity with such criteria and standards as shall be prescribed by the Secretary in consultation with the National Bureau of Standards."

AMENDMENT NO. 624

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

SOLAR ENERGY DEMONSTRATION PROJECTS

Mr. CRANSTON. Mr. President, each day brings new warnings about the dire consequences of our Nation's growing energy crisis. Each day this crisis grows more complex. We manage to struggle through the summer's gasoline shortage, only to learn about the anticipated winter fuel oil shortage. Domestic reserves of petroleum products are being depleted, and foreign supplies are growing more unstable.

There is, however, an energy source presently available—inexhaustible in its supply, yet basically nonpolluting when utilized. This new source is solar energy, the energy from the sun.

Solar power surrounds us. The dawn of each day brings a fresh supply, while the trees and plants and even the oceans around us are solar storehouses, waiting to be tapped. While large-scale utilization of solar energy is still in the future, technology is now available and feasible to tap the sun to heat and cool residential dwellings. I am, therefore, introducing today, together with Senator TAFT, an amendment to the Housing Act of 1973 (S. 2182), now being considered by the Banking, Housing and Urban Affairs Committee, which will provide for the establishment of major demonstration projects to test the economic and technological feasibility of solar power as an energy source for the heating and cooling of our Nation's homes.

The idea of tapping the vast energy of the sun is not new. Mr. E. S. Morse received a patent in 1881 on a technique of "warming and ventilating apartments by the sun's rays," (U.S. Patent No. 246,626, September 6, 1881). The Heating and Ventilation Journal reported in July 1950, that an experimental solar house in Dover, Mass., had passed its second successful winter without a fuel bill. Other successful experiments took place, prior to 1960, in Denver, Colo., and Albuquerque, N. Mex. I am proud that one of the most recent and innovative steps in the continuing research and development of solar power has been the Harold Hay house in California, developed in cooperation with California Polytechnic Institute.

These experiments demonstrate clearly that the technology to build a solar-

heated house is available now. These houses work. It is primarily the high cost of these homes which has prevented solar energy from being more widely utilized.

Since there is as yet almost no mass production of solar energy equipment, the hardware for these homes must be custom-designed and custom-built. Presently, for example, the price of the collector unit alone for an average single family home is around $2,000.

Another drawback stems from the individualized nature of existing solar-powered houses. Inspired and built as they were by different individuals, some of the houses required extensive, frequent maintenance. Such maintenance is something which an inventor would willingly, perhaps lovingly, perform, but would be at best a tedious chore for the average homeowner.

My amendment, Mr. President, would seek to overcome these obstacles by directing the Secretary of Housing and Urban Development, in collaboration with the National Science Foundation, to undertake demonstration projects throughout the country. I anticipate that the Secretary would divide the Nation into 5 to 10 climatic zones, with at least 2 single-family residences and 10 multifamily units erected in each zone. In this manner, we can get a fair, realistic appraisal of the feasibility of solar-heated and cooled homes. The amendment authorizes the appropriation of $5 million for these purposes.

Given this impetus, I have no doubt that American private enterprise will meet the potential demand. This, in turn, should lead to more standardized hardware, with much lower maintenance requirements.

In addition, my amendment authorizes the Secretary to utilize the contract, loan, or mortgage insurance authority of any federally assisted housing program to further the development of solar-powered homes.

Finally, the Secretary is directed to report to the Congress annually on his efforts. This report should include a discussion of the economic and technical feasibility of the project, and an analysis of any other problems encountered, such as building codes and anticipated new legal questions such as those arising from the construction of neighboring buildings which deprive a dwelling of its sunlight.

Mr. President, no one can seriously claim that solar power is the panacea for the entire energy crisis. We can, however, say that the solution to the energy crisis demands an attack on many fronts. The U.S. Office of Science and Technology estimates that space heating, cooling, domestic hot water, and power in residential and commercial buildings constitutes approximately 29 percent of the total energy consumption in the United States. The technology exists today to utilize solar energy for a considerable portion of that percentage.

This amendment represents only a small, beginning step on the path toward tapping the great resources of the Sun's energy. In the near future, I will be introducing a series of measures designed to provide an across-the-board impetus to the infant solar-energy field. Our Nation's energy situation is critical. As such, it demands a large-scale commitment to the discovery of workable solutions.

Each day's consumption of our dwindling fossil fuel supply makes the search for alternate energy sourecs more vital. No longer can we say that solar power is an interesting concept for the future. With the energy crisis upon us, the future is now.

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

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

AMENDMENT No. 624

On page 4, line 10, after "or" insert "operating costs or in".

On page 148, line 17, after "NEEDS" insert "AND TECHNOLOGY".

On page 150, strike out the quotation marks and the period at the end of line 5.

On page 150, after line 5, add the following:

"SPECIAL HOUSING TECHNOLOGY

"SEC. 507. (a) In carrying out activities under section 501, the Secretary may, after consultation with the National Science Foundation, undertake special demonstrations to determine the economic and technical feasibility of utilizing solar energy for heating or cooling residential housing (including demonstrations of new housing design or structure involving the use of solar energy). Demonstrations carried out under this section should involve both single family and multifamily housing located in areas having distinguishable climatic characteristics in urban as well as rural environments. To carry out the purpose of this section the Secretary is authorized—

"(1) to enter into contracts with, to make grants to, and to provide other types of assistance to individuals and entities with special competence and knowledge to contribute to the planning, design, development, and operation of such housing;

"(2) to utilize the contract, loan, or mortgage insurance authority of any Federally assisted housing program in the actual planning, development, and occupancy of such housing; and

"(3) to set aside any development, construction, design, or occupancy requirements for the purpose of any demonstration under this section if he determines that such requirements inhibit such demonstration.

"(b) The Secretary shall include in any demonstration under this section an evaluation of the demonstration to cover the full experience involved in all stages of the demonstration.

"(c) The Secretary shall transmit to the Congress not later than March 15 of each year following a year in which he carries out a demonstration under this section a full report on such demonstration. Such report may include an evaluation of the economic and technological feasibility of the widespread application of solar energy to residential housing.

"(d) There are authorized to be appropriated for demonstrations under this section, in addition to any funds or other authority available under subsection (a)(2), not to exceed $5,000,000 which shall remain available until expended."

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENTS

AMENDMENT NO. 625

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

Mr. HARTKE. Mr. President, today I submit an amendment to H.R. 3153 which would provide medicare coverage for out-of-hospital prescription drugs.

This amendment is identical in substance to S. 438, which I introduced on January 18 of this year. It is also similar to proposals which I have made over the past several years.

Mr. President, the Finance Committee is using H.R. 3153 as a vehicle for major social security reforms. I believe the committee—and the Senate as a whole—cannot afford to overlook the one reform which would remove a major burden from the shoulders of the elderly: coverage of out-of-hospital drugs.

I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

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

AMENDMENT No. 625

At the end of the bill, insert the following:

SEC. 6. (a)(1) Section 1861 of the Social Security Act is amended by adding after subsection (z) thereof (as added by section 234(f) of this Act) the following new subsection:

"(z–1) (1) The term 'covered drugs' means those drugs appearing on the list specified in paragraph (2) of this subsection.

"(2)(A) Subject to the provisions of subparagraph (C), the Secretary shall, with the advice of the Expert Committee on Drug Coverage established by section 1868, establish and publish a list of those drugs for which payment may be made subject to the conditions of section 1812(a)(4) under part A of this title. The Secretary shall distribute such list on a current basis to practitioners licensed by law to prescribe and administer drugs or to dispense drugs and shall make such other distribution as in his judgment will promote the purposes of this title. He shall from time to time (but at least once a year) review such list, and shall revise it or issue supplements thereto, as he may find necessary, so as to maintain insofar as practicable currency in the contents thereof and shall publish and distribute such revisions in accordance with the preceding sentence.

"(B) Each drug appearing on the list established under subparagraph (A) shall be designated by its established name and with respect to each such drug, the Secretary may include such other information as he finds necessary to promote the purposes of this subsection and section 1919.

"(C) A drug shall not appear on the list established under subparagraph (A) unless—

"(i) such drug is lawfully available for dispensing or administration to humans; and

"(ii) it is determined by the Secretary, with the advice of the Expert Committee on Drug Coverage, to be useful in the treatment of diabetes, high blood pressure, chronic cardiovascular, respiratory, or kidney diseases or conditions, arthritis, gout, rheumatism, tuberculosis, glaucoma, thyroid disease, or cancer.

"(D) For purposes of this subsection—

"(i) the term 'drug' means a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (including those specified in section 351 of the Public Health Service Act); and

"(ii) the term 'established name' shall have the meaning assigned to such term by section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act."

(2) Section 1861(t) of such Act is amended by inserting after "subsection (m)(5)" the following: "or subsection z–1)".

(b) Section 1812(a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end and inserting in lieu thereof: "; and"; and

(3) adding at the end the following new paragraph:

"(4) covered drugs furnished to such individual, but not when furnished to him while he is an inpatient in a hospital."

(c) Section 1813 of such Act is amended by adding at the end the following subsection:

"(c) (1) The amount payable for a covered drug furnished an individual shall be reduced by an amount equal to the copayment determined under paragraph (2) or, if less, the charges imposed with respect to such individual for such covered drug, except that, if the customary charges for such covered drug are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed.

"(2) The copayment specified in paragraph (1) shall be $2.00 the first time any particular prescription is filled and $1.00 each time a prescription is refilled."

(d) Title XVIII of the Social Security Act is amended by adding after section 1818 of such Act (as added by section 202 of this Act) the following new subsections:

"PAYMENT FOR COVERED DRUGS; CONDITIONS AND LIMITATIONS ON SUCH PAYMENT

"SEC. 1819. (a) (1) The amount paid to any provider of drugs with respect to covered drugs for which payment may be made under this part shall, subject to the provisions of this section and section 1813(c), be the reasonable drug charge with respect to such drugs.

"(2) (A) The 'reasonable drug charge' for a covered drug shall be the acquisition allowance plus a dispensing allowance.

"(B) The Secretary shall by regulations establish the method or methods for determining the acquisition allowance of a covered drug, giving consideration to the cost to providers of drugs of acquiring the drug by its established name. If the source from which any covered drug is available charges different prices therefor to different classes or types of providers, or if a class of providers may reasonably obtain such drug from only certain types of sources, the Secretary may, in establishing the acquisition allowance, take into account these differences.

"(C) The Secretary shall by regulations establish the methods for determining a dispensing allowance for a covered drug, giving consideration to such factors as cost of overhead, professional services, and a fair profit. He may provide different dispensing allowances for different classes of providers.

"(b) Payment for covered drugs furnished to an individual may be made only to a dispenser of drugs eligible therefor under subsection (c) and only if—

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner, within such time, and by such person or persons as the Secretary may by regulation prescribe; and

"(2) a written prescription, signed by a physician, was filed with such provider of drugs; except that (pursuant to such regulations as the Secretary may prescribe) no payment may be made for a covered drug—

"(3) if it is prescribed in an unusual quantity; or

"(4) if it fails to meet such requirements as to quality and standards of manufacture as the Secretary may prescribe; or

"(5) it fails to meet such specifications as to dosage form as the Secretary may require.

"(c) For purposes of subsection (a), a provider of drugs shall be eligible for payment if—

"(1) he is licensed or authorized pursuant to State law to dispense drugs to humans;

"(2) he agrees to comply with such rules and regulations as the Secretary may issue with respect to—

"(A) submission of bills at such frequency and on such forms as may be prescribed in such rules and regulations;

"(B) availability for audit of his records relating to drugs and prescriptions;

"(C) the maintenance and retention of such records relating to the cost of drugs as may be specified in such rules and regulations;

"(3) he meets such other conditions relating to health and safety as the Secretary may find necessary;

"(4) he agrees not to charge any individual for a drug for which such individual is entitled to have payment made under this part an amount in excess of the customary charge at which such dispenser of drugs sells or offers such drug to the public at the time such drug is furnished to such individual."

(e) Title XVIII of the Social Security Act is further amended by adding after section 1867 of such Act the following new section:

"FORMULARY COMMITTEE

"SEC. 1868. (a) (1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of the Commissioner of Food and Drugs and of four individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) (1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d) (1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812(a)(4).

"(4) Publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various qualities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formularly.

"(e) (1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary, of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

"(f) (1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition

for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a)(4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities."

(i) The heading of part A of title XVIII of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(j) Section 1811 of such Act (as amended by section 201(a)(2) of this Act) is further amended by inserting after "services" the following: "and the cost of covered drugs".

(k) Section 1814(c) of such Act is amended by—

(1) adding at the end of the heading the following: "or Federal Provider of Drugs";

(2) inserting "(1)" after "(c)"; and

(3) adding at the end the following new paragraph:

"(2) No payment may be made under this part to any Federal provider of drugs (as provided for in section 1819), except a provider of drugs which the Secretary determines is dispensing drugs to the public generally as a community institution or agency; and no such payment may be made to any provider of drugs for any drug which such provider is obligated by a law of, or a contract with, the United States to render at public expense."

(l) Section 1815 of such Act is amended by—

(1) adding at the end of the heading the following: "and Providers of Drugs";

(2) adding after "provider of services with respect to the services furnished by it": "; and each provider of drugs with respect to drugs,";

(3) inserting after "provider of services" the second time it appears "and the provider of drugs, as the case may be,".

(m) Section 1861(r) of such Act (as amended by other provisions of this Act) is further amended by adding at the end thereof the following new sentence: "For purposes of section 1819, such term includes any such doctor only with respect to drugs he is legally authorized to prescribe by the State in which he prescribes such drugs."

(n) Section 1869(c) of such Act is amended by inserting after "provider of services" the following: "or any person dissatisfied with any determination by the Secretary that he is not a provider of drugs eligible for payment under this title,".

(o)(1) Section 1870(a) of such Act is amended by—

(A) inserting ", provider of drugs," after "provider of services"; and

(B) inserting "or drugs" after "items or services".

(2) Section 1870(b) of such Act is amended by—

(A) inserting ", or provider of drugs," after "provider of services" each time it appears;

(B) inserting "or drugs" after "items or services"; and

(C) adding at the end of paragraph (2) the following: "any payment has been made under section 1819 to a provider of drugs for drugs furnished an individual,".

(3) Section 1870(d) of such Act is amended by inserting: ", or provider of drugs," after "provider of services".

(p) The heading of section 226 of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(q) Section 226(b)(1) of such Act (as amended by section 201(b) of this Act) is further amended by—

(1) striking out "(as such terms are defined" and inserting in lieu thereof the following: "and for covered drugs (as such terms are defined"; and

(2) inserting ", and (C) no such payment may be made for covered drugs furnished before July 1, 1972; and" immediately before the semicolon at the end thereof.

(r) Section 21(a) of the Railroad Retirement Act of 1937 is amended by—

(A) striking out "and" which follows "extended care services,"; and

(B) striking out "post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and covered drugs".

(s) Section 21(e) of the Railroad Retirement Act of 1937 is amended by inserting after "services" the first time it appears "(other than covered drugs)".

"MAXIMUM ALLOWANCE COST FOR QUALIFIED DRUGS

"SEC. 1869. (a) For purposes of this part, the term 'maximum allowable cost' means the following:

"(1) When used with respect to a prescription legend drug, such term means the lesser of—

"(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(B) the actual, usual, or customary charge at the price at which it is generally available to establishments dispensing drugs.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c)(1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a fee for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except for subsection (a)(1)(B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and in a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.".

(i) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(j)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1820(b)."

(j) Section 1861(u) of the Social Security Act (as amended by section 227(d)(1) of this Act) is further amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(k) Section 1861(v) of the Social Security Act (as amended by sections 227(c), 223(b), 251(c), and 221(c)(4) of this Act) is further amended—

(1) by striking out "The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (7), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(7)(A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1820 of this Act."

(l) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Licensed Pharmacy

"(Z–1) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(m)(1) The first sentence of section 1866(a)(2)(A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813(a)(4), and (iii)".

(2) The second sentence of section 1866(a)(2)(A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

(n) The amendments made by this section shall apply with respect to items and services furnished on and after the 1st day of January 1974.

AMENDMENT NO. 626

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

Mr. HARTKE. Mr. President, I introduce an amendment to H.R. 3153 which would have the effect of making the social security system more equitable for the current working generation and improving health benefits for those now eligible for medicare coverage.

The provisions of my amendment are substantially the same as the substance of S. 1838 which I introduced on May 16 of this year.

Section 6 of the amendment—its first section—provides a payroll tax reduction for low-income wage earners. In discussing the work bonus plan which has since been approved by the Senate Finance Committee, Health, Education, and Welfare Secretary Caspar W. Weinberger said:

> In general terms, an alternative might be to reduce or eliminate withholding of the payroll tax for a family with an income below the low-income allowance level. As income rises above this level, withholding would gradually phase in. . . .

The proposal I offer today provides a similar reduction of withholding tax for low-income individuals with a gradual phase-in as income increases. It accomplishes the dual objective of making the social security payroll tax more progressive while eliminating the need for a work bonus plan with its separate benefits check and its welfare connotations.

Section 7 of the amendment provides partial general revenue financing of social security retirement benefits. This is phased in over a period of 9 years, at the end of which general revenues are providing one-fifth of the total benefit payout. This proposal takes some of the burden off the current working generation which is paying an excessive amount in taxes to fund the benefits for those workers who are now retired and who did not pay into the trust fund an adequate sum of money before their retirement. It is also essential if we are to move to any national health insurance plan which involves social security financing. Without partial general revenue financing, the increased payroll tax would be far too onerous for most workers in this Nation.

Section 8 extends hospital insurance benefits under the medicare program to all uninsured individuals who have attained the age of 65.

Section 9 provides automatic coverage under part B of medicare—doctor bills—for anyone eligible for part A—hospital insurance—coverage. The part B medicare premium is eliminated.

Section 10 provides for payments of all medicare benefits from a single trust fund, rather than the dual system now prevailing.

Section 11 provides for the partial general revenue financing of medicare benefits to be phased-in over a period of 4 years at the end of which period general revenues would provide one-third of the total benefit payout.

NONCONSERVING CROP FAILURES—AMENDMENT

AMENDMENT NO. 267

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

Mr. CLARK submitted an amendment intended to be proposed by him to the bill (S. 2491) to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures, with respect to crops planted in lieu of wheat or feed grains.

ADDITIONAL STATEMENTS

PUBLIC FINANCING OF FEDERAL ELECTIONS

Mr. HUGH SCOTT. Mr. President, recently there have been a number of articles and editorials in the Pennsylvania newspapers in support of my position on public financing of Federal elections. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Jeannette (Pa.) News Dispatch Sept. 17, 1973]

THE PENNSYLVANIA STORY: SCOTT, KENNEDY FOR PUBLIC FINANCING

(By Mason Denison)

HARRISBURG.—An interesting duo in the United States Senate is urging public financing of federal elections.

Can you believe Pennsylvania's Republican Senator Hugh Scott and Massachusetts' Democratic Senator Ted Kennedy working together?

The Senators have joined forces to promote the concept and tomorrow will appear together before the Senate Rules Committee to sell their idea to their colleagues.

What they want to do is to take "that extra step", Senator Scott says, to encourage the public to take more of an interest in elections. He said that if they have a financial "investment", the public should increase their participation.

The Kennedy-Scott proposal calls for public financing through appropriations for general and special federal elections.

The measure bars the option of private financing for all federal offices in the same election.

It does not include primary elections for obvious fiscal and administrative reasons.

MANDATES PUBLIC FUNDS

It mandates the use of public funds for all election campaigns. Candidates will not have the option of using private monies.

The existing "check-off" would be increased from $1 to $2 or $4 on a joint return. Congress would be authorized to appropriate additional funds if a deficit should occur in the campaign fund.

Adequate spending floors and ceilings are available to candidates of major, minor and new parties.

The plan would go into effect for the 1976 congressional and presidential elections.

The Keystone State Senator has been submitting legislation on campaign election reform for the last two years.

He and Senator Charles Mathias (R-Md.) called for a bipartisan Federal Election Commission. The measure passed the Senate but was eliminated from the bill when the House of Representatives couldn't agree with the concept.

An even stronger Commission bill has been proposed this year by Scott who believes it has a strong chance of surviving the House of Representatives. It is part of the package of election reform legislation already passed by the Senate.

Senators Scott and Kennedy agree that public financing of elections is a bold and dramatic move, but they concede that a bold and dramatic move is what is necesary to change the system.

Washington watchers claim that such a move could well be acceptable now because of scandals (Watergate et al) to help restore the faith of voters in the political system.

Pennsylvania's three-term Senator has characterized the Watergate affair as a sordid adventure by over-zealous amateurs who never ran for public office and therefore lacked a sensitive compassion for competition.

The Virginia-born Scott, who has always felt he could breakfast with the candidate he ran against, said some on campaign staffs, while well-intentioned, possess a tendency to move ahead recklessly unless given solid and careful directions.

When commenting on introducing the public financing measure, he said he believed after more than 40 years as an elected public official, he was "reasonably above suspicion and certainly beyond ambition."

The third highest Republican on the National scene was confident that while the bill will be criticized by some as being too liberal, others will say it is about time.

[From the Philadelphia Inquirer, Sept. 20, 1973]

SECOND THOUGHTS ON ELECTION $$$

Pennsylvania's Sen. Hugh Scott, we would guess, spoke for many of his fellow Americans when he said Tuesday that he had changed his mind about public financing of Federal elections.

"Two years ago," Mr. Scott said in testimony before a Senate committee now considering such legislation, "I was persuaded that disclosure alone would cure the ills, but I misjudged that as much as I misjudged the deviousness of certain individuals who sought to humiliate the law from the day it was enacted."

There are some sticky problems involved in working out public financing, as the hearings now underway demonstrate.

Shall there be only public financing, as Sen. Scott and Sen. Edward Kennedy propose in a bill they have submitted? Or shall there be a mix of public and private financing, as proposed by Pennsylvania's junior senator, Richard Schweiker, and Sen. Walter Mondale in another bill? How far down the line of candidates shall public financing go? How much shall be spent and how shall it be allocated? Who shall qualify for such money? And what about primaries?

There are no simple answers, but the problems are not insuperable.

One thing that is clear, as Sen. Scott said, is that "this nation is now painfully aware of the corrosive power of money in politics." Another is that the extensive reform legislation enacted two years ago has not provided the kind of genuine reform needed to stem that corrosion.

It is encouraging, therefore, to find a majority of the senators now committed to public financing in principle. Translating that principle to workable specifics will not be easy, but it needs to be done—and now. Public financing is definitely an idea whose time has come.

[From the Scranton (Pa.) Times, Sept. 20, 1973]

HOPE REVIVED FOR PUBLIC FUNDED CAMPAIGNS

When the Senate in early August tabled action on a measure to authorize the use of public funds to finance federal election campaigns it appeared that a majority of Senators felt that the public was not yet ready for such a drastic change in its political life. But fortunately, proponents of this much needed reform have not given up.

Pennsylvania's Sen. Hugh Scott came forward at an elections subcommittee hearing the other day to testify that public financing of campaigns is "our last best hope to restore full confidence in public officials and government." The Senate minority leader has joined with Sen. Edward M. Kennedy, D-Mass., and

Sen. Alan Cranston, D-Calif., in a bipartisan effort to gain passage of a public financing campaign law.

There is reason to believe that some form of public financing of campaigns may be adopted this year after all. Besides the agitation by the bipartisan group of senators, Common Cause, the citizens lobby, and some other groups are waging a concerted drive to convince legislators that public financing is an idea whose time has indeed arrived. The campaign reform legislation which passed the Senate six weeks ago does not go far enough. It limits expenditures and contributions and establishes new enforcement machinery. But the problem remains that special interests can still influence the outcome of elections with generous donations, no matter how well disguised from public view.

There are several versions of how public financing of election campaigns can be carried out. Pennsylvania's junior senator, Richard S. Schweiker, is cosponsor of a bill which applies to presidential campaigns only. This measure, in combination with one which would include congressional campaigns as well, offers great promise of freeing politicians of the potentially corruptive influence of big-money contributors and of giving the candidate of modest means a better chance than now prevails of being elected.

Time is a problem, though. Unless action is taken this year or very early in 1974 it will be too late for the reforms to apply to next year's congressional and senatorial elections.

[From the Williamsport (Pa.) Sun-Gazette, Sept. 20, 1973]

TO DEMONSTRATE SPENDING WISDOM

The demonstrated ability to spend other people's money wisely could be a most significant factor if public financing of candidates' election campaigns ever comes about.

The U.S. Senate is considering various plans to use tax funds for electioneering. One of the proposals was the subject of testimony this week before a Senate committee. It was the plan of Sens. Hugh Scott and Edward M. Kennedy.

Among the requirements of the senators' bill is the mandating of the use of public funds for all election campaigns without the option of using private monies. Limits would thus be set on what candidates could receive and spend.

There would be only so many dollars to use. The legislated limits would seem to block any prospect of buying an election.

What an opportunity candidates would have to demonstrate their expertise in getting the best results with the amount of cash at hand. The best results, of course, would be winning the election and that would require better management of funds than opponents could muster.

There is, indeed, much more than ability to handle public money to be considered in picking congressmen and senators. But the requirement is certainly not at the bottom of the list. In fact, in the present debt-ridden state of the national economy, spending wisdom ought to have the highest priority.

[From the Allentown (Pa.) Call Chronicle, Sept. 18, 1973]

PUBLIC VOTE FINANCING GETS SCOTT'S SUPPORT

WASHINGTON.—Public financing of federal elections today picked up support from 30 senators including Republican leader Hugh Scott, a former critic who today called the proposal "our last best hope" for restoring confidence in government and elected officials.

The senators endorsed the principle of paying for election campaigns with public funds instead of contributions in a statement delivered to a Senate privileges and elections subcommittee opening hearings on the idea.

In prepared testimony, Scott said he joined with Sen. Edward M. Kennedy, D-Mass., in proposing the legislation because "it is our last hope to restore full confidence in public officials and government."

Scott said that only two years ago he believed that merely requiring public disclosure of private contributions and campaign expenditures would be enough to cure wrongdoing.

But, referring to the campaign reporting law which went into effect in April, 1972, Scott said, "I misjudged that as much as I misjudged the deviousness of certain individuals who sought to humiliate the law from the day when it was enacted."

Congress last year provided that taxpayers can divert $1 of their income tax to presidential election campaigns in a checkoff system. The Scott-Kennedy proposal would increase this to $2 and require candidates in presidential, Senate and House campaigns, beginning in 1976, to use public rather than private funds.

It would not apply to primaries. Congress would be authorized to appropriate additional funds if the checkoff did not raise enough.

Sen. Alan Cranston, D-Calif., has a bill to limit an individual's private contributions to a candidate in a federal election to $250.

"Watergate is only the latest demonstration of the long-overdue need to cleanse elections of the corrupting curse of huge private campaign contributions," Cranston said.

[From the Harrisburg (Pa.) Patriot, Sept. 18, 1973]

PUBLIC ELECTION-FUNDING TOPIC OF SENATORS' PROBE

WASHINGTON.—A new drive for public financing of federal election campaigns was launched today at hearings before the Senate Elections subcommittee.

"Watergate is only the latest demonstration of the long-overdue need to cleanse elections of the corrupting curse of huge private campaign contributions," said Sen. Alan Cranston, D-Calif., spokesman for a bipartisan group of senators seeking such legislation.

"The only way to clean up the political process . . . is to provide substantial financial support for elections from public funds," he said.

Republican leader Hugh Scott, of Pennsylvania, in prepared testimony for the subcommittee called public financing "our last best hope to restore full confidence in public officials and government."

The subcommittee's four days of hearings are expected to boost support for public financing of presidential and congressional campaigns, although the passage of such a bill this year is regarded as unlikely.

The Senate, in passing campaign reform legislation six weeks ago limiting expenditures and contributions and establishing new enforcement machinery, tabled 53 to 38 a public-financing proposal by Scott and Sen. Edward M. Kennedy, D-Mass.

Despite the defeat, supporters of the proposal claim there is growing strength for the concept of using tax funds to finance election campaigns.

Cranston, Scott and Kennedy and other senators circulated a letter to their colleagues in advance of this week's hearings listing basic principles they said should govern any system of public financing.

Sen. Hubert H. Humphrey, D-Minn., announced, meanwhile, what he called a major breakthrough in promoting public financing of presidential election campaigns.

He said the Internal Revenue Service has approved his proposal that employers be permitted to include material explaining and promoting the $1 check-off system when they mail wage withholding forms to employers. Under the system, established in 1971, taxpayers may earmark $1 of their income tax for a presidential campaign fund.

Extension of the $1 check-off system to provide Treasury funds for federal general election campaigns is being sought by most advocates of public financing, said Cranston.

[From the Philadelphia Bulletin, Sept. 26, 1973]

PUBLIC CAMPAIGN FINANCING

Not too long ago, the concept of public financing of federal elections seemed headed for oblivion. Now, the concept is re-emerging as a key element of election campaign reform.

Thirty-three members of the U.S. Senate have publicly endorsed the principle of public campaign financing and nearly 140 House members have come out in support of a proposed "Clean Elections Act of 1973," sponsored by Representatives John B. Anderson (R-Ill) and Morris K. Udall (D-Ariz). Senate Minority Leader Hugh Scott (R-Pa), a former opponent of the concept, is cosponsoring a bill with Senator Edward Kennedy that would bring about full public financing, calling the move "our last best hope to restore full confidence in public officials and government."

Since investigations of the Watergate crimes began last year, more than enough evidence has been produced to illustrate the need for broadening participation in the election process and reducing the dominant role of wealthy and powerful interests.

Data gathered from the last Presidential election show that of the more than $50 million contributed to the Nixon campaign, $6 million came from 27 individuals, and nine of those contributors gave at least $250,000.

The degree to which money and influence have affected campaigns was outlined recently in a study of the financing of the last congressional elections. The study, released by Common Cause, found that incumbents raised more than twice as much money as their challengers, and, that in all but a few cases, the candidate who spent the most money won the election.

Again, large contributions played a significant role. Of $69.7 million raised by congressional candidates in the general election, more than two-thirds came in contributions of more than $100, the study found.

There is little doubt that steps have to be taken to make campaigns more broadly based. There is doubt, however, that Congress will be able to settle on a given approach to public financing. Five bills are before it now which differ on almost every aspect except the principle of public financing beyond the check-off provision of the 1971 Election Campaign Act.

At issue are questions as to whether primaries and general elections should both be subsidized and whether all declared candidates should receive subsidies.

Neither congressional reformers nor the public should lose sight of the fact that what is sorely needed is more open, competitive elections and that public financing is only a means, not an end in itself.

If it proves difficult to agree on a plan for public financing, further reforms in the present system should still be made.

Whatever size donations are permitted, cash contributions should be restricted to small sums, the names and addresses of all contributors should be listed and total contributions from any single source limited.

THE NATIONAL INTEREST AND MILITARY POWER

Mr. FULBRIGHT. Mr. President, last night at the Pacem in Terris III Conference, former Secretary of Defense Clark Clifford presented a thoughtful and profound statement upon the national interest and military power.

I commend his statement to my colleagues. His reasoning is based upon a wide and thorough knowledge of the subject and all of us should take seriously his advice as to our actions here in the Congress with regard to our Defense Establishment.

I ask unanimous consent to print Mr. Clifford's statement in the RECORD.

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

THE NATIONAL INTEREST AND MILITARY POWER

(By Clark M. Clifford)

Out of the welter of conflicting views regarding the world today, there is one development upon which we can all agree. That is the profound and far reaching manner in which our world has changed these last few years.

The major thrust of my remarks on this occasion is that, (A) The world has changed; and (B) The United States defense establishment and the defense budget have not. I cannot state the problem more simply. My hope is that I may offer thoughts tonight that will lead to a better understanding of the defense policy that our country needs in today's world.

There exists a gap—an undeniable gap—between a foreign policy that purports to deal with a world of detente, and a defense policy that is mired in the backward looking attitudes of the Cold War.

Like many of you here, and in a sense like the military establishment which we are examining tonight, I am a product of the Cold War. I was with President Truman from 1945 to 1950 and I recall with vividness and pride those dramatic days. But the military forces devised to meet the problems that existed then still exist today. They are enormous, unwieldy, terribly expensive and unnecessary.

Times change, and the challenge of our era is whether we can change with them.

As our tragic intervention in Indo-China draws too slowly to a halt, we look at the world around us and we see a near total transformation. Contrast the world as it appeared immediately after the second World War, and for much of the period up until the middle 1960's, to the world as it appears now. In this contrast we will find the guides for reshaping our defense policies and budgets.

During that earlier era, the Soviet Union seemed intent on threatening the United States, if not directly, then through pressure on other nations whose survival and independence were, and to a great degree remain, vital to our interests. We had no alternative but the firmest common resistance.

For all but the last few years of that period, there appeared to be allied to the strength of the Soviet Union the massive population and immense potential of China.

In that era, the Soviets and their Chinese associates seemed resolved to make the political situation and the economic development of every nation in the world, no matter how small or how obscure, a testing ground for the confrontation of the most ultimate issues of how society and life were to be organized. We responded in kind.

Faced with that situation—an aggressive USSR, Soviet-Chinese solidarity, and a communist effort to be involved in every significant conflict over the future of any nation—those responsible for our nation's policies, including the state of our military forces, felt that the United States had to plan its military forces with the real expectation that they might, at any moment, be called upon to resist militarily, and directly, large-scale aggression in Asia or Europe, and perhaps in both simultaneously.

On the nuclear side, as our atomic monopoly evaporated, the need for constantly increasing stock of even more sophisticated nuclear weapons seemed to grow greater, not less. The first priority was to build a deterrent, proof against the most effective conceivable surprise Soviet attack. The result was the construction of a strategic deterrent force composed of three basic elements—land-based missiles, submarine-based missiles, and bombers—each independently capable of surviving an all-out Soviet attack with sufficient strength for a retaliation that would destroy the Soviet Union as an organized society. In addition, in an effort to extend our nuclear strength to protect our allies, we deployed literally thousands of nuclear weapons throughout the world. These weapons were supposed to compensate for inadequacies in ours and our allies' nonnuclear forces.

This image of the world on which our military forces were premised is scarcely recognizable from the perspective of late 1973.

First, while the profound differences between the social and political systems of the United States and the Soviet Union remain, and while there persist genuine areas of serious international conflict between the U.S. and the USSR, the relationship of the two superpowers simply can no longer be described as one of general and unrelenting confrontation. The past two years have seen two United States-Soviet summits marked by effusive cordiality, by the conclusion of the strategic arms limitation agreement which, whatever its limitations, marks an acceptance by both sides that there is no real defense against nuclear war except mutual vulnerability, and by intense discussion of immensely expanded economic links between the United States and the Soviet Union.

Nor, of course, is this phenomenon of détente with the USSR only a bilateral one. The Ostpolitik has brought with it, if not permanent settlement of the conflicts which divide Europe, at least a renunciation of the use of force. The European security conference and the negotiations on force reductions in Europe are signs of a change in the relationship between the Soviet Union and the nations of Western Europe and may portend more basic settlements in the long run. Such a sign of change and an end to confrontation is the very rapidly expanding Soviet trade with Western Europe and Japan.

Even more dramatic is the change in the relationship between the United States and China. Rigid antagonism on each side has given way to a reopening of communication based on a cautious but, in all probability, irreversible recognition that there are simply not that many profound conflicts between the vital interests of the United States and those of China. As we come to take a more realistic view of China, and, perhaps, also a less omnipotent view of ourselves, we find less and less to fear from that immense nation, faced as it is with profound challenges in its own internal development.

At the same, relations between China and the USSR have so deteriorated as to make the phrase "Sino-Soviet Bloc" but a memory.

And, of course, in planning defense policy, there is the fact that we are involved no longer in the war in Indo-China.

Finally, in a world in which economic issues on the international scene are growing in relative importance, we must recognize that the United States has lost its economic domination of the international scene, even while retaining its vast military strength.

From these profound changes in the international setting, one would expect profound changes in American military policy and military forces. For it is, of course, to serve our international policy that we create military forces, however often it may seem that the relationship is reversed.

To be sure, there has been a certain amount of verbal change in our declaratory policy. But if we turn from declaratory policy to the hard facts of budgets and forces, we find incredibly little change. Measured by its own sound maxim—watch what we do, not what we say—the present Administration's defense policies seem all but oblivious to the great changes taking place in the world around us.

Despite these changes and the much-advertised winding down of American involvement in Viet Nam, we are being asked to spend more, not less, on military force. The Department of Defense budget requested by the President for Fiscal 1974—that is the year we are now in—is $4.1 billion more than we spent in 1973 and that expenditure was, in turn, $3.2 billion more than in 1972. Even taking price changes fully into account, spending on non-Viet Nam military forces will increase by $3.4 billion from 1973 through 1974, if the Administration's proposals are approved by Congress.

This is in sharp contrast to past post-war budgets. Following the second World War, by the year 1947, the defense budget was less than 10 per cent of its wartime high. After Korea, defense spending fell in two years to just 45 percent of its Korean peak in 1952. In the present post-Viet Nam case, there were, to be sure, small reductions from the years of very high levels of combat activity in Viet Nam. But the basic pattern, fixed early in the process of reducing direct combat expenses in Viet Nam, has been to maintain real defense spending at a relatively constant level.

Even this "level budget" policy cannot long continue, unless we change the policies on force size, manpower, and procurement which underlie the present budget. The current budget includes plans to buy weapons and maintain forces whose increase in costs in the rest of this decade can be fairly readily measured.

The estimates of the cost of staying on our present course are staggering. The 1974 budget projects a further $4.6 billion increase in the national defense budget for next year.

The Brookings Institution in its analysis of the 1974 budget offers a longer-term projection. It estimates that maintaining current defense policies will require that we increase the defense budget from the $85 billion requested for Fiscal 1974 to almost $100 billion in Fiscal 1980. And that is without making any allowance for increases in price, which, according to the same analysis, would mean the $100 billion mark would be passed in 1977 and we would have a $114 billion budget in 1980.

Thus, we face a paradox of an increasing budget for military purposes in a world in which all the political signs point to contingencies calling for U.S. military action being less rather than more. This paradox cannot be explained by any restructuring in our forces to meet the new situation. Instead, the $85 billion request of the Administration is to support forces of essentially the same size and type as (though in most cases far more powerful than) those maintained by the United States in the early to middle 1960's, when political conditions were radically different.

To be specific:

Our strategic forces in 1974 will be essentially identical in numbers of vehicles to those of 1964, except for the retirement of some older bombers and the completion of some missiles and submarines under construction in 1964. The effective striking power of those forces has, of course, been multiplied several times in the interim by the introduction of multiple warheads.

Our tactical air forces have remained at only slightly below the 1964 levels, with 2,800 aircraft in all services as against 3,000 in that year. But simply counting aircraft or squadrons ignores the fact that the improvements in the new aircraft which have come into service in the interval have greatly increased the capability of the force as a whole.

Our naval forces continue to be centered around aircraft carriers. Again, although there is a reduction from the 15 attack carriers maintained in 1964 to 13 now, the newer units are more capable than those they replaced. The number of ships in the fleet is substantially reduced, but the force as a whole is much newer and more capable.

Similarly, with ground forces, there has been but a modest reduction from the 1964 figure of 19⅓ divisions to the present 16 divisions with a considerable buildup of firepower and mobility.

Moreover, the missions assigned these forces are essentially the same as those assigned to forces in 1964. The Air Force is designed to conduct deep interdiction of enemy supply routes as part of a prolonged war in Europe or on the Asian continent. The Navy is planned on the assumption it must be ready to fight a sustained antisubmarine effort in the North Atlantic and, with its carrier aircraft, to provide interdiction, air superiority, and ground support for sustained combat ashore. The Army and Marines are to be prepared to sustain a long war in Europe, and, to judge from their deployment and numbers, also to be prepared to fight directly on the Asian continent.

Is it not clear that today we simply do not need all the military forces which we now maintain? As I have suggested, we are maintaining in 1973, in the face of substantially reduced international tensions and substantially consolidated U.S. international objectives, practically as large a force as we did in 1964 when the global confrontation seemed to be much sharper and America's goals much more ambitious. It should be noted that 1964, the last pre-Viet Nam year, marked a post-Korea high.

What kind of forces would the Administration be asking the American people and the economy to support if international relations had remained essentially the same? And what would we be told we required if relations with China and the Soviet Union had worsened?

It must be recognized that, to a degree, our forces and our defense policies are functions of tradition and bureaucratic pressures as well as products of analysis of our interests and the forces we need to protect them. To the degree that this is true, it makes it all the clearer that something is gravely wrong.

For, if we consider our international policy and not bureaucratic politics, our present situation is truly inexplicable.

Why, in the changed world situation which President Nixon has called an era of negotiation, do we still need—and why should the American people be asked to support—the military establishment which was created for an era of confrontation?

After Viet Nam, do we really want the military forces we now maintain to fight a land war in Asia?

With the profound changes in relationships between the two parts of Europe, do we really need an Army, Navy and Air Force structured around a mission of sustaining a long conventional land war in Europe? Incidentally, this question is made all the more pointed by the fact that neither the Soviets nor their allies, nor our own NATO allies, appear to believe sufficiently in the likelihood of such a contingency to design their forces for it. All other forces in Europe appear quite clearly to expect a short, intense conflict, if there is one.

Why, given our recognition of the inadvisability of military intervention in marginal conflicts, do we need a military force with the capability of intervening on a massive scale anywhere in the world with carrier air, land-based tactical air, and ground troops?

We need a fundamental re-examination of our defense policies and the missions for our forces.

There are, of course, substantial savings that can be made simply from greater efficiencies, especially in the use of manpower, in curtailing our military establishment's propensity for overly complex multi-purpose weapons systems, and in avoiding procurement of strategic nuclear weapons which actually diminish our security by decreasing mutual stability. However, to bring our defense budgets into line with our foreign policies and our national interests, we cannot avoid a fundamental re-examination of the missions of our military forces.

What military missions make sense in this decade of the twentieth century?

First, of course, the defense of the United States itself. Indeed, it is a striking measure of how large our defense establishment has become to consider what would be necessary if this were the only mission we now assigned our military forces—as, of course, it was for all but about the last 30 years of our nation's history. Adequate for that mission would be an invulnerable nuclear deterrent and minimum conventional forces, all of which would cost perhaps one-third of our current defense budget.

However, we must recognize that, while there have been important changes in the world, there are still many elements of tension and potential conflicts between the Soviet Union, and to a lesser extent, China on the one hand and, on the other, nations whose independence is a direct and vital national interest of the United States. For this reason, we do indeed need the military forces necessary to support international commitments jointly agreed upon by the Congress and the President as genuinely serving our vital interests.

In strategic forces, we need a secure and stable nuclear deterrent, that is, a force such that any political attacker would recognize that enough U.S. forces would survive and be used after an all-out surprise attack utterly to destroy the society of the attacker.

In planning a new national defense policy that takes account of our national interests as they now exist, we must also recognize that there are limits to what we can afford to spend on defense even in this rich, though currently troubled, economy. A dramatic example of how heavy a burden our people have had to bear for arms is the following. In the last ten years, individual income taxes on all Americans have totaled $790 billion. During that same ten years, spending on defense has totaled $760 billion. That is, virtually the entire revenue of the individual income tax has been devoted to defense spending. As we continue a chronic inflation at home, and as international confidence in the American economy declines, these economic factors assume increased relevance.

Particularly in these days when "national security" is being used to justify things far worse than inflated defense budgets, we must give new thought to what real national security means.

Finally, it seems to me appropriate to establish certain negative goals as well as affirmative ones, that is, to say what we do *not* need our military forces to be able to do. We do *not* need to exceed our potential opponents in every possible category merely to avoid the supposed stigma of not being "number one" in everything. We do *not* need the capability for general intervention everywhere in the world. We do *not* need to buy forces necessary only for contingencies which are not only remote—such as the so-called war at sea or a long conventional war in Europe—but which would never occur without advance warning, far in evidence, by a radical change in the political setting.

With respect to strategic forces as well, negative goals may be as important as affirmative missions. We need, as the President has said, sufficiency; we need *not* be concerned about disparities in crude force levels or destructive power which in Churchill's haunting phrase would only "make the rubble bounce." We must *not* construct systems which,, sometimes in the name of accumulating "bargaining chips," make negotiations on arms control more difficult by creating powerful vested constituencies for the preservation of weapons. Also, we must recognize that for all their terrible destructiveness, the political and military use of nuclear weapons is quite limited, namely the deterrence of their use by others.

The recent Pentagon announcement that the Soviets have now tested MIRV's, the Multiple Independently-targettable Reentry Vehicle, does not change the basic facts of the nuclear stalemate. The only surprise about the Soviet development is that it has taken so long in coming. When I was in the Pentagon, five years ago, it was anticipated that the Soviets would develop, within a couple of years, the capacity to deploy on its missiles multiple warheads that were capable of being aimed separately at different targets. We had, at that time, already tested MIRV's of our own, and we have now deployed them on hundreds of our land-based and submarine-launched ballistic missiles.

We continue to retain a large lead in numbers of warheads. But the Soviet Union has the capability today of destroying our society, without its new MIRVs, even if the United States were to attempt a first strike. No matter how many or how large the missiles that the Soviet Union might equip with multiple warheads, we would still have the ability to retaliate and destroy Soviet society even after an all-out attack.

Accordingly, all that the Soviet MIRV development should mean is that both sides should pursue as a matter of priority the efforts at SALT II to place effective controls on further accumulation of unnecessary, immensely expensive and desperately dangerous nuclear weapons.

These principles, presenting the reasons for our military forces, demonstrate vividly that substantial cuts can be made in the defense budget and in the forces it sustains. Such changes will make our military posture reflect the changes in the world and the changes in our national policies. The changes will leave us with a military force fully adequate for our own defense and for carrying out commitments to our allies, but they will permit us to do so at a cost that our economy and our health, as a society, can far better sustain.

I believe it is a mistake to plan our military expenditures for one year only, on a year to year basis. An area of expense that constitutes over fifty per cent of our total budget deserves better planning than that.

If the Administration's requests for new weapons and for its building and manpower programs were to be granted, it is estimated that the defense budget would continue to increase yearly, to a figure of over $100 billion. I consider this an outrageous burden for our country to carry. Instead of defense expenditures going up each year, they should be coming down.

I do not favor a large cut in one year in the defense budget. I believe it would be better to make smaller reductions but to continue such cuts over a period of years. This plan would have less impact on our domestic economy, upon employment in defense industries and upon the attitude of other countries.

I would like to cut the defense budget in Fiscal 1974 from the proposed figure of $85 billion to $81 billion. Next year, I would favor a further cut to $77 billion. Then, in the following year, Fiscal 1976, cut to $73 billion. From then on, starting with Fiscal 1977, I would stabilize the budget at $69 billion.

This approach would contrast with budgets which could otherwise be expected, under present policies, to be $85 billion for 1974, and to reach more than $93 billion for 1978.

In this period of time, therefore, under the plan I recommend, we would, in round numbers, go from a current budget of $85 billion to $70 billion a year in 1978, instead of going from $85 billion to $95 billion in the same period. Thus, the total savings over the five fiscal years would be an impressive figure of $80 billion. The saving thus effected is computed in current dollars. If one anticipates continuing inflation, the saving would be substantially greater.

There is not sufficient time on an occasion such as this to present in detail each specific cut which I believe ought to be made to accomplish this objective. There has been developed in recent years a number of extremely well-informed critiques of the official proposals, with comprehensive suggestions for bringing specific items in our military forces in line with current realities and policies. However, it is appropriate to indicate some general areas in which changes should be made.

The substantial ground and air forces earmarked for operations in Asia can be greatly cut back or eliminated, since we clearly do not need or want, as a nation, to pursue political policies which would make it necessary to use military force in that way. As a first step, the U.S. division still in Korea should be withdrawn and demobilized.

We should start bringing troops back from Europe now. We can do this without destroying the NATO alliance and, indeed, without compromising the principle, which I fully support, that the highest priority for our conventional forces is the contribution they make to presenting a credible conventional defense in Europe. Indeed, by abandoning the "long war" premise, and configuring our NATO force recognizing that in the unlikely event of a conventional war in Europe, it will be a short one, we could actually have a stronger NATO conventional capability at lower costs and troop levels.

Making the changes to bring our NATO force up to date will not, as is so often claimed, foredoom the negotiations on mutual and balanced force reductions in Europe which are now beginning. Those talks are certain to be long and not unlikely to be ultimately unproductive. Therefore, we must not delay the steps we need to take in our own national interests to preserve "bargaining chips" for them. But, I believe, carefully planned U.S. withdrawals and restructuring of our NATO forces could actually increase the favorable prospects for those negotiations. International arms control negotiations are not fully understood by drawing analogies to poker tables. In fact, unilateral signs of restraint, far from vitiating the prospects of negotiated restraint on the other side may, by indicating seriousness of purpose, actually make the agreements easier to reach.

Similarly, we must not be deluded, in the cause of gathering "bargaining chips" for further rounds of the SALT talks, into buying strategic weapons we do not need and which could actually jeopardize our security by contributing to nuclear instability. If such programs are truly "throw-aways" for bargaining purposes, the Soviet negotiators can be expected to understand that. If, as it seems more likely, they have powerful bureaucratic backers, taking the first step now is likely simply to create a constituency for insisting that the right to build these systems be protected in any future negotiation.

Many of our current weapons programs not only are inordinately complex and expensive, but they represent little, if any, real advance over existing systems which will be adequate for years to come.

I am by no means calling for across-the-board cuts in every category of our military program. Precisely because I believe that forces in being should be sharply cut, I urge the importance of keeping up an active and imaginative research and development program to provide us with the technological base we would need for adjustment to future changes in the international situation. Similarly, if we adopt a military policy which takes better account of the international political situation and which accepts the fact that we cannot afford to hedge heavily against all possible contingencies, it becomes all the more important to have an efficient—and honest—intelligence-gathering system.

In any discussion of American defense policy for the future, it is impossible to ignore problems of more efficient use of manpower. Manpower has been a steadily increasing element in the defense budget. Some 58 percent of the defense dollar now goes for pay and allowances for military personnel.

Consider the following facts: There are more three and four star generals today than at the end of World War II, when the military establishment was four times as large; twenty-five years ago, the Army had seven recruits for each sergeant, today there are more sergeants than recruits; twenty-five years ago, more than half of our officers were below the grade of captain, today two-thirds of our officers are captains or higher. With a total defense establishment of 315,000 men less than in 1948, we now have 26,000 more captains, 21,000 more majors, 15,000 more lieutenant colonels, and 4,000 more colonels.

The most fundamental decision on military manpower made in recent years has been the adoption of the all-volunteer force concept. That some alternative to the inequities and irrationalities of the old draft was needed, few would dispute.

But that the volunteer army is an equitable or a workable solution seems equally doubtful. It is proving extremely expensive, not merely in pay but in accumulated pension obligations for the future. Further, as enlistments fall short of goals in both numbers and quality, one may fairly ask whether a volunteer system is likely to produce the large number of technically talented personnel needed in the increasingly technological military establishment.

Finally, the volunteer army concept rests upon negation of a principle which I believe remains valid even under today's changed conditions—that a free society can properly call on its citizens to perform military service and to have military training. Indeed, an all-volunteer army appears to be a way of institutionalizing the worst feature of the old military draft, that is, concentrating military service and its burdens and risks among citizens with lower incomes.

As we adjust our defense policy to new conditions, I believe we must start now to explore what we will put in the place of the volunteer army system if, as I believe, that system proves itself to be unworkable and unacceptable. In that consideration, the concept of universal national service whereby all young men and women would give a year of service to their country, either in the military or in assigned civilian jobs in the areas of their background and competence, ought, I believe, to receive the highest attention.

In sum, I believe that the changed world calls for a changed defense policy and a changed defense budget. Of course, it will always be said that the uncertainties of any change are so great that only the most trivial adjustments can safely be made. But with the profound changes on the international scene, if we cannot begin now to reduce our defense budget, rather than continuing to increase it, when will we ever be able to do so? Will we have to wait until we really reach a $100 billion defense budget, and even higher, before we take a serious look at where we are and where we are going?

It is argued in many circles that the defense budget must be cut in order to free funds for domestic programs. I would not cast the argument in those terms. For the reasons I have stated, I believe the defense budget should be cut to bring our military policy in line with our foreign policy and international reality. I do not necessarily propose that the funds thus saved would automatically be expended in other parts of the federal budget. Indeed, I suggest that a high national priority now is to get our own given the heavy inflationary pressures in this country, putting a stop to the budget deficits to which defense spending makes so large a contribution. In the years since 1969, the total United States deficit has been $74 billion. Is it any wonder that with these deficits, combined with a serious inflation, there has been a decline in international confidence in the dollar and in the American economy in general? Unnecessary, profligate defense spending and maintenance of unnecessary overseas military establishments has contributed importantly to this loss of confidence in America's financial integrity, both directly and through its contributions to the unacceptable budget deficits of recent years.

Our true national security resides in something more than overblown military forces and hardware. It rests, more basically, on the ability of our society to maintain a sound, productive and growing economy. Today we are deeply troubled by a damaging and unabated inflation, a deterioration in our balance of trade and our balance of payments which, in turn, lead to an increasing lack of confidence in the dollar.

We have the undoubted power to destroy all the countries of the world. But our present inability to control our own economic destiny threatens to deprive us of any genuine influence in world affairs. If we allow this to occur, we will indeed have become, in President Nixon's imagery, a "pitiful, stumbling giant."

In sum, for a defense posture for an era of negotiation, not confrontation, I offer a different concept of the policies and missions our military forces are to perform. The premises on which these proposals are based would maintain fully adequate forces to defend our country and to carry out our basic international commitments.

A study of the rise and fall of great nations discloses that their decline was not due to a reduction in their military strength, but to a loss of confidence of their own people in their government and in the economy. Our most important problems today are internal ones.

We must place the issue of defense policy in its proper perspective, and let us get on with the task of developing once again the moral fibre and economic strength and opportunity that made the United States the hope of the world.

SENATOR HELMS SALUTES ANNIVERSARY OF FOUNDING OF REAL REPUBLIC OF CHINA

Mr. HELMS. Mr. President, can you imagine a situation in which a President of the United States or the chairman of the political party in power would declare that the American people could no longer celebrate Independence Day, July 4, but only the date on which the party in power at the moment took office?

That is precisely the situation in mainland China today as we observe today this "double-ten" anniversary of the founding of the Republic of China on the 10th day of the 10th month in 1911. Dr. Sun Yat-sen proclaimed China to be an independent democracy on October 10, 1911, and the still free Chinese living beyond the reaches of Mao Tse-tung's tyranny cherish this date every autumn. But not so on the mainland

where the "national" holiday under the Communists is October 1 because that was the day in 1949 when Mao proclaimed the Red victory in grabbing control of the Chinese people for his revolution.

Peking, of course, pays lip service to Dr. Sun but they are not about to honor him on the anniversary of his great accomplishment in behalf of liberating the Chinese people from centuries of imperial rule. After all, what is Mao Tsetung if not another despot in the mold of today's Communist imperialism? Only the free Republic of China and the millions of overseas Chinese who revere the "father" of their country Sun Yat-sen, as we revere George Washington, will celebrate this October 10 for the freedom it extended to the people of China. In millions of hearts on the mainland, I suspect, there is sympathy and appreciation for Dr. Sun's accomplishments but if Mao's regime ever hears about it, the individuals responsible for such sentiments will be quickly liquidated, publicly disgraced, or otherwise trampled upon as reactionary.

Therefore, let us in the Senate of these United States give thanks that not only are we permitted to celebrate our own glorious founding on the Fourth of July each year, but that we may also pay our respects to the anniversary of the founding of the Republic of China on October 10 without regard to whether Mao likes it or not.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in 1970 the Committee on Foreign Relations issued a report on the Genocide Convention. In its evaluation of the arguments marshalled by critics of this treaty, the committee concluded that their objections were without merit. Senator CHURCH, the author of the report, emphasized several points that deserve reiteration.

Undoubtedly, the biggest problem that he discovered was the serious misconceptions regarding the scope of the treaty. The critics continually based their objections on areas that were totally untouched by this treaty. He notes that the treaty does not apply to racial slurs or insults, discrimination or the like. Neither does it apply to actions taken in the past. It also has no effect on the rules for war or the Geneva Conventions which protect the rights of prisoners and civilian persons.

The treaty does, however, have a legal and psychological impact. On the one hand, it furthers the development of international law by firmly placing the international community on record as opposing this heinous crime. On the other hand, it reaffirms our traditional support for the protection of human rights. Quite frankly, Mr. President, it has been an acute embarrassment for our diplomatic service to explain our hesitance to sign this treaty. It has confused our friends and delighted our enemies. Prompt ratification would resolve this anomaly.

Mr. President, the views expressed by the committee deserve reexamination and endorsement. I ask unanimous consent that the conclusion of the committee's report be printed in the RECORD.

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

CONCLUSIONS

Genocide has become a word in altogether too common usage. The committee therefore has been careful in this report to narrow its meaning and not to overstate the scope of the convention. We have been concerned largely with describing what it does not do. We find no substantial merit in the arguments against the convention.

Indeed, there is a note of fear behind most arguments—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people don't trust ourselves and our society. The rhetoric of the opponents, and to a degree the proponents, has obscured what a modest step the convention represents.

Philosophical, moral, and constitutional questions have been raised which go far beyond this modest step and probe man's relationship to his fellow man and the responsibilities of governments to protect the rights of their citizens. These questions appear inherent in the area of human rights treaties and legislation, and it is good that they are raised, because they serve to lift our sights to what is really at issue here, an attempt to curb the excesses of mankind. As our planet becomes more crowded, man's behavior towards his fellows must be governed by standards ever higher and more humane. This treaty seeks to set a higher standard, of international morality and should be judged on that basis.

This higher plane of viewing the convention is suggested in the following statements of our Presidents:

The words of President Truman in submitting the Genocide Convention in 1949 still hold true:

By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

The words of President Kennedy, in submitting three related human rights treaties, also apply:

The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations. * * * There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

And finally, the committee concurs with the words of President Nixon:

I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.

The committee, therefore, earnestly recommends to the Senate that, subject to the understandings and declarations, the Senate give its advice and consent to ratification of the Genocide Convention by an overwhelming vote. Respect for the feelings of mankind, expressed by the 76 ratifications to date, should lead to no less.

AGRICULTURE WEEK

Mr. DOLE. Mr. President, yesterday with Senator HUMPHREY I introduced a joint resolution declaring the last full week of March to be Agriculture Week. This legislation is a tribute to a group of people—few in number—who have done so much to make this country great. Without the farmers, their families and their employees, this country could not possibly feed the millions of people in our urban areas and the millions of hungry people overseas. The men and women of agriculture are deserving of the special recognition which this resolution provides.

The hard-working, fiercely independent, proud American farmers have been steadily decreasing in number over the years. At the same time, however, they have become proportionally even more productive. In the 1950's one farmworker supplied an average of 16 people with food. Now he produces enough for 51 individuals. Output per man-hour on farms is 3.1 times higher than 20 years ago. In manufacturing industries, output per man-hour has increased 1.7 times for the same time period.

For his efforts to improve his farming quality and efficiency, the farmer at least deserves to be understood. In these times when some consumers complain of higher food prices, it is important to understand the difficulties and risks farmers face in trying to raise better and cheaper products.

TOUGH INDIVIDUALS

It takes a special breed to run a farm. In times of disaster when floods have washed away his crops or his fields have dried up in a drought, the farmer has struggled to get back on his feet and start farming again, when men of lesser character might have given up. When the bottom has fallen out of prices, the farmer has kept going when even a small profit would have seemed welcome.

It takes a well-developed toughness to cope with the risks a farmer faces every year. The average farm value is over $102,000. This investment is put on the line with every crop. It takes tractors, trucks, and combines that come with five-figure price tags. Yet in a manner of minutes, a carefully tended crop can go up in smoke or be ruined by hail and wind. But the farmer still must pay his equipment loans. It is no exaggeration that the farmer may be among the greatest gamblers in the world. He has to be tough to take it. Thank God, I say, because we certainly could not do without him.

INCREASED OUTPUT

Americans should not take for granted that they have the best and most reliable food supply in the world. Farmers and ranchers in a single year market about 11 million sheep and lambs, 39 million beef cattle and calves, 88 million hogs, 120 million turkeys, and 3 billion broilers. They also sell 72 billion eggs and 115 billion pounds of milk. Nearly 3.2 million farm people and over 1 million hired workers are involved in producing our vital farm commodities which have a value of about $66 billion annually.

In recent years the farmer has had another vital role due to the worldwide demand for his production. Farm exports reached a record $12.9 billion in fiscal 1973, including well over $4 billion worth of food to foreign consumers.

The sale of U.S. agricultural products abroad is helping to prop up the American dollar, making it possible for Americans to buy the fuel they need from overseas, as well as the radios and cars and cameras they want in their pursuit of a good life. This contribution to the American way of life goes far beyond the supplying of food and fiber to his fellow Americans. The farmer is making a major contribution to our country's balance of trade—at a time when a favorable balance is desperately needed.

CONTRIBUTION TO COUNTRY

Still, the hard-working farmer contributes even more to our society than food, fiber, and a favorable balance of trade. He provides jobs far beyond his fields and feedlots, influencing nearly every aspect of American life.

The total food assembly line—farmer to consumer—is the Nation's biggest business. Employing 13 million people, it accounts for more than one-tenth of the total value of goods and services produced in the United States. One out of every seven workers makes his living on the food assembly line.

Another nearly 2 million people work in industries supplying goods and services farmers need. Farmers spend over $47 billion a year for machines, chemicals, fertilizers, animal feeds, petroleum products, interest on loans, labor, and a wide variety of other goods and services needed for agricultural production.

They spend another $16 billion buying the same kind of things city people buy.

Along America's food assembly line are a million firms which grade, store, process, manufacture, package, and distribute foods. There are 10,000 grain elevators, hundreds of cold-storage warehouses and stockyards, and 23,000 processing firms employing about 1½ million people. Some 300,000 retail foodstores with almost 1½ million workers serve to fill the Nation's grocery needs.

FARMER'S GENIUS

The genius of the American farmer in providing for his fellow Americans and the world in the most efficient way possible is the essence of the American success story. Less-developed countries have a high proportion of their population involved in supplying their basic requirements for food. Because of the U.S. farmer's ability and efficiency, 96 percent of our people have been freed to build the consumer and industrial products that provide today's high standard of living.

The American farmer deserves our respect and understanding. He faces pressures unlike those in any other industry and yet has done a superior job in fulfilling our needs. He deserves a tribute, and "Agriculture Week" is dedicated to this purpose.

Mr. President, I ask unanimous consent to have the joint resolution printed in the RECORD.

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

S.J. RES. 163

Whereas American agriculture has provided the American consumer with the greatest variety and highest quality food available to the citizens of any nation in the world.

Whereas the continued vitality of American agriculture is essential to the expansion of food and fiber production required to meet the growing needs of an ever increasing and more affluent world population;

Whereas this food and fiber production of America's farm is essential in keeping domestic and international supply and demand in balance and thereby combatting inflation;

Whereas the production of our Nation's farms is of singular importance to U.S. exports and the Balance-of-Payments and provides the margin of resources with which to purchase supplies from abroad to meet our critical energy demand;

Whereas the American family farm has been recognized around the world as an extremely efficient unit of production;

Whereas American agriculture, utilizing modern science and technology, has developed superior farming methods leading to increased productivity and improved quality of farm products; and

Whereas it is appropriate to establish one week each year during which citizens can pause and reflect upon the contributions of agriculture to the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the last full week in March of each year "National Agriculture Week" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

LAND OF PLENTY

Mr. CLARK. Mr. President, ever since the dark days of the 1930's, the Federal Government has restricted our agricultural output. But surpluses continued to grow despite a systematic payment of farm subsidies designed to discourage the production of certain crops at certain times. Times have changed—and quickly. One need only note the roller-coaster ride of the wholesale price index of the past couple of months: the largest increase in 17 years was registered in the month of August, followed in September by the largest decrease in 25 years.

Much of this uncertainty can be directly traced to the failure of the administration's economic policies in general and farm policies in particular. Despite the knowledge of the massive wheat sale to the Soviet Union—and the obvious impact that sale would have on the domestic demand for food products—the administration nevertheless restricted acreage and production for 1972. Then, in an attempt to lower food prices, it reacted by imposing a freeze which was inequitable to consumers and farmers alike and only had caused food shortages.

But the changes reflect far more than just these short-term failures.

Mr. President, today we stand on the brink of a revolutionary era which will have profound implications for years to come. Internal and external structural changes in the agricultural industry are slowly leading to fundamental, long-term shift in agricultural policy which will have an immense impact on our entire economy.

An article in yesterday's Wall Street Journal notes that the Nation's farmers have increased their acreage in production this year by more than 24 million over 1972, and they are expected to plant some 10 to 12 million more next year. This would amount to approximately 343 million acres in production for the 1974 harvest—the most land under cultivation since 1956 and a 12 percent hike over the last 2 years.

This state of affairs will undoubtedly be with us for some time. The world need for food is coming into sharper focus than ever before, for example, while the world's current population stands at 3.7 billion, expected to double by the year 2007, the world's food production has managed to increase by just 1 percent over each of the past 2 years. Population is outstripping food production, and if we are not careful we are going to make a prophet out of Malthus and his prediction of man's demise by starvation.

The farm bill recently passed by the Congress supplies the Secretary of Agriculture with the food-intelligence mechanisms necessary to estimate both domestic and world food demand to implement a sound farm program. I hope the administration will recognize the economic signposts in the future better than in the past and that it understands the significance of this profound shift in agricultural policies dictated by today's needs. Toward that end I would like to draw to the attention of my colleagues a particularly perceptive article in yesterday's Wall Street Journal noting the turnabout in the agriculture picture today and the problems that it raises. I ask unanimous consent that the article be printed in the RECORD following my remarks.

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

LAND OF PLENTY: THE QUICK TURNAROUND IN AGRICULTURE PICTURE BROUGHT JOYS, WOES

(By John A. Prestbo)

The farm boom came quickly, like a sudden, summer thunderstorm.

Only two year ago, the nagging "farm problem" was how to control the potent productive capacity of U.S. agriculture. The government paid farmers not to plant certain crops, but still surpluses piled up. Food prices were relatively reasonable, but taxpayers were burdened with billions of dollars in subsidy payments, which many farmers depended upon to stay in business.

All that changed quickly in the summer of 1972, when the size of the Soviet Union's massive purchases of U.S. grain became known. With increasing orders from Europe, Japan and other countries, the nation almost overnight found itself with a farm export business big enough to choke its transportation system. Within a year, the U.S. practically ran out of soybeans, so the government limited exports temporarily. Other foodstuffs came into short supply, too, and food prices rose dizzyingly through this past summer. The "farm problem" became how to increase production fast enough to keep up with demand.

Prices have eased a bit lately, but another wave of climbing food costs is predicted for this winter. The whole posture of U.S. agriculture has changed from surplus to scarcity in the most wrenching turnabout in recent memory. The farm boom of the mid-1960s—which also was based in large part on surging overseas demand—didn't stir so much controversy or so forcefully touch the lives of virtually every citizen.

THE IMPACT

Consider the impact the farm boom is having:

The Agriculture Department has switched

from curtailing production to encouraging it. Next year, for the first time in four decades, farmers won't have to set aside any of their land to qualify for government subsidy programs. And with prices far above federal floors, the government is expected to spend "just a few million" dollars on farm subsidy programs in fiscal 1974, an Agriculture Department spokesman says, down from $4 billion to $5 billion in recent years.

Farmers planted about 24 million more acres this year than in 1972, and next year they are expected to plant an additional 10 million to 12 million. That would put about 343 million acres into production for the 1974 harvest, which would be the most land under cultivation in the U.S. since 1956 and a 12% increase in two years.

Partly because of this added acreage, and partly because of the higher prices they are getting for their products, farmers are buying tremendous amounts of new equipment, more fertilizer and other supplies. This has a ripple effect throughout the economy, stretching back to such basic industries as steel, rubber, petroleum and chemicals. County-seat towns, which are the primary trading centers for many farmers, are luxuriating in a buying bonanza brought about by a predicted 22% increase in net farm income this year to a record $24 billion.

Exports of farm products soared 60% to $12.9 billion in the fiscal year ended June 30, and this total could rise to $18 billion in the next few years. That would be a boost for the U.S. trade balance, which already is considerably improved because of the farm boom. Exports help the domestic economy, too. The government figures some 5,000 jobs are created to handle each $100 million of grain exports and about 4,200 jobs for each $100 million of soybeans shipped overseas.

THE TOLL

All this exacts a toll, of course. As farmers watched prices for feed grains and wheat more than double and prices for live cattle rise 55% during the year, consumers faced across-the-market increases at retail—milk up nearly 20 cents a gallon in some cities, bread up as much as 15 cents a loaf, and the average price of beef up about 30 cents a pound.

In all, retail food prices skyrocketed 17.6% from January through August, as measured by the consumer price index. Besides wrecking family budgets, the record boosts spawned two consumer protests—an organized boycott in the spring and, more surprising, a spontaneous spurning of high-priced meat and eggs in late summer.

Unhappy consumers increased their political pressure as fast as prices climbed. President Nixon responded by clamping price ceilings on foods, which in some cases froze prices below the cost of production and processing. Many food-processing companies closed for several weeks, which brought about shortages of some items during the summer. Ceilings were lifted on beef prices Sept. 10, and now food is subject to the same general Phase 4 controls that other products are.

Political pressure is taking other turns, too. Some congressional groups are looking into commodity futures trading to see if excessive speculation helped push food prices higher than they otherwise would have gone. Other Capitol Hill probers are trying to determine if big grain-export firms obtained advance information of the 1972 Russian grain purchases or if they unduly profited from the deals at consumers' expense.

The widest field of inquiry, however, concerns how long the farm boom will last. The mid-1960s boom lasted only a couple of years, and some experts, such as agricultural economist D. Gale Johnson at the University of Chicago, thinks the boom will fizzle in 1975 or 1976 at the latest.

"A highly unusual combination of circumstances contributed to this boom—bad weather in many parts of the world, a falloff in anchovy fishing on the Peruvian coast (which increased world-wide demand for soybean meal to feed livestock) and a couple of dollar devaluations, which made U.S. farm products suddenly quite attractive to countries looking around for food supplies. Eventually these abnormal conditions are going to right themselves, and when they do we can expect to return to a more normal situation of ample supplies and lower prices," he says.

To be sure, the countries that have been bidding up prices for U.S. footstuffs are doing what they can to increase their own production sharply during this coming crop season, which begins shortly in the Southern Hemisphere. If the weather is favorable, the yields from this increased acreage would substantially lessen export demand for U.S. crops. As a result, prices probably would fall and more produce would be available for domestic consumption.

A NEW ERA?

On the other hand, some experts are proclaiming the dawning of a new era of agriculture in which export demand is a strong, stable factor rather than a fluctuating one. "We're on the threshold of the greatest age of agriculture that this country has ever known," says John M. Troman, president of the American National Cattlemen's Association.

There is evidence to support this theory, too. For one thing, the Nixon administration is adopting agriculture as one of its main bargaining points in diplomatic and trade negotiations. As the U.S. presses this strength in its foreign dealings, the new-era proponents argue, exports will increase. They think that Russia, China and other Communist countries could join Japan as steady U.S. farm customers.

Moreover, economist Lester R. Brown, senior fellow of the Overseas Development Council, contends that not all the world's underproduction problems can be cured by a spell of good weather. He cites reports and studies showing that, for instance, the Peruvan anchovies have been overfished and supplies may not return to normal for several years; that sub-Saharan Africa is being so overpopulated with people and cattle that the land is wearing out fast; and that accelerating deforestation in India is increasing the chances of crop-devastating floods, such as occurred this year.

"These situations are undermining the world's food-production capability, and they aren't being taken into account by a lot of economists who make projections," Mr. Brown asserts.

ORVILLE FREEMAN'S VIEWS

Still other experts take a middle position in predicting the course of the farm boom. Orville Freeman, former Secretary of Agriculture and now president of Business International Corp., a consulting firm, suggests this scenario: relatively short supplies and strong prices through 1975, followed by a return to ample production and a rebuilding of surpluses by 1977. But by 1980, he predicts, the trend will again reverse and food shortages will recur world-wide, perhaps in crisis proportions.

Mr. Freeman thinks U.S. farmers will greatly increase their acreage in the next couple of years, which will contribute to the temporary end of the boom. He contends, though, that if current trends continue in increasing world population (the present rate is about 80 million additional people each year) and rising standards of living (an annual 3% to 4% increase in gross national product for many developing countries), global food-production capacity could be strained severely within a decade.

The determining factor in all of these farm-boom forecasts is the weather, of course. World food stocks have been drastically reduced by about 18 months of highly unusual bad weather around the world—too little moisture here, too much there, too cold in some places and too hot in others. The principal exporting countries had only 100 million metric tons of grain on hand at the end of the 1972–73 season this past summer—the lowest grain reserve in 20 years (during which time world grain consumption has increased by 50%). The U.S. Agriculture Department predicts that global reserve stocks will decline 10% further by next summer.

Some grains are in even tighter supply. The International Wheat Council estimates that 59 million to 62 million tons of wheat are available for export this year, while import requirements range from 62 million to 65 million tons—a potential shortage of up to six million tons.

"We could have famine in many parts of the world next year if the weather is bad," Mr. Freeman says. The longer that bad weather lasts, the farther off is the day that U.S. agriculture might re-bury itself in surpluses.

RISING AFFLUENCE

At any rate, U.S. consumers will have to get used to spending a larger share of their disposable income for higher-priced food. The average in the U.S. is about 15% (though low-income families spend a far greater amount) compared with 25% to 30% in Europe. In several years, some experts warn, the U.S. average could climb closer to the European's.

A major reason for this prediction is increasing affluence, particularly overseas, which is accompanied by a growing taste for meat and less of a taste for rice, corn grits and other vegetable foods. This strains world agriculture even more because it takes three times as much agricultural resources to produce 10 grams of protein in the form of poultry meat as it does in the form of wheat flour; for beef and pork, the ratio is seven to one. The effect of this is to reduce potential supplies by lowering productivity while demand increases through population growth.

"If there is a culprit responsible for higher food prices, it isn't the farmer, middleman or supermarket executive," says Mr. Trotman, the cattlemen's group president. "It's the greater buying power of people, not only in the U.S. but all around the world."

Adds a government economist: "There are simply too many consumers in too many countries bidding for better diets to let world farm prices drop back to the levels that prevailed until the past two years."

FOOD FOR PEACE BUILDING THE FRAMEWORK FOR CONTINUED DEVELOPMENT

Mr. HUMPHREY. Mr. President, the concern for adequate supplies of food for peace commodities to meet the needs of the world's hungry and malnourished calls attention to the many other worthy aspects of this highly successful program. While one of the principal concerns of the food for peace program is to meet nutritional needs and assist in times of emergency, an often overlooked factor is the success of the program in its support of economic development efforts in developing nations.

While well-intentioned and articulate expressions of concern for hungry and malnutritioned children in a given country or area of the world are indispensable in calling attention to a critical problem, they do not, of course, assure the means to solve the problem. In such a case, the regular supply of food for peace commodities to a country or region not only does something about the immediate need by putting food in hungry bellies, but also helps to establish the administrative framework a developing country requires to evantually solve its own problems. The dedicated personnel of American Voluntary Agencies working overseas have long recognized that a successful feeding program must include a strong emphasis on such items as nutrition education, knowledge of proper dietary habits, support facilities, and above all, a realization on the part of the recipient country that it must devote its own time and resources to these matters. In many countries, these food for peace program efforts are helping to develop the mechanisms which will be the basis for these countries to respond to their own food and nutrition needs.

Food for peace, as I mentioned, is also an integral part of economic development. While the supply of food to unemployed workers through food for work creates employment, it is just as important to recognize that food for peace projects of this type are often components of larger development efforts, many of which are financed by the recipient countries themselves and are directed at expanding the countries' own ability to feed their people. These commodities are often the added ingredient that permits a country to extend its own resources and provide training to its own people in the vital areas of agricultural transportation, community development, rural development, and family planning.

In another context, the well-deserved publicity given to the food for peace program as an instrument of prompt U.S. assistance to other countries in times of emergency or disaster rarely notes what goes on behind the scenes. Every pound of food that is delivered to the victims of a drought, earthquake or flood depends upon a complex logistic and distribution system. What is especially noteworthy in these instances is not only the effort required to send food to an affected country, but also the special efforts made by local government officials, international organization officials, and U.S. voluntary agency personnel to insure that an effective and lasting system of relief administration is established. Often, one of the most important long-term benefits resulting from an emergency situation is the fact that a system is established within that government for dealing with emergencies in the future. In addition, the experience gained in distributing food in times of emergency has an added training value for the personnel and officials of developing countries who are interested in maintaining sustained feeding programs, such as school feeding or maternal and child health activities.

Mr. President, 20 years of experience with the food for peace program has provided an unprecedented wealth of knowledge that continues to grow and expand in usefulness to all of the world's people.

The program is a basis for extensive nutrition research, a proving ground for new and better U.S. commodities, the source of excellent information regarding food logistics, and the training arena for tens of thousands of developing country administrators.

Thus, the food for peace program does far more than simply send American food overseas. It is a catalyst for action-oriented food and nutrition programs, an important factor in economic development and developmental research, a mainstay of U.S. emergency relief, and an essential element of U.S. voluntarism abroad.

This program is unique in American history.

Therefore, it is a matter of great importance to our Nation and the world that we devote constant attention to the maintenance of the supplies that make this program possible. It is my intention to focus greater attention on the current commodity situation as it affects our food for peace programs. We must insure that adequate food reserves exist in this country and abroad, and in so doing, provide all of the people of the world with freedom from hunger and malnutrition.

BOOMING ECONOMY IN TAIWAN

Mr. DOMINICK. Mr. President, in 1965 the United States ceased direct economic aid to the Republic of China. In 1972, the Republic of China realized a $450 million trade surplus with the United States and the Taiwan Government was our 12th largest trading partner. On this 62d anniversary of the founding of the Republic of China, I would like to congratulate the 15 million people of that country for their extraordinary achievements and their dramatic progress in the face of the international uncertainties of the months since their Government lost its seat in the United Nations.

It is noteworthy that despite the fact that only one major power—the United States—now recognizes the Taiwan Government, the Republic of China has the highest rate of growth in foreign trade of any significant trading nation in the world, according to our own State Department economist in Taiwan.

In addition, the Republic of China is now embarked on its own "Buy American" campaign. In an effort to bring bilateral trade between the United States and the Republic of China more into balance, the Taiwan Government has instituted a program to buy more machinery, vehicles, steel products, et cetera, from us. They have removed restrictions on the import of foreign goods and have just concluded a number of long-term contracts to buy $800 million of American products over the next 3 years.

In my conversations with those who have visited Taiwan in the last year or so, the point that seems to be emphasized more than any other is the zeal and energy exhibited by all of the people—the enthusiasm for what they are doing and where they are going.

Mr. President, it is with a great deal of pride and respect that I offer my congratulations and best wishes to the people of the Republic of China and their government on this 62d anniversary of their founding, and I share the optimism for the future of this great friend and ally. To illustrate the progress being made in Taiwan, I have selected one of many articles and feature stories which have been written in recent months by reporters for all of the major U.S. newspapers and news services. This one, by Tillman Durdin, appeared in the New York Times. I commend it 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:

[From The New York Times, July 2, 1973]

TAIWAN IS BUOYED BY A BOOMING ECONOMY IN AN UNCERTAIN WORLD

(By Tillman Durdin)

TAIPEI, TAIWAN.—The stable and flourishing domestic situation on Taiwan is in marked contrast with the uncertain international future facing this subtropical island 120 miles off the China coast.

A cheerfulness, even euphoria, bred of a steadily rising standard of living pervades the predominantly youthful population of more than 15 million.

Expanding private and public construction is renovating cities, adding new factories every month and creating an impressive new array of highways, conventional and nuclear power stations, railways, ports and other utilities across the island.

With foreign trade regularly soaring to new heights, the whole economy is expanding by annual leaps of more than 11 per cent.

Despite heavy defense expenditures and a yearly population growth rate of almost 2 per cent, per capita income clims steadily. It has doubled to $400 annually in the last six years and should reach $1,000 in the next five.

POLITICAL TENSIONS REMAIN

Domestic conditions are not without political tensions and sectors of poverty but with Premier Chiang Ching-kuo now in the leadership role formerly exercised by his sick, incapacitated father, President Chiang Kai-shek, the Nationalist Government is today functioning more effectively and is more highly regarded by the people than at any time since it retreated from the China mainland in 1949.

Yet the Government is without membership in the United Nations or any other major international political grouping and is recognized by only one big power, the United States, and 36 countries in Latin America and Africa, slightly more than a quarter of the United Nations members. United States recognition, moreover, is compromised as Washington has exchanged liaison missions with the Peking Government, which now occupies the United Nations seat formerly held by Taipei, and is getting increasing acceptance and prestige around the world.

As long planned by his failing 86-year-old father, Chiang Ching-kuo has, at age 63, in-

herited his father's political power, which he yields as Premier, a position he assumed a year ago.

CRACKDOWN ON CORRUPTION

It has been a smooth transfer of power. The younger Mr. Chiang who over the years as chief of security, defense minister and deputy premier carefully saw to the appointment of reliable men in key Government, military and party posts, has now taken firm hold of affairs. Younger men have been favored and oldsters who formed a clique around the President eased aside. So far officers of the armed forces have accepted his leadership with good grace despite a 10 per cent cut ordered in the oversized 600,000-man defense forces.

Premier Chiang has improved the structure of the Government, cracked down on corruption, fostered measures facilitating domestic and foreign investment, encouraged private enterprise and given stronger emphasis than before to social welfare.

Many of his new appointees are graduates of American universities. Some have been called from professional posts in the United States. He has also put many Taiwanese into important positions in the Government and the ruling Kuomintang, or Nationalist party, apparently in the belief that the long-range future of Taiwan lies mainly with the majority, native-born Taiwanese, instead of those who came with the Government from the mainland.

He has also raised his standing with the ordinary people by visiting farmers, laborers and office workers and making frequent platform and television appearances. His Government still has secret police underpinnings, but he has considerably softened and liberalized it.

"Economically and in every other way Taiwan has proved its qualifications to be an independent state," said an important Taiwanese, "but we are pawns in a big game. Right now the old man and the young man [President Chiang and his son], Peking and Washington are all against it. So it's best we wait and see."

LIVING STANDARDS RAISED

By raising living standards Taiwan's remarkable economic growth has made a major contribution to defusing social and political dissatisfactions. At the same time the expansion is beginning to give Taiwan, with its big favorable balance of payments and a dollar so strong it was recently revalued upward, real strength in international affairs.

The gross national product this year will be around $8-billion and foreign trade, with exports heavily exceeding imports, will rise, on the basis of 1973 performance so far, by around 50 per cent and total almost as much as the entire G.N.P.

Trade with the United States alone reached $2-billion last year and this year may total $3-billion, with a surplus in Taiwan's favor of $1-billion. Textiles, millions of television sets and other electronic products, footwear, machinery, processed foods, plywood, fishery products, bicycles, sugar, pork and other items are pouring into world markets in ever-increasing volume.

"Taiwan is having the highest rate of growth in foreign trade of any significant trading nation in the world," says William B. Morrell, Jr., economic counselor of the United States Embassy here. "In the next ten years Taiwan will be among the first 15 trading nations and will move to sixth place, with a $6-billion two-way trade, in exchange with the U.S."

WAGES RISING STEADILY

Wages are rising steadily but so far industrious, low-cost labor combined with stable government, a generally high level of education, attractive investment laws and reasonable taxation have sparked the current expansion. Manufacturers are moving from light, labor-intensive to heavy, more technologically advanced, capital-intensive industries. An integrated million-tons-a-year steel mill, more petrochemical plants, enlarged shipbuilding facilities, automobile manufacturing and nuclear power plants are major new ventures already under way.

In its strategy for survival the Government is counting heavily on Taiwan's trade and growing economic potential. Hopes are that through building a social system, an economy and a world trade both big and successful, with foreign investors and entrepreneurs heavily involved, world nations will ultimately uphold Taiwan's right to remain outside Chinese Communist control.

So far, $350-million has already been invested here by major concerns, in electronics and other manufactures, and more is on the way. Americans are the biggest foreign investors in Taiwan, but the Japanese are not far behind and Europeans are becoming increasingly interested.

With armament and equipment being upgraded, the armed forces, despite manpower cuts, remain capable of making a strong defense of Taiwan, sufficient to give the militarily stronger Chinese Communists pause.

With this as the first string in the Nationalist bow and economic power the second, Nationalist leaders continue to regard Taiwan's potential for a separate existence as considerable.

PUBLICATION OF GUIDE FOR CLAIMS BY SMALL CONTRACTORS AGAINST GOVERNMENT

Mr. BIBLE. Mr. President, the subject of claims against the United States for purchases made from private contractors has been one of varying interest before the Congress for many years. Certainly, no segment of our business economy has a greater concern with this than the thousands of small businesses who sell goods and services to their Government every year.

Therefore, as chairman of the Senate Small Business Committee, may I advise my distinguished colleagues about the recent publication by our committee of a document, "A Primer on Government Contract Claims," which may interest your constituencies and your office staff members.

May I commend the dedicated work and interest of the distinguished Senator from Maine (Mr. HATHAWAY), who, as chairman of our Government Procurement Subcommittee, along with subcommittee members, has conducted hearings and investigative work in this area.

It was found that small business contractors would find helpful a brief but fairly comprehensive statement on the intricacies of the various procedures to be followed in this field. Hence this handy reference has been put together by our staff and includes the complete rules of 15 boards of contract appeals.

Small business is very much involved in the Government procurement program. Out of the recent total Federal expenditure of $60.5 billion in 1972, on Government procurement, small business contractors received $12.5 billion. Nevertheless, the small contractors, like their large counterparts, sometimes experience difficulties during the performance of the contract and must request additional moneys for what they believe to be justified causes. Thus knowledge of the claims procedures before the contracting officer, boards of contract appeals, and courts is essential. The importance of a guide in this field is self-evident.

With the recent recommendations of the Commission on Government Procurement, new interest and concern has been focused on claims procedures. The extent of the difficulties of the small contractor in the claims process has been documented and discussed in this publication. Many contractors do not have the time or the money to pursue their rights. And, worse still, they may not know what their rights are. Many times this promotes hostility and despair resulting in small businesses losing interest in contracting opportunities with the Government. This publication should assist small contractors with this problem.

Copies of this committee print may be obtained in the offices of the Senate Small Business Committee, room 424, Russell Senate Office Building.

THE SURFACE MINING RECLAMATION ACT OF 1973

Mr. BARTLETT. Mr. President, my vote yesterday against the Surface Mining Reclamation Act of 1973, S. 425, was one of the toughest votes that I have had to cast, because I fully support regulations that would require land that was surface mined to be fully and completely reclaimed. But the tremendous impact of the Mansfield amendment was not known until just before final passage of the bill.

The Mansfield amendment which I opposed but which passed on the preceeding day would prohibit surface mining on lands where the Federal Government owned the minerals, but did not own the surface. This would arbitrarily eliminate 37 percent of all Federal land where coal is reserved. This could lead to further shortages of energy. Many of the 42.85 million acres which are arbitrarily excluded from surface mining by the Mansfield amendment should be available for mining in an environmentally acceptable way to help prevent a severe crisis in energy supplies. The Federal Government reserved coal rights in these 42.85 million acres to ease shortages during times just as these.

No one would expect this Nation to destroy weapons stockpiled in case of war and likewise coal reserves should not be locked up when they are most needed.

I voted against S. 425 to emphasize the need to take the Mansfield amendment out of this bill. Until the impact of the Mansfield amendment was known, I planned to vote for the bill and I will vote for the bill when it comes out of conference committee unless there is a matter of overriding concern not to do so.

ECONOMIC ARGUMENTS ON SANCTIONS AGAINST RHODESIA

Mr. HUMPHREY. Mr. President, as the Senate nears a vote on S. 1868, legislation which would place us back into compliance with U.N. sanctions against Southern Rhodesia, I would like to respond to the so-called economic arguments presented by those special interests who support the continued violation of sanctions.

On September 6, 1973, the African Affairs Subcommittee of the Senate Foreign Relations Committee held hearings on S. 1868 which has been introduced by myself and 30 cosponsors. During the course of this hearing we heard testimony from representatives of Union Carbide and the stainless steel industry. Spokesmen for both warned that if the United States did not have access to the ferrochromium production capacity of Southern Rhodesia, the domestic stainless steel industry would suffer and American jobs would be lost.

Two years ago, when the Senate first voted to violate the sanctions, these same industries argued in favor of our violation. At that time, they warned of the strategic danger of relying on the Soviet Union for an inordinate supply of chrome ore and of the great economic costs to the domestic ferrochrome industry, including the loss of American jobs if we were to continue the ban on Rhodesian chrome.

What has happened since this Nation lifted the ban on Rhodesian chrome imports? Soviet Russia remains our primary source of chrome ore, accounting for some 53 to 55 percent of our imports. Southern Rhodesia supplies us with less than 5 percent of our chromium imports.

Has the import of Rhodesian chrome saved the U.S. ferrochromium industry? Quite the contrary. In 1973 we find two ferrochromium processing plants closing with the loss of American jobs. The reason: U.S. ferrochrome producers cannot compete with cheap ferrochrome imported from Southern Rhodesia. Thus, we stand on the verge of having our entire ferrochromium industry virtually wiped out because of these cheap imports.

Spokesmen for Union Carbide and the stainless steel industry are no longer concerned about the welfare of the domestic ferrochromium industry. Now, they tell us their industry faces dire consequences should we lose this cheap source of ferrochrome from Southern Rhodesia. Note, we are no longer talking about the raw material—chrome. We are now asked to believe the U.S. stainless steel industry requires cheap Rhodesian ferrochrome in order to produce low-cost stainless steel at prices competitive on the world markets. We are told if this source is cut off, the price of ferrochrome will rise sharply and this price increase will be passed on to the American consumer. We are further told that American jobs will be lost.

However, I would hope my colleagues would examine these arguments with some care in light of the price we have paid for twice falling victim to misrepresentations and distortions of fact from these same special interests.

First, the stainless steel industry claims the price of ferrochrome will increase 20 to 30 percent if cheap Rhodesian ferrochrome could not be imported. This would lead to inflation of the price of domestic stainless steel and would make it noncompetitive with foreign suppliers.

While not denying the possibility of a minimal cost increase in ferrochrome and stainless steel, I submit the price we will pay for our continued violation of the sanctions is much greater.

The spokesmen for the stainless steel industry admit they cannot predict the amount of their claimed price increase, nor can they show that past increases were due to the sanctions.

In addition, the industry's fear for the loss of American jobs is not shared by the United Steelworkers Union. Worse yet, the stainless steel industry has already abandoned our vital domestic ferrochrome industry in favor of increased reliance upon Rhodesian production. It would seem to me that Congress, rather than bowing to pressures from a handful of companies, should seek means of assisting our own industry rather than agreeing to a policy which results in our rushing to export jobs overseas.

Let us look a little closer at the facts. There are cheap sources of ferrochrome available to American stainless steel producers, if this happens to be their primary concern. These sources would compensate in all or part for the loss of the Rhodesian source. Finnish high-carbon ferrochrome is already underselling Rhodesian ferrochrome by 2 cents a pound. South African chrome is only slightly more expensive. Further, Brazil and Turkey are both increasing production of ferrochrome and both share the same advantage of Southern Rhodesia in having an indigenous source of chrome ore. In 1972, Turkey's exports of low-carbon ferrochrome to the United States were 1 cent a pound less than Rhodesia's.

The economic impact of prices as they relate to sanctions has also been seriously exaggerated. Industry spokesmen claimed that as a result of removal of the sanctions, ferrochrome dropped 7 cents a pound in 1972. However, the Commerce Department's publication entitled "Import by Commodity," shows the average drop was only 2 cents a pound. Once again, an attempt at misrepresentation by the industry.

In addition, stainless steel scrap provides a considerable and growing percentage of the chromium content in steel. Its price is not governed by ferrochrome imports from Rhodesia.

Further, new vacuum processes in steel making and ferrochrome production permit the use of lower grade and hence less expensive ferrochrome and chrome ore in stainless steel production. This is a worldwide trend which is responsible for price reductions. Just switching from low-carbon to high-carbon ferrochrome reduces the price by 50 percent, a fact that Union Carbide and the stainless steel industry spokesmen fail to mention.

Admittedly, U.S. stainless steel producers might be forced to pay somewhat higher prices for ferrochrome from third countries and from our own domestic proucers should the Rhodesian source be shut off. However, part of the reason for these price differences can be found in the low wages paid to African laborers in Rhodesia. Union Carbide spokesmen claim that labor accounts for only 10 percent of the production costs at the Union Carbide ferrochrome processing plant in Southern Rhodesia. However, George Watson, executive director of the Ferroalloys Association, points out that labor costs run at least 15 percent in the United States. Therefore, one is not surprised that given the oppressive labor practices and effective bans on strikes and collective bargaining in Southern Rhodesia, that labor is much less of a cost factor in that country.

Next, we are asked to believe that the undefinable increase in the price of one raw material caused by shutting off one source would make the American stainless steel industry noncompetitive. Mr. Jack Sheehan, spokesman for the United Steel Workers, questioned this claim during the hearings by noting:

> In 1969, the United States, together with the Japanese and European steel producers signed the first Voluntary Restraint (quota) agreement. Under this agreement, imports are held to a given percentage. In May of 1971, the new VRA was signed which significantly strengthened the protection for our domestic specialty steel industry. The VRA would prevent any further incursion of imports over the agreed-upon amount despite any price differential resulting from differing sources of chrome ore.

Thus we find the stainless steel industry already protected from our major competitors.

Since 1971, the U.S. dollar has been devalued twice and the currencies of our major competitors in the steel industry have been revalued upward. In fact, the German mark has gone up 48 percent with respect to the dollar and the Japanese yen has increased by 36 percent in the revaluation. The American Metals Week of May 1, 1973, reported that general steel imports continued down in the second quarter of 1973, due to the continued world steel boom and the effect of devaluation on foreign-domestic price differentials. This change in the dollar certainly will have a continuing favorable impact, much greater than a few cents change in the price of ferrochrome.

In addition, our major competitors pay almost as much for their domestic ferrochrome as we do. As domestic sources make up the bulk of their raw materials needs, they will not receive a cost advantage if sanctions were renewed.

Let us now turn to the second part of the industry argument that a new embargo on Rhodesian ferrochrome would lead to serious shortages of ferrochrome at reasonable prices. This argument is based upon three assumptions: First, the domestic ferrochrome industry is declining and cannot be expected to supply steel industry needs; second, the strategic stockpiles are mostly obsolete and could only provide a few years' supply at any rate; and, third, third-country sources of ferrochrome are rapidly drying up or are becoming prohibitively expensive.

It is evident that the stainless steel industry is all too willing to let the domestic ferrochrome industry die because the prices are slightly higher than the cheap Rhodesian ferrochrome. Union Carbide also has a vested interest in access to Rhodesian ferrochrome, since that company already owns a ferrochrome plant in Rhodesia which will allow it to ultimately benefit from their continued ability to sell on the American market.

Stainless steel industry spokesmen say the American ferrochrome industry is

doomed because the sources of metallurgical grade chromite are drying up and more and more chromite producing nations are turning to the more profitable ferrochrome production. The stainless steel spokesman claims the costs for power and pollution controls are making U.S. ferrochrome producing firms noncompetitive and American plants are not investing in new high carbon ferrochrome processes since the investment is too risky. Therefore, we are told we should face facts and move our ferrochrome industry overseas to Rhodesian and South Africa.

Airco Industries of Charleston, S.C., our No. 1 ferrochrome producer, does not share this view. Airco has invested in modern, pollution-free plants, has established firm sources of chromite—primarily from Russia—and plans to stay in business. Norris McFarlane, vice president for Airco, has warned in a recent article in American Metals Market, that domestic steel producers should not be so anxious to abandon the domestic ferrochrome industry:

> Consider what would happen, if say, foreign steel producing interests contracted to buy South Africa's total ferrochrome output. For one thing, U.S. stainless steel producers would have to reduce their production rates drastically (for lack of ferrochrome) and stainless steel imports would soar. It would certainly take too long to forestall permanent dislocations in the stainless steel business.

The claim the sources of chromite are drying up has been largely exaggerated. Russia still produces 1.9 million tons annually of which they shipped 370,000 tons to the United States in 1972. This represented 52 percent of our total imports. Russian reserves of metallurgical grade chromite are said to be many times the 26.5 million tons estimated in 1965, according to the U.S. Bureau of Mines.

Turkey is our second largest source of chromite. Stainless steel industry spokesmen claim the Japanese have bought 2.6 million tons of Turkish ore for the next 10 years. In checking this source, we find that figure is actually 1 million tons over the next 11 years. This works out to 91,000 tons a year, or 20 percent of the 600,000 tons produced annually in Turkey. Our Turkish allies are anxious to have our business and still wonder why we have reduced our purchases from them.

Mr. President, the economic questions relating to Rhodesian chrome do not justify a vote against S. 1868.

A major source of chromite for our domestic industry is the strategic stockpile. There are presently 1.5 million tons of metallurgical grade chromite in the stockpile which has been included in the administration's stockpile release legislation. Released over a period of time, this source could provide a steady and cheap supplement to our chromite needs.

As I pointed out yesterday, the modern argon-oxygen process for making stainless steel allows companies to use higher carbon ferrochrome which contains a lower ratio of chrome. The U.S. Bureau of Mines, for example, in 1970 noted that:

> Increasing substitution of the chemical grades of chromite for the metallurgical grade can be expected and will become more and more standard practice as processing technology improves and economics continue favorable.

This process already allows Finland and South Africa to produce ferrochrome using their low cost chemical grade chrome ore which is mixed with the richer grade ore. The United States could do the same by importing chemical grade ore, or tapping the stockpile, and mixing it with higher grade Russian ore.

The U.S. Bureau of Mines is also working with industry on many technological changes which could soon become economical and would result in an increase in our supply of chrome. I am referring to new methods being developed for the retrieval of chrome from industrial wastes, solutions, and sludges. The Bureau of Mines also notes that:

> Computer control of chromium alloy additions in steelmaking could also save additional amounts (of chrome) through more efficient operations and elimination of human errors.

I am sure the stainless steel industry is well aware of this research and technology development. It is apparent we can find ways—ways which are more beneficial to our long-range interest—to increase supplies of chrome while reducing reliance upon foreign sources.

Thus, before we dismiss our small, but important, ferrochrome industry we should consider the effect of its loss on our domestic economy and in turn our total dependence on foreign sources that loss will create. I believe it is perhaps time for a business-Government effort to study feasible means of assisting the domestic ferrochrome industry. It has been done in other advanced industrial nations wanting to assure a dependable domestic supply of ferrochrome.

The stainless steel companies also claim that even if released, the domestic stockpiles of low and high carbon ferrochrome would be of little aid to them. First, they claim the 319,000 tons of low carbon ferrochrome has been marked obsolete by the General Services Administration. However, our check with the Office of Emergency Preparedness in the GSA revealed that as of August 31, 1973, there were 298,750 tons of low carbon ferrochrome, of industrial quality, in the stockpile. I was informed by the GSA that this ferrochrome was not obsolete, but that reduced demand for low carbon ferrochrome might make it more difficult to sell. Nonetheless, one third of the production of ferrochrome in this Nation is in the low carbon form. According to the Ferroalloys Association we will still be using the low carbon form until 1980.

There are also 402,000 tons of high carbon ferrochrome in the stockpile, marked for disposal. The stainless steel industry claims this would meet their needs for only 18 months. No one is suggesting that it should be released all at once, nor that it should replace all domestic production and foreign imports as implied in their argument. A gradual release from the stockpile to minimize the impact on the domestic market would be expected. Sale of 40,000 tons per year for 10 years would provide the stainless steel industry with the equivalent of almost all imports of high carbon ferrochrome in 1972 alone.

The final claim made by the stainless steel industry spokesmen is that our only source of ferrochrome for the foreseeable future will be Southern Rhodesia and South Africa. They claim the inevitable gravitation of ferrochrome production to the source of the ore would mean that third country producers would be in the same position as the United States—without chrome to feed their furnaces. As the Soviet Union has never been a supplier of ferrochrome to the U.S. market, only South Africa and Rhodesia remain.

Once again, the situation has been highly exaggerated. For example, it is possible for third countries such as West Germany, Japan, and Norway to make long-term contracts for chromite which is already occurring. These nations still export large quantities of ferrochrome, although at slightly higher prices than the Rhodesian product. For example, in 1972, Japan, Germany, and Norway exported a total of 108,000 tons of ferrochrome. The United States only used one-fifth of this amount and could certain obtain more to supplement our domestic production.

Another fact is that Rhodesia, South Africa, and Russia are not the only nations with significant indigenous sources of chrome ore. Since 1970, many other countries have been developing ferrochrome industries, from their indigenous chrome deposits, which could supplement our domestic production well into the foreseeable future.

Finland produces 35,000 tons of ferrochrome a year at lower prices than Rhodesia. Turkey is adding 50,000 tons in new annual ferrochrome plant capacity. Brazil is building a plant to process 50,000 tons of chrome ore a year. India is increasing its ferrochromium producing capacity which amounted to 14,700 tons in 1970.

South Africa is rapidly expanding production using new methods to tap enormous reserves of chemical grade ore.

These examples demonstrate that nations other than Rhodesia are not standing still. They provide a viable alternative source of ferrochrome and there is nothing to inhibit U.S. companies to sign contracts with these countries as the Japanese are now doing in Turkey and Brazil.

If the U.S. stainless steel industry is concerned, in the long run, over access to Rhodesian ferrochrome it would be wise for them to consider that one way or the other majority rule will come to that country. Therefore, in order to guarantee a long-term access to Rhodesian ferrochrome, I would suggest that Union Carbide and the stainless steel industries support efforts to return us to compliance with the sanctions. If these corporations continue to antagonize the African majority in Rhodesia, they could find themselves cut out of the market completely when majority rule is achieved. This is perhaps the largest blind spot in their arguments. If we continue with short-sighted policies in order for a handful of U.S. companies to gain

short-term benefits, we will pay the price in the long run for bowing once again to industry pressures.

NEED FOR ENERGY CONSERVATION

Mr. MONDALE. Mr. President, two recent articles in the Washington Post have focused new attention on the need for energy conservation and the present wasteful use of our energy resources. These articles, by Tim O'Brien, effectively convey the need for a strengthened effort by the Federal Government to bring order out of the present chaos in the field of energy conservation.

On September 20, I introduced legislation (S. 2462) to help accomplish these ends. This legislation, in which I was pleased to be joined by the distinguished chairman of the Commerce Committee (Mr. MAGNUSON) and the distinguished chairman of the Interior Committee (Mr. JACKSON), would establish a federally funded Energy Conservation Research and Development Corporation. This Corporation, along with State energy conservation councils funded through it, would undertake and disseminate research and development in a variety of fields in the energy conservation area. Its responsibilities would be broad, and its funding would enable it to do the thorough job that is urgently needed in this field.

I commend Mr. O'Brien's recent article on energy conservation, and urge my colleagues to join in the effort to preserve our most precious national resources through the wiser use of energy in all forms.

Mr. President, I ask unanimous consent that the articles from the Washington Post be printed at the conclusion of my remarks in the RECORD.

There being no objecton, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 3, 1973]

AMERICANS MIGHT BE SQUANDERING 40 PERCENT OF ENERGY RESOURCES

(By Tim O'Brien)

The American energy crisis, experts say, is caused by many things—dwindling domestic supplies pressure from those who want to breathe clean air, population increases, the insatiable appetites of new machines, political tensions with nations that produce the raw materials of energy.

In the mix, however, one variable remains almost an afterthought; Simple waste. Extravagance. Inefficiency. Squandering. Unnecessary guzzling of what fuel there is.

While it is not fair to say the waste of energy is overlooked—environmentalists have been pointing it out for years—it is true that energy conservation is viewed by most observers as a mere palliative. A drop in the bucket of remedies.

It is virtually impossible to measure with even rough accuracy the amount of fuel wasted in a given year. But that has not kept people from guessing. Sen. Jennings Randolph (D–W. Va.) estimates that the nation is squandering from 30 to 40 per cent of its basic energy resources.

Another estimate puts the waste at 25 per cent a year.

John Muller, a researcher in the Interior Department's Office of Energy Conservation, says that 'if this were a dictatorship and we could somehow control how people waste energy, we could save from two to three million barrels of oil a day." That would be a fifth of the 15 million barrels Americans consume each day.

There are anecdotes aplenty to illustrate the wastes. The New York City World Trade Center, for example, uses more energy for its heating, lighting and cooling than is needed for the entire upstate city of Schenectady, with 100,000 residents.

Beyond anecdotes, however, there is little in the way of official data to suggest what the magnitude of the waste is or where fuels are being wasted. The President's new Office of Energy Policy, created to coordinate the nation's response to the crisis, has no comprehensive numbers on the subject. The Office of Energy Conservation, where prime responsibility in the area resides, has only an admittedly tentative set of estimates.

Perhaps the single best index of where and how much fuel is being unnecessarily burned is a recent study conducted by an independent energy consultant for the Treasury Department. The department requested a list of emergency actions that could be quickly taken to reduce significantly fuel consumption.

The study found that through eight relatively easy, uncostly and quick conservation measures, about 2 million barrels of oil a day could be saved.

The eight emergency measures are:

Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day.

Increasing load factors on commercial aircraft from 50 per cent to 70 per cent—80,000 barrels a day.

Setting home thermostats two degrees lower than average—50,000 barrels a day.

Conservation measures in industry—500,000 barrels a day.

Cease hot water laundering of clothes—300,000 barrels a day.

Mandatory car tune-ups every six months—200,000 barrels a day.

Conservation measures in commercial buildings (fans off at night, air conditioning only during office hours, installation of proper window insulation)—200,000 barrels a day.

Increasing car pools for job commuting (from 1.3 to 2.3 persons per car)—200,000 barrels a day.

The figures attached to each of the conservation measures are the lowest estimated savings. In fact, the study found that about 2 million barrels a day could be saved and, possibly, another million barrels a day beyond that.

These eight steps are but the tip of the potential conservation iceberg, according to energy researcher Muller. He keeps a notebook filled with some 250 energy conservation measures, which he says are the "product of just one man's thinking. If five or six of us sat down, we could come up with a much larger list."

In the field of agriculture, he suggests slowing down the speed of tractor engines when they are not running and requiring farmers to adopt reduced tillage farming. In industry, where over 41 per cent of America's energy is consumed, he thinks energy consumption can be reduced by 10 per cent through "improved operating practices and minor changes in plants, involving little or no cost."

Dr. Jack Rafuse, a staffer in the new Office of Energy Policy, considers that estimate conservative. He says energy conservation teams have found that "though almost zero-cost kinds of things, industries can save 40 per cent of their plant fuel without affecting energy output at all."

If the 40 per cent savings could be taken as an industry-wide average and if every industry in the nation were to undertake similar measures, simple mathematics would show an astounding result: About 16 per cent of all the energy expended in America each year could be saved. This is in the industrial sector alone—and at "almost zero-cost."

If one were to list the villains of energy waste, three would probably stand out as most notorious: Automobiles, commercial America and the homes we live in.

Today's standard American car travels between 11 and 12 miles on a gallon of gasoline, not as far as it did 50 years ago. The nation's 1974 model autos average about 4,400 pounds—35 per cent more than the foreign makes tested in a recent Environmental Protection Agency (EPA) study.

Weight, the EPA says, is the single best index of expected miles per gallon, and it is not surprising that foreign makes averaged about six miles per gallon or nearly 37 per cent more than American autos tested by the EPA.

One study, conducted for the U.S. Army Tank-Automotive Command last year, estimated a 30 per cent potential fuel savings through a shift to smaller cars.

Although the law of diminishing returns begins to set in at a certain point, energy watchers say that by requiring tune-ups, imposing 50 or 55 mile-per-hour speed limits, putting fewer horses under the hoods and eliminating gas-eating extras like air conditioners, we could cut gasoline consumption in half.

Aside from these savings, a panel of General Motors, Ford and International Harvester engineers has reported that by requiring radial tires on all autos, fuel consumption could be cut by 10 per cent; by installing engine turbo-chargers it could drop another 10 to 15 per cent.

Conservation hurts most when it hits a person's home. And it is in the home where much of the waste is happening.

Energy specialist Muller estimates, for example, that if we threw away our dishwashers—or were required to wash dishes by hand—we could save 35,000 barrels of fuel a day. If during the summer we were to dry clothes on a line instead of in an automatic dryer, the savings would amount to 130,000 barrels a day.

"The little things," he says, "add up. But, the little things hurt most."

A big drop in the conservation bucket, he says, would be to insulate the attics of those existing homes that are without it—savings of perhaps 250,000 barrels of fuel a day.

The Michigan Consolidate Gas Co., in an effort to promote conservation of natural gas, has offered its customers loans to insulate their homes. The result, said President Hugh C. Daly, could be a savings of six billion cubic feet of gas annually if 200,000 customers sign up. "That's $9 million . . . that our customers won't have to pay," he said.

Other home energy savings in the Muller conservation notebook: Get rid of decorative outside lighting; weather strip and caulk all houses; service inefficient burners and furnaces; promote cold water washing of clothes; shut off furnace pilots in the summer.

"These are things that ought to be done as course," an environmentalist says. "They save money, they save fuel. Americans, unfortunately, are energy hogs."

Aside from hoggishness, however, is the problem of outright inefficiency. Six per cent of electricity produced in the United States in 1970, for example, was used to heat homes, despite the fact that electric heat is half as productive as oil or gas heat. Still, electric heat is a growing trend. About 25 per cent of the 40,000 buildings constructed in 1969 were heated electrically. It is cheap to install, it is clean, it is considered modern and esthetically pleasing—but it is wasteful.

Commercial America, with its glittering neon billboards and lighted shop windows, is a third major waster of now-precious energy. Muller's notebook lists some 28 methods of conservation that could be applied at low cost to the nation's commerce:

Rescheduling night sporting events for

daylight hours; installation of a second set of doors at lobby entrances to help keep out outside air; shutting down 24-hour-a-day electric advertising signs; turning off air-conditioners at 3 p.m.; putting an immediate stop to the construction of glass walled skyscrapers that lose heat nearly as fast as it can be pumped in.

Yet in the end, what is waste and what is "necessary luxury" is the key to conservation. What an energy conservationist sees as waste, housewife with a stack of dishes and a crying baby and a new dishwasher sees as necessity. Until these attitudes change—until the fuel crisis leaves a gash on the American consciousness—the potential savings are likely to remain largely theoretical.

[From the Washington Post, Oct. 4, 1973]

ENERGY CONSERVATION SPARKED

(By Tim O'Brien)

In Detroit, the United Fun's 44-foot-high torch will burn only two days this year. In California, Gov. Ronald Reagan has ordered heat and air-conditioning turned off in state office buildings on weekends. In the labyrinthian hallways of the Interior Department, about 1 out of 5 light bulbs has been unscrewed.

While Pepco officials are not yet doing their correspondence by candlelight and Henry Ford has not been seen walking to work, it is clear that a widespread—if uncoordinated—effort is under way to conserve the nation's now-precious supplies of energy.

Nerve center for the campaign is the new Office of Energy Conservation, established in the Interior Department last spring on executive order from the President. The office, with a skeleton staff and uncertain authority, has the task of coordinating energy conservation programs scattered throughout the federal establishment.

A staff worker in the new office admits "we are just feeling our way. We are a new institution in a crisis situation. It is not easy."

While the office has generated some preliminary statistics on where economy moves might be made, it has yet to set forth public priorities. It faces tough decisions in the months ahead.

"Conservation is fine in the abstract," the staffer said, "but in the particular it is no fun at all. If we demand engine turbochargers or recommended to outlaw the manufacture of cars over 5,000 pounds, we'll have both car makers and car lovers screaming. If we try to stop the manufacture of any more decorative gas lights used outside homes, we'll offend a lot of home owners who love their pretty lamps."

Further complicating conservation decision-making is President Nixon's emphasis on voluntary, not regulatory economy.

"Energy conservation," he said in an April message to Congress, "is a national necessity, but I believe that it can be undertaken most effectively on a voluntary basis."

Although he warned that compulsory conservation could follow a failure of voluntary economy, it is clear that for the present the premium is on voluntarism.

As a result, a number of the biggest energy-saving steps which require either federal or state legislation are not given much of a chance. These would include outlawing air conditioners in new autos; banning hot water clothes washing or automatic dish washing; forbidding all-night electric advertising displays; taxing energy-eating purchases; reducing speed limits; banning construction of all glass skyscrapers.

President Nixon took the first step away from voluntarism Tuesday when he put controls on bottled gas and promised similar controls in two weeks on heating oil. This is the first time since World War II that fuel rationing has been imposed in the United States.

But the emphasis remains on voluntarism. The President, for example, has set for the nation a goal of 5 per cent saving in energy this year. In the federal government, he wants 7 per cent saved.

With some of the spontaneity that attended the World War II fuel crisis, the call for voluntary economy has created a flurry of action:

Florida state employees have been ordered not to drive state cars faster than 55 miles an hour.

In Pennsylvania, Gov. Milton Shapp has appointed a seven-member Energy Task force to suggest ways of maximizing the state's coal supply without violating environmental standards.

In Seattle, the city utility company says its "kill-a-watt" program, initiated in July, has resulted in a 2 per cent energy cut, and officials are predicting a 10 per cent reduction soon.

In Vermont Gov. Thomas P. Salmon announced last week that state residents would have to cut back energy consumption or face possible state controls.

And in Austin, Tex., the city council has voted to impose a surcharge on about 2,000 major electricity consumers if they fail to cut usage by 30 per cent. The city has cut some street, freeway and public park lighting.

While these and similar steps will doubtless help, they just skim the top of the potential energy savings that are possible. A study undertaken by the Office of Emergency Preparedness, for example, concluded 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."

The problem, said Peter Harnik, editor of the conservationist publication, "Environmental Action," is that "everyone's been going at it very helterskelter. If this is a real crisis, then what we need is systematic conservation."

One New York state official described some energy conservation proposals as "about as effective as rearranging deck chairs on the Titanic."

Most officials connected with the federal energy conservation effort freely acknowledge a state of confusion. Dr. Jack Rafuse, of the Office of Energy Policy, said, "People just haven't thought a hell of a lot about this until recently."

Dr. John Gibbons, who has been director of the Office of Energy Conservation for only two weeks, acknowledged that no "formal strategy" has been developed for the fight against fuel waste. He said "very few definitive recommendations" can now be presented to Congress or the President.

Gibbons said yesterday his office has "neither the authority nor the intention" to impose energy restrictions, and that it can at best develop a foundation of information that might lead to legislation.

NATIONAL ASSOCIATION OF CONCERNED VETERANS—TAX STATUS

Mr. HARTKE. Mr. President, it is with particular pleasure that I note the Internal Revenue Service decision granting the National Association of Concerned Veterans status as a tax-exempt organization under legislation passed by Congress last year. As chairman of the Senate Committee on Veterans' Affairs, I am well acquainted with NACV's outstanding work on behalf of the 6 million veterans of the Vietnam war. The current generation of veterans faces unique and difficult readjustment problems, and although some people would like to forget the Vietnam war and those who fought it, NACV has persevered in its efforts to represent these brave Americans in the governmental decisionmaking process. It is most appropriate for this dynamic young organization which has 200 dues-paying clubs in 32 States, to receive the first tax-exemption under new section 501(c)(19) of the Internal Revenue Code, which Congress enacted last year to enable war veterans' organizations to pursue their social welfare objectives by obtaining tax-exempt contributions. As a ranking member of the Finance Committee, which created this new provision, I can say that it was the sense of the Congress that the welfare of our Nation's veterans is a worthy goal in the interest of all Americans. This is certainly true with respect to our newest generation of veterans, and I hope that the favorable action by the IRS will permit NACV to solidify its financial situation and greatly expand the scope and depth of its resources and activities. I trust that NACV will continue its efforts to assist Vietnam veterans and call the Nation's attention to their unique problems.

DEFENSE SPENDING CAN BE REDUCED WITHOUT ENDANGERING NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I was recently interviewed by U.S. News & World Report on the subject of defense spending. My good friend, Senator GOLDWATER, was also interviewed on this important subject.

I believe that the Senate is going to have to make some very tough decisions in the near future concerning the priorities of this Nation at a time of economic uncertainty and spiraling inflation. Soon after the October recess we will be considering the Defense appropriations bill which contains nearly 60 percent of all controllable funds the Congress will approve this year. It is my hope that the Appropriations Committee will significantly reduce the President's budget request for defense spending so that the Congress can stay within the limits of our self-imposed ceiling of $268.7 billion.

Since placing this ceiling on total spending, the Congress has taken steps to increase spending in vital domestic areas where the President had ordered cutbacks. Added to these badly needed increases is the fact that skyrocketing interest rates have added at least $5 billion to the cost of servicing the national debt. This means that the Congress is on a collision course with its own spending ceiling.

It is clear that we have a responsibility to reduce defense spending in a manner that will in no way endanger our national security. I know that we can do this. I know that we can eliminate waste in defense spending.

At stake in our soon to be made decision on the allocation of scarce Federal dollars is the well-being of the American people. It is my belief that we can provide for the needs of our people as well as assuring that we maintain a strong military posture.

Mr. President, I ask unanimous consent that my interview from the U.S. News & World Report be printed in the RECORD.

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

"ABLE TO CUT 4 TO 5 BILLION DOLLARS"

INTERVIEW WITH SENATOR HUBERT H. HUMPHREY, DEMOCRAT, OF MINNESOTA

Q. Senator Humphrey, you're on record as proposing cuts in defense spending. Why?

A. There are several reasons: One is because we have concluded hostilities in Indo-China. Another is there appears to be a better working relationship with the Soviet Union. Finally, the defense budget has to be cut if we're going to stay within the Senate's over-all budget ceiling of 268 billion dollars.

Q. How much can be cut?

A. We will most likely be able to cut around 4 to 5 billion dollars. I think we could make greater cuts—up to 7 billion—but I am a political realist and doubt that we will succeed in doing much more than 4 to 5 billion. Others have made estimates of up to 14 billion. I do not agree with that. I do believe in a strong defense.

Q. Where can money be cut?

A. In manpower, for one place. For example, the troop levels would be cut 156,000 under the military-procurement bill the Senate has been considering. Some weapons systems can be reduced in cost. We will also have some reductions due to the closing of overseas bases. There will be a cut in the Military Assistance Special Fund for South Vietnam and Laos. So, between weapons systems, contingency funds and manpower, I think that we can make a sensible, reasonable reduction. Had we voted to slow down construction of the Trident, had we not stepped up procurement of the F–14 [fighter plane], we would have made another 1.4-billion-dollar reduction in this year's budget.

Q. Can money be saved on personnel, other than by cutting troop strength?

A. Yes, by making civilian cuts as well as military. We have 1 civilian employe in the Defense Department for every 2 men in uniform. You cannot justify that. Also, we ought to cut down the number of commissioned officers. We have more officers today for a 2-million-man military establishment than we had for a 12-million-man establishment back in 1945. That just doesn't make any sense.

I expect Secretary Schlesinger [Defense Secretary James R. Schlesinger] to make serious cuts in personnel at overseas bases. I expect him to prune a good deal of civilian manpower. Then, too, I think there are areas where he can reduce costs through earlier retirement of officers.

Q. Is it safe to reduce spending on major weapons systems?

A. It boils down to how much you feel you can afford at any one time. Sometimes a family has to make a choice between whether or not they want to buy a new car or send their daughter to college. You've got a car. It still runs well, gets you to work, takes you on your vacation. But there's a new model. It's a little bigger, horsepower's a little better, maybe doesn't pollute quite as much, has better upholstery, more comfortable, and you'd like to have it. Your old car may very well take a little more maintenance, but you've got to make a choice. You can't afford both.

Now, that's exactly where we are on the defense budget. It doesn't mean that we're going to abandon the automobile. It means that we are going to have to get along with the one we have for a while, if we're going to send the daughter to college.

I'm a supporter of the Trident system—the boat, the missiles and all. But the argument was whether we have the first boat coming off the ways in 1978, or do we have the first boat come off in 1980? It meant 900 million dollars' difference this year, and I favor that saving.

In the meantime, we can and will proceed with modernizing our Polaris and Poseidon submarines, including the installation of the Trident missile system on the Poseidon boat. This gives us an underwater nuclear missile with a range of 4,200 nautical miles.

After all, the boat—whether Poseidon or Trident—is but a launching platform for the missile. It is the missile that counts, and we can put the long-range Trident missile on the Poseidon boat in 1978. That is the deterrence we need for the two-year gap between 1978 and 1980.

Q. How big a factor is waste and inefficiency in defense costs?

A. Look at the record: We documented over 20 billion dollars' worth of weapons systems that we bought and paid for that never flew, moved or shot.

Look at what we did in other Administrations. I'm not talking politics now. Look at the F–111 [swing-wing Air Force fighter]. We spent monumental sums of money making that an operational airplane. Look what happened on the C–5A [Air Force transport]. Take a look at the Cheyenne helicopter. That thing never got off the ground as a weapons system. And one of these big tanks—the MBT–70—on which we spent a half billion dollars never became operational. The military dropped it.

Since it doesn't appear that tomorrow morning the Russians are going to attack, we ought to be using our time building our defense and weapons systematically, in a manner that saves us money, that eliminates as much waste as possible.

I was in Moscow on the day that Neil Armstrong, landed on the moon. I saw what happened in the Soviet Union. They went around muttering to themselves in so many words: "My God, they did it! These crazy Americans—five years behind us in space—they mobilized, they set up an objective, they committed their resources, they did it within a time frame, they brought together the technical ability, the finance, the management, and they did it."

That amazing space-flight success told them something that no weapons system in the world could tell them—namely, that if we have to do it, we can do it. That's why I think we could stretch out Trident and other expensive weapons systems. The Russians know we can build them. If they start dragging their feet in those SALT talks, they know we can and will go ahead.

Q. Would substantial budget cuts diminish U.S. leadership and prestige abroad

A. If we were reckless, I would think so.

For example, I am not for unilateral reductions of our forces in Europe at the time that we have negotiations under way with the Russians on mutual, balanced force reductions. If those troops in Germany are not vital to our defense, they ought to come home. But they are vital: Our defense is strengthened by the NATO Collective Security Treaty.

I don't believe in giving the Russians anything for nothing. If you knock your defense structure to pieces, refuse to modernize it on a systematic basis, cut your manpower to levels beneath your commitments, then you are jeopardizing any possibility of successful negotiations with the Russians.

But we're not doing that. We've got so many nuclear weapons, so many things with which to defend ourselves that they're trying to catch up with us instead of our catching up with them. There is not one responsible person in this Government today that says we're weaker than the Soviet Union. So, given this leadership, we can afford to make some cuts in our defense budget.

Q. Should there be some cutbacks in troops abroad?

A. Yes, sir—particularly in the Pacific area. We have well over 200,000 troops in the Pacific and Asian areas. I don't think we need anywhere near that number. I offered an amendment to cut over 100,000 troops from bases out of the country. It was adopted. We have some 600,000 troops overseas, of which less than half are in Europe.

Q. If we pull out of Europe, can it defend itself?

A. I doubt that. Let me put it another way: I look upon our participation in Europe not only to protect Europeans, but also to protect Americans.

I think it is important to have allies. I'd rather have the first line of defense away from New York City or Minneapolis. That first line is in Western Europe. As long as I can get my friends in Europe to commit their resources to their own defense and ours, I think we're in better shape.

SURFACE MINE RECLAMATION: THE MISSOURI PRECEDENT

Mr. SYMINGTON. Mr. President, in that similar legislation is now in effect in our State, the Surface Mining Reclamation Act, S. 425, passed yesterday by the Senate is of particular interest to Missourians.

The extent of mining in Missouri is limited in comparison with other States; however, all of our coal is extracted by surface mining. In 1972, some 4½ million tons of coal were produced in our State; nearly 94,000 acres of Missouri land require reclamation as a result of the impact of strip mining.

The Missouri legislation, two bills introduced by State Senator William Cason and approved by the State legislature in 1971, has been described as "good basic law" by members of the State department of conservation.

Those bills include several provisions similar to those which the Senate has now approved for the Nation.

The Missouri Land Reclamation Commission requires that surface mine operators obtain permits before initiating activities.

A reclamation plan must be submitted to the Commission for approval before a permit is granted. Presently, some 232 permits covering approximately 3,200 acres are in effect.

The Missouri law also requires that bonds be posted to insure that reclamation is carried out as planned.

Minimum standards have been established including requirements that land must be graded to permit farm machinery to traverse it with ease; toxic materials may not be left exposed; and up to 25 percent of reclaimed land may be altered for use as forest or wildlife area.

While experience may require some revision of the Missouri law, our program has offered some worthwhile guidelines for the Nation.

WORLD NEEDS FOOD RESERVE

Mr. HUMPHREY. Mr. President, for many years I have been convinced of the need for a system of international food reserves. In 1956, I sponsored legislation in the Senate intended to create such a system under the United Nations. Most recently, the Senate passed Foreign Assistance Act included an amendment which I proposed that directs the Presi-

dent to actively lead international efforts to set up a world food reserve system.

Unfortunately, we have not yet taken that major step toward world food security by actually putting such a system in place. The result of our failure to act has been felt by Americans and citizens of other affluent nations in their pocketbooks and the people of the developing countries in the empty pit of their stomachs.

Recent changes in the world food security situation, including the near depletion of our grain reserves and the rapid disappearance of idle U.S. cropland, have made action on this proposal more urgent than ever before.

An article by Lester Brown in today's Wall Street Journal makes a strong case for immediate action to establish a world food reserve. I highly recommend it to all my colleagues. I ask unanimous consent that this article, entitled "The Need for a World Food Reserve," be printed in the RECORD.

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

THE NEED FOR A WORLD FOOD RESERVE

(By Lester R. Brown)

Throughout most of the period since World War II the world has had two major food reserves to draw upon in the event of major crop failures due to drought, flood or crop disease. One was in the form of grain reserves in the principal exporting countries and the other in the form of reserve cropland, virtually all of which was land idled under farm programs in the United States.

World grain reserves are currently at the lowest level in 20 years. But this situation is far more precarious than it sounds, for world population and consumption have increased by nearly half during this period.

Within the United States, roughly 50 million acres out of 350 million acres were idled under farm programs from 1961 through 1972. In recent years, the need to tap the reserve of idled land has occurred with increasing frequency. This first happened during the food crisis years of 1966 and 1967 when world grain reserves were reduced to a dangerously low level by the Indian food crisis. Again in 1971, a small portion of the idled acreage was returned to production as a result of the corn blight threat in the United States. In 1973, in response to growing food scarcities, the U.S. Department of Agriculture permitted most of the idled cropland to come back into production. All acreage restrictions will be removed in 1974.

Projections for the coming year indicate that, even with record crops of wheat and feedgrains in the United States, a good to very good grain harvest in the Soviet Union and the prospects of average or better crops in India and China that world grain reserves will be further depleted between now and the next harvest in late 1974. With reserves depleted and idled cropland fast disappearing, this leaves the world in an extremely vulnerable position.

The extent of global vulnerability is dramatically underlined by examining the degree of global dependence on North America for exportable food supplies. Over the past generation the United States has achieved a unique position as a supplier of food to the rest of the world. Before World War II both Latin America, importantly Argentina, and North America (United States and Canada) were major exporters of grain. During the late '30s, net grain exports from Latin America were substantially above those of North America. Since then, however, the failure of most Latin American governments to make family planning services available and to reform and modernize agriculture have eliminated the net export surplus. With few exceptions Latin American countries are now food importers.

THE STATISTICS

As the accompanying table illustrates, over the past three decades North America, particularly the United States, which accounts for three-fourths of the continent's grain exports, has emerged as the world's breadbasket. Exports of Australia, the only other net exporter of importance, are only a fraction of North America's. The United States not only is the world's major exporter of wheat and feedgrains, it is also now the world's leading exporter of rice. North America today controls a larger share of the world's exportable supplies of grains than the Middle East does of oil.

Exportable supplies of the crucial soybean are even more concentrated than those of grains. Although as late as the 1930s China supplied nearly all the soybeans entering world markets, continuing population growth pressing against a fixed land base during the ensuing decades has gradually absorbed the exportable surplus. As of 1973 China is importing small quantities from the United States. The United States is now the principal supplier, providing over 90% of world soybean exports in the '60s and early '70s. With world demand for high-quality protein surging upward, Brazil—virtually the only other nation capable of producing soybeans for export on a significant scale in the foreseeable future—has rapidly boosted its soybean production and exports. However, the United States is likely to continue supplying three-fourths or more of the world's soybean exports for many years to come.

At a time when dependence of the rest of the world on North American food exports is increasing so dramatically, there is also a growing awareness that this extreme dependence leaves the world with nowhere to turn in the event of adverse crop years in North America. Both the U.S. and Canada are affected by the same climatic cycles.

Considerable evidence has now been accumulated indicating that North America has been subject to recurrent clusters of drought years roughly every 20 years. The cyclical drought phenomenon has now been established as far back as the Civil War when data were first collected on rainfall. The most recent drought, occurring in the early '50s, was rather modest. The preceding one occurring in the early '30s was particularly severe, giving rise to the dust bowl era.

Most meteorologists who have studied the problem will say, without hesitation, that another stretch of drought years in the near future is virtually inevitable. It could very well begin next year. The impact on production will not likely be as severe as during the '30s due to improved soil management and water conservation practices. But even a modest decline in production given the rapid growth in global demand and extreme world dependence on North America's exportable margin of food, would create a very dangerous situation. It would send shock waves throughout the world triggering intense competition for available food supplies.

The probable nature and results of global competition for tight food supplies have been foreshadowed this year. Bangladesh, threatened with famine, pressed with limited success for a diversion of Soviet-purchased grain to help feed its population. India, confronted with an unanticipated need to import several million tons of grain, is finding that the extremely high prices resulting from international bidding for available supplies has put serious constraints on the amount it can buy—even assuming it can find any grain for sale. Like Bangladesh it too is now hoping for a diversion of Soviet grain to help make it to the December rice harvest. In the coming year, it appears likely that massive rice purchases by the increasingly affluent oil-rich nations of the Middle East and North Africa will help drive international rice prices beyond the reach of many poorer African and Asian nations who badly need rice imports.

As prices are driven up, seriously limiting the ability of the poor to buy needed food, sources of concessionary food aid are drying up as well. Since the American food aid program under Public Law 480 is predicated upon the existence of commercial surpluses, aid programs are now being cut severely in this time of commercial scarcity.

When one spends about 80% of one's income on food, as does much of mankind, a doubling in the price of wheat or rice cannot be offset by increased expenditures. It can only drive a substance diet below the subsistence level. Today's wheat prices of $5 per bushel will, of necessity, be reflected in rising death rates in many poor nations in the months ahead.

One reason it is possible for the world's affluent to ignore such tragedies is the changes which have occurred in the way that famine manifests itself. In earlier historical periods, famine was largely a geographic phenomenon. Whole nations or regions, whether Ireland or West Bengal, experienced dramatically high rates of starvation and death. Today, the advancements in national and global distribution and transportation systems have insured that fanfare is more evenly spread among the world's poor rather than concentrated in specific locales. The modern version of famine does not permit the dramatic photographs, such as the ritual of collecting bodies each morning in Calcutta during the Bengal famine of 1942, but it is no less real in the human toll it exacts.

The global food outlook dramatizes the need for an internationally managed world food reserves. Just as the U.S. dollar can no longer serve as the foundation of the international monetary system, so U.S. agriculture may no longer have sufficient excess capacity to ensure reasonable stability in the world food economy.

An adequate world food reserve would be built up in times of relative abundance and drawn down in times of acute scarcity, thereby helping to stabilize prices for both producers and consumers. In effect, the cushion that surplus American agricultural capacity has provided for a generation would be provided at least partially by a world food reserve system. Such a reserve would provide a measure of stability in the world food economy that would be in the self-interest of all nations. The world community of course also has a basic humanitarian interest in ensuring that death rates do not rise among the world's poorest groups, an assurance the affluent nations may be less able to provide in the future if the current system of autonomous, nationally oriented food planning is allowed to continue without modification.

An important first step would be international adoption of the concept of "minimum world food security" proposed in early 1973 by Dr. A. H. Boerma of the UN Food and Agriculture Organization. Under the FAO plan, all governments—exporters and importers—would be asked to hold certain minimum levels of food stocks to meet international emergencies. The governments of participating countries would consult regularly to review the food situation, judge the adequacy of existing stocks, and recommend necessary actions. International agencies such as the World Bank, the International Monetary Fund, and the FAO would help poor countries to establish and maintain the reserve stocks necessary for self-protection against crop failures. World Bank President Robert McNamara has recently pledged the bank's support for the FAO plan. Strong political support from the United States is now necessary if the proposals are to be adopted and implemented.

THE U.S. POSITION

In the face of this year's food crisis and the prospects of added vulnerability in the years to come, the American government has assumed a curious posture of complacency. Secretary of State Kissinger's recent recognition of the world's dangerous food situation in the United Nations was a welcome exception to more frequent Department of Agriculture and State Department views, but remains unlinked with actual governmental policies and actions.

The unprecedented early release of crop forecasts for 1974 by the Department of Agriculture was an apparent effort to assure the world community that no crisis exists, that no extraordinary new measures are necessary. The poor, who can tighten their belts no further, and the wealthier importing nations, who have already witnessed American readiness to cut off exports when supplies get tight, are not consoled by this argument.

Rather than continuing to provide paper assurances to a justly insecure world, the U.S. government might begin thinking of immediate steps to build a more genuine confidence in the future. The U.S. government could give its full political and economic support to the FAO reserve proposals at the crucial FAO conference next month. Given the precariousness of the world food balance at present it might be wise to reduce consumption of meat a few pounds per capita within affluent, overnourished societies such as the United States in order to accumulate some food reserves now to lessen the chaos which will result a year hence if the drought cycle should return to North America next year.

A RISKY BUSINESS

Continued American callousness in the food area will inevitably have repercussions in our relations with the rest of the world in other domains. With large-scale investments abroad and a growing need for outside raw materials, the United States would be wise to build an atmosphere of international cooperation rather than conflict and competition in an area like food, where we hold the key to a more stable and equitable world system. Playing politics with food is risky indeed.

There is also a moral imperative to take action to reduce the impact of the present food scarcity and reduce the likelihood of future disaster. The point was forcefully articulated by Chancellor Willy Brandt of West Germany in his first address before the UN General Assembly: "Morally it makes no difference whether a man is killed in war or is condemned to starve to death by the indifference of others."

THE CHANGING PATTERN OF WORLD GRAIN TRADE

[Millions of metric tons]

Region	1934-38	1948-52	1960	1966	1972 [1]
North America	+5	+23	+39	+59	+84
Latin America	+9	+1	0	+5	−4
Western Europe	−24	−22	−25	−27	−27
East Europe and U.S.S.R.	+5	----------	0	−4	−27
Africa	+1	0	−2	−7	−5
Asia	+2	−6	−17	−34	−35
Australia	+3	+3	+6	+8	+8

[1] Preliminary.

Note: Plus=annual net exports; minus=annual net imports.

SENATOR FULBRIGHT'S OBSERVATIONS ON THE UNITED NATIONS

Mr. McGEE. Mr. President, on Monday night of this week, the distinguished chairman of the Senate Foreign Relations Committee (Mr. FULBRIGHT), delivered a speech outlining his views on world peace and how initiatives in this direction should be carried out.

I was particularly impressed with his forceful and stimulating endorsement of the United Nations as an instrument vital to these undertakings. For this reason, I would like to excerpt a number of his observations which bear on the United Nations and its future effectiveness as a viable force in the international community.

As the distinguished Senator pointed out:

It follows from this conception of national interest that the United Nations ought to be at the very center of our foreign policy and not at its far periphery.

He further notes:

There is much the United States could do to breathe life into the United Nations.

Senator FULBRIGHT concluded his address by pointing out:

There is very little in international affairs about which I feel certain but there is one thing of which I am quite certain; the necessity of fundamental change in the way nations conduct their relations with each other. There is nothing in the human environment, as Adlai Stevenson once reminded us, to prevent us from bringing about such fundamental change. The obstacles are within us in the workings of the human mind. But just as it is the source of many of our troubles, the inventive mind of man is sometimes capable of breaking through barriers of prejudice and ancient attitude. In the field of international affairs, I believe, such a breakthrough was achieved with the formation, first of Covenant of the League of Nations, then of the United Nations Charter. The next breakthrough, urgently awaited, is to make the conception work.

Mr. President, I applaud my distinguished colleague for his forthrightness and farsightedness. I look forward, with enuthsiasm, to working with him and other Members of this body to making the United Nations more effective and efficient, and this Nation's participation in that institution more meaningful and constructive.

Too often, we find ourselves increasingly frustrated and exhausted in seeking solutions to our domestic and international problems. It is for these reasons that I welcomed my distinguished colleague's call for an effective effort on the part of the Congress and the Government of this Nation to bringing the United Nations back into focus of our international efforts and seek meaningful and constructive means of enhancing the organization as an integral part of our foreign policy processes.

As the distinguished senior Senator from Kansas (Mr. PEARSON) and I noted in our report to the Senate Committee on Foreign Relations concerning our service as delegates to the 27th General Assembly of the United Nations last fall:

The United Nations represents a crucial hope for the future of mankind. Our own national interests depend upon its effectiveness in coming to grips with supranational problems. Our relations with other nations simply cannot be effectively conducted apart from the U.N. It must always play an integral role in U.S. foreign policy.

I am gratified by Senator FULBRIGHT's remarks and I commend him for his sense of commitment. I urge all my colleagues and the people of this Nation to heed his observations concerning the United Nations and the role that institution must play in the international community.

CALIFORNIANS SPEAK OUT ON INFLATION

Mr. CRANSTON. Mr. President, during the August recess I toured the State to report to the people and conduct an informal California consumer survey.

From the volume of my mail in Washington, it was clear that Californians have been deeply distressed over the state of the economy, inflation, and, especially, high food prices. So I wanted to find out at first hand what inflation was doing to Californians and our economy.

I visited with senior citizens, housewives, labor union members, businessmen, farmers, and consumer groups.

And everywhere I went I sought answers to a number of questions about wage and price controls, the freeze on beef prices and the effects of inflation on the family budgets and their own lives.

The answers I got back would burn the ears of a lot of officeholders in Washington.

People are very, very angry.

And they want something done about high prices, especially food.

Since returning to Washington, I have been involved in a number of efforts to get at the root causes of inflation and to alleviate its effects where possible.

Briefly, the situation, as I see it, is this: First, the Congress has given the administration all of the authority and power it needs to deal with the immediate causes of inflation.

But we have all seen what happened in phase I, phase II, phase III, and now phase IV.

Prices continue up, up, and up. Corporation profits and taxes also go up, but wages, and social security, and pension payments struggle along far behind.

Second, food prices. The Congress enacted a sweeping new farm bill which will make more food available next year. But the immediate outlook is for still higher food prices. The administration sale of grain to Russia last summer and heavy exports to other countries apparently triggered the unbelievable wave of food price inflation we are still suffering from. It may be many months before food prices level off.

Third, if phase IV fails, the Congress is almost certain to move in with its own anti-inflation program or bring an end to controls all together. We must have either a much tougher control program or none. Halfway measures have not worked.

I agree with President Nixon that Federal spending must be kept in hand. I support the budget figure of $268 billion voted by the Senate which is $700 million below the President's target.

Priority for Federal spending cuts should be in military spending overseas. Some $30 billion a year is spent overseas, much of it wasted. Another $10 billion

goes for foreign and military aid. The Vietnam war and this huge military spending caused the current inflation. To stop inflation, we must cut extravagant and wasteful military spending.

Fourth, energy. I am very deeply concerned over this "sleeper" in our economy.

Energy prices already are heading up. Worse, there could be serious shortages. This could cause unemployment and crop losses—propane gas, which is in short supply, is needed to dry food crops.

Our economy is utterly dependent on an adequate supply of inexpensive energy. And our environment is involved too. If high sulphur oils are burned smog worsens. Strip mining lays waste the countryside.

Unfortunately, once again the administration has moved too slowly.

The energy crunch is here. It is already taking its toll in higher gasoline prices, higher electrical bills and—soon to come—brownouts and blackouts.

I believe we must embark on a crash energy research and development program.

It will cost many billions of dollars. But there is no alternative. If we do not develop new sources of energy the economy of our Nation will really be in deep trouble.

The immediate outlook is not too bright, I know.

I wish I could be more optimistic, but I cannot. What is needed are not more Pollyanna statements about "turning the corner" on every crisis that comes along out a realistic appraisal of our situation.

Once we face the facts, we will find solutions.

I am going to work with my fellow Senators and California Congressmen towards that end. And I am going to continue to encourage the administration to assess and improve its own programs for ending inflation, finding jobs for everyone and for preserving our environment.

One of the tragic consequences of the administration's failures of phase I–IV is the continuing high rate of unemployment.

For several years we have had between 4 and 5 million Americans constantly unemployed. In California we have had between 400,000 and 500,000 jobless.

There is no excuse for this terrible waste of talent and of lives.

Through the Emergency Employment Act of 1971 we have proved that unemployed men and women can be put to work in State, county, and local governments, performing vital services.

I have received scores of letters from mayors, supervisors, and city managers from all over the State praising the usefulness and productivity of public service workers.

The EEA was limited emergency legislation. What is needed is an expanded and continuing public service employment program such as would be provided by my bill, S. 793, Public Service Employment Act of 1973.

During hearings in San Francisco on public service employment, I took testimony from a former heroin addict who was working with young people with drug problems. This is what he told our committee:

> We have a lot of people who are so-called rehabilitated and have been cleaned for up to two years and they can't find jobs and eventually say, "Well, to hell with it. Why not use it anyway because we can't get jobs."
>
> This may be a bad attitude but when you're hunting and hunting and hunting, and I know, I went through the same thing before I got on with EEA (Emergency Employment Act) . . . I was just completely flatly turned down. So, because of EEA I've been off the streets . . .

We have literally thousands of stories like this about men and women who have been given good jobs. It can save a life. And in the long run it saves society the terrible costs of crime, drug addiction, welfare, and breakdown of families which are the product of unemployment.

That is why I am going to continue to work hard for passage of public service employment programs to create a million jobs as needed in health, public safety, pollution control, housing, and neighborhood and rural improvement.

To really appreciate the terrible injustice of inflation you must spend some time talking with those who suffer the most from this cruel tax—our senior citizens on fixed incomes.

In August I held a hearing of the Senate Subcommittee on Aging to explore alternatives to the institutionalization of older people.

More and more of our elderly are being driven into economic dependency as a result of inflation and other factors.

Institutionalization often follows economic disaster for the elderly.

Here are some facts on what inflation is doing to our senior citizens:

More than 70 cents of every dollar spent by the average elderly citizen must go for food, housing, and medical care.

Social security benefits went up by 20 percent, yet that was still not enough to cover just the increase in the price of food.

Medical costs have soared 145 percent over the past 10 years.

Everyone suffers from inflation—wage earners and businessmen, consumers and farmers, veterans and the unemployed. But the hardships that inflation inflicts on our senior citizens are among the most heart-rending of all.

Our Government must give them special help.

HOUSE WAYS AND MEANS COMMITTEE BETRAYS THE AMERICAN WORKER AND MAKES PRESIDENT NIXON OUR TRADE CZAR

Mr. HARTKE. Mr. President, by a vote of 20 to 5, the Ways and Means Committee approved the Nixon trade package with few alterations. The most immediate victim is the American factory worker who has lost more than a half-million jobs to the rising tide of imports in the decade of the sixties alone. Thousands more are being lost today and the President's trade bill does not attack this problem. Indeed, it perpetuates it.

The Trade Reform Act of 1973 (H.R. 10710), is a sham. How will the increasing flood of imports which steal American jobs be stemmed? According to the bill, it will be sufficient for those affected to establish before the Tariff Commission that imports are a substantial cause of serious injury in order to obtain a Commission finding on the basis of which the President may grant temporary import relief. This law is already on the books and it has not been effective. Too few cases have ever proven imports to be a substantial cause of serious injury. And the imports continue to increase. In the first quarter of this year, they were 22.6 percent higher than in the same period of 1972.

Those sections of the bill which deal with adjustment assistance differ only slightly from the provisions of the Trade Expansion Act of 1962. So few were aided by these measures in the trade bill of 1962, that it was hardly worth the time and expense to write. More money was probably spent on fees to economic and legal experts to formulate these clauses than was ever paid out in benefits.

This formula of adjustment assistance has not helped in the past, how can it be expected to work in the future? The answer is that it was never expected to function properly and that is the very reason it is in the new trade legislation. The pretense to reform is complete. Our working men and women do not want welfare. They want jobs. The dismal trend from unemployment caused by increased imports to unemployment benefits, to welfare is already familiar in this country. Then we all complain about the right and wasteful cost of welfare.

Also left uncorrected in this bill is the subsidy paid by the American taxpayer to large multinational firms who export American capital and technology abroad. There are absolutely no tax provisions in this bill.

At present, our tax laws make an overseas investment more attractive than one in Indiana or in any State. For example, profits earned by a foreign subsidiary of an American firm are not taxed until they are repatriated. To the extent that a firm does pay taxes to a foreign government, these taxes count as a dollar-for-dollar credit against any U.S. tax liability.

Profits made in Indiana—or any other State—are taxed when earned. And taxes paid to the State government can only be taken as a deduction against gross income rather than as a Federal tax credit. These loopholes through which American capital, technology and jobs have poured must be closed. The Hartke-Burke bill will wall them up.

With the Ways and Means Committee decision on this trade bill, the Congress of the United States has abdicated its authority to the executive branch of Government. The powers granted to the President in this bill make him into a trade czar. The Congress, if it passes this bill, would transfer unprecedented authority from the Capitol to the White House. Once this power is in the hands of the President, he will be able to stop any congressional changes in the law with one-third of the Congress plus one. Thus, in trade matters, majority rule

would be ended and the powers of impoundment could be extended to the whole field of trade.

How can the Congress even contemplate granting the President even more power on trade when his administration has proven itself inadequate to the task of solving our domestic economic problems. Inflation and interest rates soar. The credibility of price and wage controls has been undermined by the frenetic shifting from phases to freezes and then back again. Internationally, the President is willing to sacrifice our own economic interests on the alter of détente. To be kind, the best that one can say about the Soviet grain deal is that the President cannot even recognize America's legitimate economic interests, let alone defend them.

Congress refused to accept its ultimate warmaking responsibility in the Vietnam and Cambodian conflicts. We had the power and the opportunity to stop the war in Cambodia at the end of the last fiscal year. We caved into the President's request to allow him to bomb with impunity until August 15. The direct blame for the civilians massacred by American bombs rests primarily with the President, but we could have stopped it. We were derelict in our duties. Let us regain our voice and speak out. Let us begin our campaign to recapture our rightful authority in relation to the President's in the field of trade.

I am hopeful that our colleagues in the House of Representatives will recognize the deficiencies of this trade bill and the dangerous new precedents for Presidential power it provides—powers which encroach directly on congressional prerogatives. In this recognition, I believe the House will summon the courage to renounce this bill on the floor.

TRIBUTES TO THE LATE TOM VAIL

Mr. LONG. Mr. President, I have received a number of letters and other communications paying tribute to Tom L. C. Vail, staff director and general counsel of the Senate Finance Committee, who died recently. I ask unanimous consent that these letters be printed in the RECORD.

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

STATEMENT BY HON. WILBUR D. MILLS, OF ARKANSAS, TUESDAY, OCTOBER 2, 1973

Mr. Speaker, it is with a deep sense of sadness that I join in expressing profound sorrow at the passing from our midst of Tom Vail, the Chief Counsel of the Senate Committee on Finance.

Tom Vail served the United States for over a quarter of a century, principally as a staff member of the Joint Committee on Internal Revenue Taxation and then as Chief Counsel of the Senate Committee on Finance.

In his service to the Congress Tom Vail participated in the drafting of some of the most far-reaching and important economic measures enacted in the history of this country. He was a brilliant and erudite lawyer, and without question, one of the foremost experts in the United States on taxation, tariffs and Social Security legislation.

The Congress and the Nation have suffered a great loss in the untimely passing of this very excellent public servant. Tom Vail was highly esteemed and respected by Members in both Houses of Congress and on both sides of the aisle. We shall miss him greatly, particularly in the conference committees on measures relating to the revenues.

His wife, Nancy, and his four fine children, Tommy, Suzanne, Beverly and John, have our deepest sympathy in this very sad time in their lives.

COMMITTEE ON WAYS AND MEANS,
Washington, D.C., October 2, 1973.

Hon. RUSSELL B. LONG,
U.S. Senate.

DEAR SENATOR LONG: It is my understanding that you have indicated a willingness to receive expressions in the form of letters from close friends and fellow workers of Tom Vail, which you have very graciously offered to put in the *Congressional Record* at some appropriate time.

It is with deep sadness that I write this letter, because we have all suffered a grievous loss in the tragic passing of Tom Vail, who I am proud to claim was a close personal friend as well as a close professional staff colleague. We not only were associated as staff members, but also over the years I had the privilege of knowing Tom and his family and have very fond memories, in particular, of the times when he and his son and my son and I went hunting and fishing together.

As you of course know, in view of the close and intimate association between the Committee on Ways and Means and the Committee on Finance, I had the privilege as Chief Counsel of the Committee on Ways and Means of working about as closely with Tom Vail, who served with such distinction as Chief Counsel of the Senate Committee on Finance, as with any other staff member. Our duties in these capacities brought us together many times in terms of arranging conferences between the House conferees and the Senate conferees and in working out the manner in which presentations would be made to the House and Senate conferees on legislation being resolved in conference, and we worked together in countless other ways in coordinating the staff work of the two committees.

I know of no finer or more courageous person than Tom Vail, and his family can always look with great pride toward his professional accomplishments, and can take solace from the fact that he made, over the years, significant contributions to the public interest while serving as a staff member in the field of taxes, tariffs, and Social Security legislation.

I am grateful for the opportunity to write you this letter. Tom will be sorely missed by his staff colleagues and close friends.

Sincerely yours,

JOHN H. MARTIN, Jr.,
Chief Counsel.

FINDLAY, OHIO,
October 1, 1973.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: It is difficult for me to believe the sad news of Tom Vail's death which came to me recently.

I learned to know him very well when I served as a member of the Joint Committee on Internal Revenue Taxation. He was a perfect gentleman and completely dedicated to serving the members of Congress in the Committee. His contributions to tax legislation were enormous and were always for the best interests of the Country.

I take this means of writing you as Chairman of the Finance Committee to express my sadness at the loss of a friend and a fine public servant.

With kind regards,
Sincerely,

JACKSON E. BETTS.

WASHINGTON, D.C.,
September 27, 1973.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Those of us who knew and served with the late Tom Vail were saddened by the news of his passing. He was truly a dedicated public servant and brought to his difficult duties an experience and expertise that were of tremendous help to those members of the House and Senate with whom he worked. His objective and studied presentation of the intricate matters coming before the Legislature and particularly the conferees on technically difficult legislation was always a great assistance in reaching a fair and judicious conclusion.

We know how much Tom will be missed by those who knew and respected him and we extend to his widow and children our sincere and deep expression of sympathy.

Sincerely yours,

EUGENE J. KEOGH.

WASHINGTON, D.C.,
September 25, 1973.

Hon. RUSSELL B. LONG,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR: The loss I know you feel as a result of the death of Tom Vail, Chief Counsel of the Committee on Finance, is shared by all who had the privilege of knowing him.

He was a truly great servant of the Senate, the Finance Committee and the public interest. He justly merited the admiration and affection of those with whom he worked. An intelligent, honest, fair and professional approach to the many difficult problems within the jurisdiction of the Finance Committee was the hallmark of Tom Vail.

While my association with Tom was generally limited to the conferences between the House of Representatives and the Senate in which we participated, this was sufficient to give me great respect for him.

I want you to know that I feel we have all lost a noble public servant and a wonderfully human and good friend.

Sincerely,

JOHN W. BYRNES,
(Former Member of Congress).

AMERICAN PETROLEUM INSTITUTE,
Washington, D.C., October 2, 1973.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The untimely passing of Thomas L. C. Vail, Esquire, is a tremendous loss to the Nation he served with patriotism and distinction. I have been honored to know Tom personally and be aware of his excellence during and since my tenure in the Congress as he served first on the professional staff of the Joint Committee on Internal Revenue Taxation and then as Chief Counsel of the Senate Committee on Finance.

In a career lasting fewer years than are available to most men, Tom Vail achieved a measure of integrity and accomplishment seldom attained in a full life span. He exemplified the finest qualities in public service and in his chosen profession in the law. He was never too important to be helpful, too hurried to be patient, nor too burdened to be considerate in his relations with other people. His perceptive counsel provided a major contribution to the cause of good government. All of these attributes and achievements will enduringly bring our esteem and affection to the memory of this good American.

To the members of his beloved Family we express our love and appreciation for sharing

Tom Vail with us. America is better because he was once with us.

Sincerely,

FRANK N. IKARD.

BIOGRAPHICAL INFORMATION: THOMAS L. C. VAIL, CHIEF COUNSEL, SENATE COMMITTEE ON FINANCE

Born: Oct. 14, 1927, at Bay Minette, Ala.

Died: Sept. 18, 1973, cancer, at Northern Virginia Doctors Hospital, Arlington, Virginia.

Married: To Nancy E. Overton of Washington, D.C., 1956; four children, Thomas, Jr., 15; Elizabeth Suzanne, 14; Beverly, 11; and John 9.

Immediate family: Mother, Mary Chew Vail, San Antonio, Tex.; two brothers, Robert B. Vail, Selma, Ala., and William F. Vail Dunedin, Fla., and two sisters, Mary C. Vail, San Antonio, Tex., and Sarah Joiner, Atmore, Ala.

Education. Attended public schools of Baldwin County, Ala.; graduated from Murphy High School, Mobile, Ala.; earned bachelor's degree in economics from George Washington University, Washington, D.C., in 1956, and bachelor of law degree from George Washington University, in 1959.

Admitted to bar: Supreme Court of Appeals of Virginia, U.S. District Court for the District of Columbia, and U.S. Supreme Court.

Professional career: Chief Counsel, Senate Finance Committee, 1966–73. Professional Staff member, Senate Finance Committee, 1964–65. Staff member, Joint Internal Revenue Taxation Committee, U.S. Congress, 1951–64.

Service Record: Served in U.S. Navy from Dec. 27, 1944, to July 17, 1946, honorably discharged as a fireman first-class. He was a member of the U.S. Naval Reserve until Jan. 16, 1952.

FUNERAL ARRANGEMENTS

Body may be viewed at Arlington Funeral Home, 3901 Fairfax Dr., Arlington, Va., on Thurs., Sept. 20, from 9 am to 9 pm.

Services are scheduled for Friday, Sept. 21, at 12:45 p.m., at St. Georges Episcopal Church, N. Nelson St. and Fairfax Drive, Arlington, Va.

Burial will be in Arlington National Cemetery, Section 47, at 1:30 pm.

The family asks that no flowers be sent. Instead, please make contributions to the THOMAS L. C. VAIL MEMORIAL FUND, c/o the Vince Lombardi Cancer Research Center, Georgetown University, Washington, D.C.

ARRANGEMENT FOR THE FUNERAL OF TOM VAIL

Mr. Vail can be seen at the Arlington Funeral Home (3901 N. Fairfax Drive, Arlington, Virginia), on Thursday anytime from 9:00 a.m. to 9:00 p.m.

Telephone number of Arlington Funeral Home: 522–1441, Mr. Ernie Myers.

Services are set for Friday, September 21, 12:45 p.m. at St. Georges Episcopal Church, N. Nelson Street and Fairfax Drive, Arlington, Virginia.

Procession then follows to the Arlington Cemetery, Section 47, for burial at 1:30 p.m.

Those not with the procession should go to the Guard at the Main Gate: Ask him where the Vail funeral is being held (Section 47). Try to get to the Main Gate by 1:20 p.m.

Contributions may be made to the Vince Lombardi Cancer Research Center, Georgetown University, Washington, D.C., in memory of Thomas L. C. Vail.

U.S. SENATE,
COMMITTEE ON FINANCE,
September 19, 1973.

Attached is a statement on the death of Tom Vail which has been delivered on the floor of the Senate by Chairman Long.

It is included here solely for purposes of background information.

FLOOR STATEMENT FOR SENATOR LONG ON TOM VAIL

It is with great regret that I take this time to inform my colleagues of the passing last night of Tom Vail, Chief Counsel of the Committee on Finance. Mr. Vail, who was well known to the members of this body, died last night in Northern Virginia Doctors' Hospital at the age of forty-five.

It is no overstatement for me to say that Tom Vail was the most gifted and dedicated public servant I have encountered in my 25 years as a member of the Senate. For a moment I would like to review the many contributions Mr. Vail made to the Finance Committee, to the Congress, and to the Country.

When I assumed the Chairmanship of the Finance Committee, the Committee was virtually without a professional staff. The Committee was relying primarily on external sources for staff support. Mr. Vail, who had joined the Committee staff in 1964, represented the Committee's sole professional staff member. My predecessor as chairman, the late Harry Byrd, Sr., father of the distinguished Senator from Virginia, had named Mr. Vail chief counsel in 1965.

It had long been my view that the Finance Committee should have its own individual professional staff in addition to these other sources of information and assistance. Upon assuming the Chairmanship, I renamed Mr. Vail Chief Counsel and directed him to recruit a non-partisan professional staff to assist the Committee in its work. Mr. Vail was uniquely qualified to undertake this assignment. From 1951 to 1964, he had been a member of the staff of the Joint Committee on Internal Revenue Taxation, a staff with a well deserved reputation for professional competence in the field of taxation.

In the months and years that followed, Mr. Vail recruited such a professional staff. More importantly, he instilled in them a tradition of objectivity and professional excellence which became a valuable asset not only to the Members of the Committee, but to the Senate and to the Congress as a whole.

Tom Vail's great gifts as an administrator, however, are equalled by his many contributions as an individual professional staff member. Over the years, Senators who were Members of our Committee, and Senators who served on other Committees, came to rely on Tom Vail for advice and counsel in the many areas which fall within the Finance Committee's jurisdiction. Whether the subject was trade legislation, or tax policy, or Medicare, or Social Security, or welfare reform, or the Public Debt, or even questions concerning the financing of political campaigns, Tom Vail possessed not only a tremendous reserve of knowledge, but also an extraordinary ability to present policy issues for decision.

Let me give you an example:

In 1965, the Congress established the Medicare and Medicaid programs and directed that they begin operation the following year. As might have been expected in the initiation of such large new programs, problems were encountered in their implementation. At the Committee's request, and under Tom Vail's direction, the Committee staff undertook a year-long comprehensive study of the Medicare and Medicaid programs and prepared a staff report detailing the problems which were being encountered and suggesting alternatives for their solution.

This staff report formed the basis for subsequent legislation to improve the administrative quality, and cost control in the Medicare and Medicaid Programs. Thus, Tom Vail made a large contribution not only to the administration of these programs, but also to the health and well-being of millions of Americans.

Similar examples of Tom Vail's contributions to the legislative process and to public policy can be found in the fields of social security, welfare reform, taxation, trade and the other areas within our Committee jurisdiction. These examples illustrate Tom Vail's competence as a professional staff member and as an administrator with the Committee staff, but also I think his unusual dedication to public service.

Mr. Vail's extraordinary value to the Finance Committee was not only his ability to master the technical details of legislation, but also his ability to present, in an objective manner, the questions to be decided in the context of our country's domestic and foreign policies. It was this unusual ability to take the broader perspective as well as the depth of his technical knowledge that earned Tom Vail the genuine respect of Senators of both parties, of the heads of agencies in the Executive Branch, and of other participants in the legislative process.

More important than his many professional achievements were the personal qualities which Tom Vail brought to his daily dealings with other people. In a word, Mr. Vail elicited the best in others. He was a leader who led through personal example. He was a kind and sensitive man who appreciated that the work of the Committee directly affects the lives of millions of people.

Tom Vail was a man of generous, unselfish nature, a man who personally and professionally enjoyed the respect and admiration of all who knew him. These were qualities which Tom never lost, despite the pain and anxieties brought on by his illness of the past two years.

His loss is mourned not only by the past and present members of the Finance Committee and of the Senate, but also, and most especially I think, by the members of the Committee staff who were privileged to serve under his leadership and to learn from his example. His untimely death tragically curtails a 22 year career as a professional employee of the Congress. His legacy will be an enduring example of what public service can and should be.

Tom Vail also was a man of the highest moral character and his personal and professional integrity never has been questioned.

Mr. President, Tom Vail was a man who exemplified public service, a phrase that is so casually referred to at times here in Washington. He was a man whose recognized talents caused him to be sought after and well recognized throughout private industry. He spurned numerous offers of lucrative, secure positions in the private sector in recent years because he felt so strongly about the contributions he could still make with the Finance Committee and the general welfare of the country.

In addition, Mr. President, Tom Vail was a loving husband and devoted father who used the little spare time he had available to be with his wife Nancy and their four children, and whose idea of a full weekend was being with them and taking a group of boy scouts for an educational and entertaining camping or hiking trip. He had a love of nature as well as a love of people and his loss will be felt not only by those of us here in the Senate but also by his many friends and neighbors and children who knew him so well. It has been said that the greatest legacy a man leaves to his fellow man is that of shining example. Truly Tom Vail leaves that with all of us.

Mrs. Long joins me in expressing our deepest condolences to Mrs. Vail and to their four children.

MATCH-RELATED INJURIES

Mr. MAGNUSON. Mr. President, when Congress created the Consumer Product

Safety Commission, current data indicated that 20 million Americans are injured each year in the home as a result of incidents connected with consumer products. One such product which I have always believed presents an unreasonable risk to consumers is the common everyday match book. This belief has been borne out in statistics recently compiled by the new Commission.

Last week, the Commission released a consumer product hazard index which ranks 366 different consumer products by frequency and severity of injuries as reported through the NEISS system. Matches ranked 29th, inflicting 11,000 injuries. The Commission has noted three hazard patterns: First, failure in use resulting in head fragmentation and sparking or flaring; second, spontaneous ignition; and third, children playing resulting in fabric ignition and vapor ignition.

Mr. President, for almost 2 years now, I have been urging match manufacturers to adopt a series of voluntary standards which would include placing the striker on the back of the match book. I think some progress is now finally being made. The Commission has been working with industry through an ASTM Committee on a voluntary standard to improve the quality and safety characteristics of book matches. But it is also developing data to indicate the need for a comprehensive mandatory Federal standard for matches. I urge the Commission to proceed as expeditiously as possible with this development work.

I ask unanimous consent that an article entitled "Match-Related Injuries are Numerous, Serious" appearing in the Commission's "NEISS News" of September 1973 be printed in the RECORD in full.

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

MATCH-RELATED INJURIES ARE NUMEROUS, SERIOUS

As a 38-year-old man strikes a match against the striking surface of a matchbook cover, a burning fragment flies off, hitting him in the eye.

A 2-year-old, playing alone in the living room, lights a match and ignites her dress.

An 86-year-old man drops a burning match onto his bed clothing as he attempts to light his pipe.

These descriptions of match-related injuries come from in-depth investigations analyzed by CPSC. Numbers alone makes the problem of match-related injuries serious: the Bureau of Epidemiology estimates that during fiscal year 1973, 10,863 match-related injuries required emergency room treatment in the United States. The problem is compounded by the most frequent diagnosis of the injury—burns. The victims of burns are often left crippled and scarred, both physically and emotionally.

Since July 1, 1972, when the system became fully operational, NEISS has collected more than 400 surveillance reports of match-related injuries. NEISS assigns severity ratings to every reported injury on the basis of diagnosis, both part, and disposition. Severity ratings for matches average among the highest for all consumer products.

The young and the old received the most severe injuries, but most often affected was the age group 15–44. An analysis of the 426 surveillance reports showed further that the majority (95%) of match-related cases were treated and released. Four percent of the reported injuries were hospitalized and one percent treated and transferred. No DOA's were reported. (DOA means dead on arrival.) However, many burn injuries, especially very serious ones, may have been treated in special burn units, which do not report to NEISS.

Burns make up 75% of all reported injuries associated with matches. Of these, 64% are thermal burns, 7% are chemical burns, and 4% are unspecified. The eye is most often affected; it sustains 30% of all reported burns. (Eyes are involved in 46% of the reported injuries; this may not necessarily be the true proportion of relative body part involvement, but in part may reflect the likelihood that people are quicker to seek medical help for eye injuries than for injuries to other parts of the body.) Other areas of the body often sustaining burns are the upper extremities, particularly the hands and fingers, 26%; the area above the neck, excluding the eyes, 7% of all injuries; and the lower extremities, 6%.

Contusions and abrasions account for 10% of match-related injuries. Once again, the eye is most often injured. Foreign bodies contacting the eyes and ears account for 7% of match-related injuries.

Match injuries affect all age groups, but those 15–44 suffer 63% of the reported injuries. Children under 15 are involved in 27% of the reported accidents. Males, victims in 55% of the cases, out-number females, but this is largely accounted for by children under 15, where males in that age group outnumber females by more than 2 to 1. For the 45 and older group, females outnumber males 3 to 2, but in the 15 to 44 age group, the male/female ratio is nearly equal.

In addition to the analysis of the surveillance data, CPSC also analyzed 156 in-depth investigative reports. In-depth investigations are used by the Commission to analyze trends in product-related injuries and to determine the causes of accidents. In the case of match-related injuries, these investigations did not constitute a random sample of match-related injuries. To the contrary, the cases were selected on the basis of several criteria which can selectively bias the data, such as the age of the victim and the severity of injury.

Two distinct accident situations emerge: the first involves deliberate use of matches, and the second, children at play.

Sixty-three cases are in the first group involving deliberate use of matches. Of these, 41 cases involved failure of the match during use, including sparks, fragmentation, and flaring. Three of the victims in the flaring cases reported that the remaining matches in the book stuck to their skins as the matchbook flared. Delay in ignition was reported in two other flaring cases—apparently, the matches ignited as the victims brought the match back to the striking surface to restrike the match. Matches being dropped accounted for 15 of the 63 cases. Typically, clothing ignition resulted. The victims in these cases tended to be 45 or older (11 of the 15 cases).

In the second group of 93 children at play, specific details concerning the accident pattern were not always available. In 55 cases, accidental clothing ignition was apparently the most significant factor in the accident pattern. Of these, 28 involved the ignition of daytime clothes and 27 involved night clothes. Ignition of surroundings, usually bedding or curtains was the most significant factor in 15 cases. Combination of a highly flammable material, such as gasoline or alcohol accounted for 14 cases. Matches intentionally thrown or shot were responsible for 4 cases. The 5 miscellaneous cases represented varying other patterns, including intentional clothing ignition.

Five children under 2 years of age were victims of match-related injuries; however, they were not playing with matches themselves. Among the cases resulting from children playing, 23 were treated and released. Fifty of the children at play were hospitalized; at least four children died after admission; four children were dead on arrival. (The remaining dispositions are either unknown or inapplicable.)

Of the 63 "use" cases, resulting from conscious use of matches, nearly half, or 28, were treated and released. Twenty-three cases were hospitalized, and at least 8 of these 28 expired after admission.

With burn injuries, death often follows after days, weeks, or even months of treatment. Since many of the cases reported as hospitalized were investigated while the victim was still being treated, it is possible that some fatalities occurred subsequent to the investigations reported upon here.

The match problem is clearly multifaceted: not only does it involve the product design and defects in normal use and foreseeable misuse, but it also involves children playing with matches and the use of matches by the elderly.

The problem of children playing with matches requires special consideration; children not only comprise a large portion of those injured by matches; they also generally receive more serious injuries than adults, particularly when clothing ignition is a factor. A child may be attracted to matches by a child attractive cover, by a fascination with fire, by natural curiosity, etc. In reported match-related injuries, the child or children are almost always unattended by an adult. Often a child will seek isolated areas. Typically, the child will strike a match and, frightened by the ignition, or perhaps the ignition of the entire book, will drop it, causing his clothing or surroundings to ignite. It is difficult to determine when match defects, as opposed to the actions of the child, cause an accident, but undoubtedly, defects in construction, performance, and design are significant in some match injuries during play.

Because of their deficiency in strength, dexterity, and judgment, the elderly are likely to drop lighted matches. They are particularly liable to serious injury because of their inability to respond quickly when they drop a match or when fragmentation or sparking occurs. Cases involving flammable fabrics are especially dangerous for the elderly.

A TIME FOR REFORM

Mr. CHURCH. Mr. President, earlier this year, the Senate passed legislation that can only be described as the most comprehensive campaign reform bill in our history.

It is with a good deal of pride on my behalf that one section of this bill contains language I proposed to require Members of Congress—as well as congressional candidates—to make a public disclosure of their income and assets. Senate passage of my amendment represented the first time in history that the Senate has voted such a disclosure provision, and I am hopeful that the House of Representatives will agree and that this measure will be enacted into law.

Since the Senate passage of the campaign reform bill, I have received numerous expressions of support for my amendment. Among others, I was pleased to note the editorial endorsement by the Idaho State Journal in Pocatello, not only of my amendment, but of the legislation as a whole.

The Journal noted that—

The American political system is unhealthy, with the Watergate revelations giving a glimpse of the extent of the blight.

A little sunshine in the way of campaign reforms would go a long way toward restoring the system to health.

I ask unanimous consent, Mr. President, that the editorial from the Idaho State Journal of August 13, 1973, be printed in the RECORD.

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

[From the Idaho State Journal, Aug. 13, 1973]

TIME FOR REFORM

If ever the climate was right for a campaign spending reform law, the time is now before the stink of Watergate and its moneyed abuses subsides.

The Senate has taken a commendable step by passing a reform bill, which will be taken up by the House in September.

The Senate bill would establish a policing board which could take violators into court, and enforceemnt authority which does not presently exist. It also would restrain contributions to a maximum of $25,000 for a man, wife and family in any one year, either to candidates or fund-raising committees. A donor could give $3,000 for a candidate's primary, runoff and general election—a maximum of $9,000 in all for a campaign.

Still another restraint would place campaign ceilings on candidates themselves. They could spend up to 10 cents per voter in their district or state for primary races, and 15 cents per voter in general elections. That means wealthy or heavily-supported candidates themselves. They could spend up to 10 cents per voter in their district or state * * * could not blitz opponents by an expensive advertising campaign.

Also embodied in the Senate bill is a provision outlawing cash contributions of more than $50. Contributions would have to be made by check, which means a record can be kept, and donors would have to list occupation and place of business as well as name and address.

There still would be opportunity for indirect contributions, such as individuals giving their personal time and effort. That strikes us as a good idea, one which would get more personal involvement in politics.

There is still another notable feature in the Senate bill—a proposal to provide up to 10 years in prison and $25,000 in fines for misuse of campaign funds donated to candidates. Embezzlement or conversion to personal use of campaign funds or more than $100 would subject the user to a maximum of 10 years imprisonment and a fine of up to $25,000. If the amount involved is less than $100, the maximum penalty would be a $1,000 fine and one year in prison.

Senator Frank Church of Idaho succeeded in having another important amendment added to the reform bill, one requiring disclosure of all income and assets by members of Congress, as well as Congressional candidates. Although Church and a few others have made voluntary disclosures in the past, this is the first time the Senate has voted for a disclosure provision.

The American political system is unhealthy, with the Watergate revelations giving a glimpse of the extent of the blight. A little sunshine in the way of campaign reforms would go a long way toward restoring the system to health.

NATURAL GAS DEREGULATION

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement the distinguished Senator from Oklahoma (Mr. BARTLETT) made before the Commerce Committee on the subject of natural gas deregulation.

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

REMARKS BEFORE SENATE COMMERCE COMMITTEE HEARINGS ON NATURAL GAS DEREGULATION

(By Senator DEWEY F. BARTLETT)

The energy shortage is real—not imagined—not a hoax—not a conspiracy—and what's more important, it will get worse before it gets better. The demand for energy in the United States is rapidly out-stripping available supplies.

In this first half of 1973, we imported 34% of our crude oil consumption. Over 60% of the increase in these imports since the first half of 1972 came from the Middle East and Africa.

A shortage of energy was inevitable, and it has been no surprise. Michel T. Halbouty, past president of the American Association of Petroleum Geologists, was one of many who could see the writing on the wall. He said in 1960, "I can safely predict that between now and 1975 we will have an energy crisis in this country. Then people will say 'The industry is to blame, why weren't we told?' Well, I'm telling them now." That was in 1960 and I could recite numerous similar warnings over the years.

Between 1960 and 1970, the use of natural gas almost doubled. While the nation's demand for natural gas was doubling, exploration and development activities were declining sharply because the same artificially low prices that stimulated demand, have also discouraged investments to increase supplies. In 1956 a high of 16,173 exploratory wells were drilled—in 1972 only 7,587 exploratory wells were drilled—less than half the 1956 amount. (Refer to plot of wells drilled and r/p vs years). Also the exploratory geophysical crew activity dropped to half as much in 1970 as it was in 1960.

The suddenness with which the energy gap has occurred can be traced to the natural gas shortage because the lack of sufficient supplies of natural gas has caused a strain on all other available fuels to make up the shortfall. Now it is time we did something about it.

I would like to comment on the remarks made by Senator Stevenson when he introduced S. 2506, on October 1, 1973, then discuss some of the provisions of S. 2506.

Mr. Chairman, you have me confused. You said, and I quote, "I believe in a free market. But there simply is no free market in the nation's gas and oil business."

I beg to differ. There certainly is a free market in the nation's gas business—the intrastate natural gas market. And I might add, that it has been functioning very well. Intrastate free market prices at two to three times the interstate rates have been successful in providing additional new reserves for intrastate use. This is the one bright spot in a dismal picture of domestic natural gas.

Drilling in response to recent increases in intrastate gas prices has been phenomenal. In a period of time when intrastate prices have increased 2.3 times on the average, the number of gas wells drilled increase 15.3 times. Exploration and development activities and the resulting increases in supply are price elastic.

You also said when you introduced S. 2506, "I am not enthusiastic about government regulation, and would not presume to defend the present system for regulation and natural gas prices." But then you proceed to show such enthusiasm and defense for the present system by supporting legislation that would extend government regulation into areas which, under state regulation operate in the free market. Am I right in assuming that you intend to impose a system of regulation, which you say you cannot defend, upon the only remaining free market aspect of natural gas? Yet you say you "believe in a free market"? This seems to me a direct contradiction.

Mr. Chairman, I contend that S. 2506 will do exactly the opposite of what you would intend, i.e. as you have said, "Substantially increase the amount of natural gas available to the consumers . . .", "Save the public billions of dollars . . .", and "Improve the competitive structure of the oil industry . . .".

Extending Federal regulation to intrastate sales of natural gas at the wellhead will only act to decrease the gas available to those consumers. This is the discouraging and undeniable record of the supply of natural gas under FPC regulation. The total amount of natural gas available in the United States would decrease at an even faster rate than it already is. You might be able to increase the amount of gas available in interstate sales by taking away the gas from the intrastate consumer, but there will be no incentive to increase the overall supply of natural gas. Federal regulation of natural gas at the wellhead has stimulated the demand for and at the same time reduced the prices and supplies of oil and coal.

In terms of cost to the consumer in New York City, for example, the price paid to the producer of natural gas is only a small fraction of the total cost he pays. In 1970 figures, a consumer's cost for a thousand cubic feet (MCF) of gas in New York City included $1.41 to the local utility company for distribution charges, 25.1¢ for pipeline transportation charges and 17.1¢ on the average for the natural gas itself. That 17.1¢ is only a little over 9 percent of the total cost of $1.84 per MCF. Even if the price of the natural gas were tripled, the total gas bill increase for a New York City consumer would be only 19 percent. Because of long term contracts, generally of 20 years, the roll-in effect of price increases in a free market today would result in annual increases of no more than 5–10%.

In the long run, rather than saving the public billions of dollars, S. 2506 would force the importation of alternative sources of energy whose costs, such as liquefied natural gas (LNG) and synthetic natural gas (SNG), both at approximately $1.50/MCF—over seven times the current price for interstate gas sold at the wellhead.

The shortage of oil and coal and the slow development of alternative resources of energy can partially be attributed to the fact that artificially low prices for natural gas have caused the clean burning natural gas to displace and restrict alternate fuels in the market place and to generate a reduced rate of drilling for natural gas and oil.

You said, ". . . oil has never been regulated—and it is in short supply." Oil is in short supply because it has been called upon to assume the burden of natural gas shortages. The price of oil has been low because it has been competing with artificially low priced natural gas, and has also been held down, until recently, by the constant increasing of imports of foreign crude under the mandatory quota system. Now as you know, "old" domestic crude is regulated.

The petroleum industry is highly competitive in exploration, development and production of natural gas. Extending federal regulation can only make the industry less competitive. The proof of this is in the last 10 years the number of independents have been reduced in half from approximately 10,000 to 5,000.

S. 2506 was introduced with the unequivocal statement "the four largest producers control 70 percent of the nation's uncommitted reserves of natural gas". This statement is in error.

First of all, the "70 percent" figure is not only inaccurate but even the correct figure

(48 percent) would be misleading because the amount of uncommitted reserves amounts to a very small percent of total proved domestic reserves.

Chairman Nassikas, of the Federal Power Commission, testified before the Senate Subcommittee on Anti-Trust and Monopoly on June 26, 1973, that as of June 30, 1972, uncommitted reserves available for sale in the lower 48 states totaled 3.4 trillion cubic feet. This represents only about 1½ percent of the total domestic proved reserves for the lower 48 states.

The largest four holders of uncommitted reserves controlled only 48 percent, not 70 percent of this small amount of uncommitted reserves. In fact, the largest 8 holders of uncommitted reserves controlled less than 70 percent—68 percent to be exact.

Another point I would like to make, is that the four companies holding the largest amounts of uncommitted reserves are not the four largest producers in terms of annual sales.

Uncommitted reserves, when used as a basis for determining competition, cause an unfortunate but serious misunderstanding. Gas exploration and marketing cannot be meaningfully analyzed at a single point in time because they are on-going activities. After discovery, and prior to commitment, a gas field must be developed to the extent that the pipeline purchaser is assured of a sufficient quantity to justify investment in pipelines and facilities. Uncommitted reserves are similar, therefore, to a manufacturer's inventory of "goods in process". Drawing specific conclusions based only on this data would be analogous to clipping one frame out of a moving picture film and judging the whole film on that basis.

Data submitted by Chairman Nassikas, before the Subcommittee on Anti-Trust and Monopoly, provided for a more reliable basis than uncommitted reserves for drawing conclusions on the competitive structure of the gas producing industry. This data shows that the four largest sellers of gas sell only 25 percent of the total, not 70 percent or even 48 percent. In addition, the percent of total annual new sales by the four largest companies each year (not necessarily the four largest in total sales) has declined from 49.5 percent in 1964–66 to 29.4 percent in 1967–69. This strongly suggests a trend of decreasing market concentration, i.e. more competition for the large gas producers.

It is interesting to compare the concentration of the petroleum industry with a few other manufacturing industries. The 1967 Bureau of Census Report on the concentration of manufacturing industries shows on the basis of value of shipments the petroleum industry is *less* concentrated than many, as the following table shows:

[In Percent]

1967 Bureau of Census study	Percent of total value of shipments	
	4 largest companies	8 largest companies
Petroleum	33	57
Auto	91	98
Raw steel	67	83
Aluminum	(1)	(1)
Rubber tires	70	88
Computers	66	83
Copper	77	98
Aircraft	69	89
Glass	60	75

1 1968 had only 6 companies—too concentrated for disclosure

Each year, new producer contracts to sell gas are filed with the FPC. The gas reserves under these contracts, prior to contracting, represent uncommitted reserves. Theoretically, the four largest total sellers have the opportunity to be among the top four new sellers each year in each area. If one observed three areas, the Permian-basin area, the Texas-Gulf Coast area, and the southern Louisiana area, for six years to see the top full rankings and new sales, the four largest total sellers could appear within the top four largest new sellers a total of 72 times. In fact, these four largest total sellers appeared among the four largest new sellers only 16 times out of 72 opportunities.

It has been purported that S. 2506 would "exempt all small producers for regulation, thus concentrating on the 30 largest producers . . ." Even the drafters of this bill apparently are unaware that it provides only qualified exemption for small producers, and would continue to regulate more than a hundred producers. In 1971 there were 105 producers who sold in excess of the 10,000,000 mcf limit set out in the bill in interstate commerce and an unknown additional number of producers sold more than this amount in intrastate commerce. The contention that only 30 producers would be regulated under this bill is false.

S. 2506 was touted to be a "consumer-oriented alternative to the Administration's proposal for deregulation." There is nothing consumer-oriented about S. 2506. It would ultimately lead to diminishing the available supplies of natural gas available for consumer use, which is certainly not in the consumer interest.

Deregulation of natural gas, as proposed by Senator Tower in S. 371, which I cosponsored, would be in the consumers' interest. The free market would allow the price mechanism to provide the incentive for new energy supplies for the consumers without importing high priced energy needlessly.

In short, domestic natural gas is the cheapest alternative available to the consumer, it is the most secure and dependable source of energy and it strengthens, rather than weakens, our country's balance of payments deficit.

IT HAS ALL HAPPENED BEFORE

Mr. CHURCH. Mr. President, now that the Senate Select Committee on Presidential Activities has resumed its investigation and hearings, we can expect to hear more of the now-familiar refrain, "it is nothing new; it has all happened before."

In point of fact, the Watergate scandal has not happened before. Nothing approaching the magnitude of this scandal has ever before so seared the American political system. True, America has faced scandals in the past involving the actions of men motivated by greed and personal wealth. But the truth of Watergate is that it does not involve matters of simple greed; it cuts much deeper. It goes to the efforts of a small band of men to control power and to manipulate the American political process.

In a recent editorial in the Messenger-Index of Emmett, Idaho, Publisher Lewis Hower points out that the real damage from the attitude that "it has all happened before" runs "deeply hidden through the very fabric of American morality. [These attitudes] subtly erode the inner bonds which hold people together in a community of good will."

I ask unanimous consent, Mr. President, that this editorial be printed in the RECORD.

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

IT ALL HAS HAPPENED BEFORE

The Senate Watergate hearings will resume next week, and three nearly anonymous astronauts will come home from Skylab after an unprecedented 59 days in space, and this fall Californians probably will adopt by initiative in their constitution Governor Ronald Reagan's deceptive tax scheme.

Ho-hum.

President Nixon himself leads the refrain of "it all has happened before" and "the time has come to turn Watergate over to the courts." Public interest and public concern have been dulled effectively.

Americans don't even know the names of their astronauts any more.

Governor Reagan most probably will be candidate for President in 1976.

Yes, "Watergates" always have happened before, and this one is little different from those of past administrations. As the President pointed out last month, "A political campaign is always a hard, tough contest, and "abuses . . . on both sides" certainly existed.

Governor Reagan's California tax scheme, directed primarily against legal services and other programs for the poor, has great popular appeal in promising to reduce state spending by constitutional limitation, involving a staggering cut of $1.4 billion by 1977.

Reagan, of course, doesn't see this in terms of drastic reductions in education, high tuition fees at community colleges, abolition of senior citizen property tax relief, a broad shift of government expense from state to local entities, and from progressive state income tax to regressive sales and property taxes.

Under the California plan, taxpayers in the $35,000 a year income bracket would save $17,000 in 15 years, on the average, and families in the $8,000 bracket would bear the brunt of the lost state services but still pay about the same income tax.

But it is probably forgotten that with extensive investments and a governor's salary of $49,000, Reagan paid no state income tax at all in 1970. Don't all administrations have Watergates? Don't all politicians take care of their own?

And who in the world are those out of this world astronauts?

It's all been done before! As the President points out.

The real damage from these attitudes runs deeply hidden through the very fabric of American morality. They subtly erode the inner bonds which hold people together in a community of good will.

A primary function of a president should be to lead and to inspire, to draw out the best in men, to nurture noble impulses that lie somewhere in the essence of every heart. He should be upright to the extreme and meticulously honest in every personal involvement.

But with this administration, the only misfortune is in being caught. What's $10 million or so of taxpayer money for personal western White Houses, southern White Houses, and mountain retreats? What's a new fleet of presidential jets so opulent as to be vulgar in their cost?

What's a bigger sales tax on the family groceries if a wealthy California governor can escape income tax?

Who are those forgotten astronauts?

In this day, one takes whatever he can, doesn't he? He screws whomever he can. He learns dirty tricks. He gets. He keeps. He cheats. He lies. He shouldn't get caught, but if he does, he attacks.

That is the deeper message of Watergate and its refrain, "it has all happened before."

COMMODITY SPECULATION

Mr. CRANSTON. Mr. President, a headline on an Associated Press story from Washington and printed in the Los Angeles Times last week read:

U.S. says it can't confirm rumor of huge corn purchase by China.

This was a story about trade rumors that China is purchasing huge amounts of grain in the United States and Canada.

The Department of Agriculture was asked by the AP reporter for information on sales of corn to China and he was told that no information was available and none might be available for several weeks.

The AP story said that, and I quote:

> There is a delay of several weeks in the Government's reporting system for exports, and one official said that the transaction would not show up for some time.

So, once again, we are being told by the Government that in fact it does not know what is happening in one of the most vital areas of our economy—the production, sale, and export of food.

And, once again, it appears that we could have on our hands another grain sale similar to the Russian deal last year that already has cost the U.S. consumer as much as a billion dollars and which in the next 2 or 3 years could cost another $2 or $3 billion.

For it is a shocking fact that our Agriculture and Commerce Departments apparently do not have the ability or the manpower to find out the facts about sales of commodities and report them publicly in time so that the Government or the Congress can take action on those reports when necessary.

One of the problems is in our antiquated system of selling commodities on the big exchange markets principally in Chicago and Kansas City.

For the truth is that these huge trading pits were transformed this past summer and remain today something akin to glorified floating crap games and the stakes are the basic foods which must supply 200 million Americans and millions of our foreign customers.

I am a firm believer in the free market system.

The free markets are the heart of our free enterprise system and the commodity markets in Chicago, New York and other cities can and do perform a vital service in our food marketing system.

But that system apparently no longer operates the way it originally began.

The system broke down completely this year in the wildest and most uncontrolled speculation in wheat, corn, soybeans, and other agricultural products that this Nation has ever seen.

And, clearly, the American consumer is paying for that breakdown in the highest food prices in history.

Not all of the blame for high food prices can be placed on the commodity exchanges. Bad weather all over the world and a huge domestic and foreign demand for food created some of the inflation.

But here in the United States there was no shortage of wheat, corn and soybeans.

And there was no excuse for selling off American wheat to Russia—at low prices subsidized by American taxpayers—in ways that apparently touched off unprecedented speculative trading which saw wheat rise from $1.68 a bushel in July of 1972 when the Russian sale was culminated to more than $5 a bushel this past summer.

This enormous fluctuation in price—and we saw the same kind of wild increases in corn and soybeans—apparently was principally the result of trading in the so-called grain futures on the commodity exchange markets.

I want to emphasize that I strongly support the concept of expanding our agricultural trade into international markets. But the aftermath of the Russian wheat sale brings home the need to insure against the speculative activities that accompanied this historic deal. The news that China is negotiating for a similar massive purchase of grain provides fuel to my argument that this Congress must reform the Commodity Exchange Authority so that it can better regulate the activities of the commodity futures markets.

What we have seen is not a case of farmers in Iowa sitting on top of mountains of wheat driving up the price.

They had not even grown the wheat which was being traded in the Chicago futures market.

And it is not they who will make the huge profits from the speculation but the traders who gambled on contracts that were nothing more than pieces of paper.

Most traders in Chicago would not know a soybean from an artichoke, and they could not care less.

For their code is very simple: buy cheap and sell high. Is it all just a matter of luck, buying cheap and selling dear? If it were, then the gambling in the grain pits might be passed off as innocent fun of rich people playing games with paper money.

But, clearly, more than luck must be involved in some of the trading of $268.3 billion worth of grain futures which is what was sold in fiscal year 1973 on the commodity markets. This, by the way, is $70 billion more than is traded on Wall Street in stocks and bonds.

In buying wheat at $1.63 and $1.65 a bushel the Russians appeared to know more about our markets than the Agriculture Department and the Kansas farmers.

Although the Russian wheat deal was a disaster for American farmers and consumers it is by no means the only example of the problems that have grown up around the commodities markets which the Department of Agriculture's Commodity Exchange Authority and our Commerce Department apparently are unable to handle.

There appears to be strong evidence, for example, that last July, during the frantic trading in corn and soybeans, that some forces were at work in the futures markets which did not represent normal trading activities.

The Commodity Exchange Authority is now investigating that trading activity. The House Small Business Committee also has been looking into the problem. The Senate Agriculture Committee also will be investigating.

Something peculiar was going on, especially in soybeans which saw the futures prices rise in less than a month from $3.50 a bushel to more than $6.80. In July, soybeans on the Chicago Board of Trade went to $11.87 a bushel. The real price of soybeans, what they were being sold for in cash, bore no relationship to the proper transactions which drove up the price on the exchange markets.

It was reported to the House Small Business Committee that one trading company owned 35 percent of the July soybean futures. Later, in July, four trading interests reportedly controlled over 90 percent of the market.

I am not an expert on the commodity markets or the stock exchange but I remember what happened on Wall Street in 1929 when trading in stocks apparently precipitated the worst economic crisis in our history.

After the great crash strong measures were taken through the Securities and Exchange Commission to eliminate practices in selling stocks and bonds which led to that disaster.

I believe we must now do the same thing to prevent a similar disaster on the commodity markets and to take steps to protect both the farmer and the American food consumer from victimization by speculators and wheelers and dealers whether they represent American or foreign interests.

The Commodity Exchange Authority was created for the purpose of maintaining fair and honest trading practices and competitive pricing on commodity exchanges. It is directed to prevent price manipulation and market corners and dissemination of false and misleading crop and market information.

The agency currently is assigned regulation of 20 different exchanges, covering 20 major commodities, in a number of different cities, including Chicago, Kansas City, New York, and Minneapolis.

To carry out its functions it has a staff of only 160 employees. This handful of people must regulate $268 billion in trading. The Securities and Exchange Commission, regulating a market volume of $195 billion for the same period, has a staff of 1,656.

It appears to me that the CEA needs additional staff if it is to do its job. But staff alone is not the complete answer. It needs new authority and independence. And it needs to be backed up by stronger penalties for violation of the law. No regulatory agency can be effective if its power is a slap on the wrist.

For all of these reasons, and others, I am a primary cosponsor of Senator HUBERT HUMPHREY's proposed Commodity Futures Exchange Act of 1973 (S. 2485) which was introduced on September 26 and was referred to the Committee on Agriculture and Forestry.

The bill provides for:

First. A new independent Commodity Exchange Commission, removing the CEA from the Department of Agriculture to give it a separate authority free of political pressures.

This is not a criticism of the present Commodity Exchange Authority in the Agriculture Department. There is no reason to believe the current problems on the exchanges are the result of political

meddling. For the fact is, the work of regulating commodity markets simply has grown too complex and large for the CEA as it is presently constituted.

Second. All trading in all futures contracts of all major commodities would be brought under the authority of the new Commodity Exchange Commission.

Third. The Commission would be given injunctive powers to deal with violations of regulations before violations cause major market disruptions.

Investigations after the fact are not going to help farmers or consumers who might be the victims of market manipulations. Preventive measures are needed.

Fourth. Much heavier penalties for violations can be imposed. Currently, fines ranging from $5,000 to $10,000 can be levied. The proposed bill provides fines from $10,000 to $100,000.

Fifth. Under our bill, the commission will have authority to require that boards of trade demonstrate that the commodities they deal with serve an economic purpose. This should reduce scalping and speculation for "dice-game" purposes.

I will not detail all of the provisions of our proposal.

Nor would I say that this bill is the final word on this complex subject.

But I am confident that it is an important beginning on a task that must be undertaken by this Congress.

I am glad to see that the administration also recognizes the need for reform of the CEA.

On Wednesday of last week, October 3, Alex P. Caldwell, the Administrator of the CEA, testified before a House committee that self-policing by the commodity exchanges has not worked and that new legislation to strengthen the CEA is needed.

Many of his suggestions for improving the CEA are incorporated in the bill I am sponsoring with Senator HUMPHREY. We will study carefully Mr. Caldwell's other recommendations.

But what is important now is that both the administration and the Congress recognize the need for reform. I hope that, in addition, we are joined by the industry itself in this effort.

Mr. President, I ask unanimous consent that the text of the news articles referred to above be printed in the RECORD.

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

UNITED STATES SAYS IT CANNOT CONFIRM RUMOR OF HUGE CORN PURCHASES BY CHINA

WASHINGTON.—The Agriculture Department said Tuesday it can't confirm trade rumors that the People's Republic of China has bought an additional 120 million bushels of U.S. corn for delivery over the next year.

But Richard E. Bell, deputy assistant secretary for international affairs and commodity programs, said it was possible the sales to China have been made and that the figures have not yet shown up in exporters' reports to the government.

"All I've heard is the trade rumors," Bell told a reporter.

The Nixon Administration has been counting on more plentiful supplies of corn, the most important feed grain to help boost livestock production next winter and put more meat on consumer tables.

The possibility that China has purchased more U.S. corn surfaced in the grain trade this week, along with reports that Canada is negotiating a sale of more wheat to China.

Reports circulated in Montreal that a Canadian Wheat Board negotiating team is in Peking discussing a new wheat sale to China.

A spokesman for the Wheat Board would say only that discussions are underway.

Asked about reports that a new wheat sale could total about two million bushels, the spokesman said the quantity would not be disclosed until negotiations are completed.

Canadian deliveries under the last agreement of sale to China, signed last November, of about 62.7 million bushels are scheduled to be completed by the end of this month.

China resumed buying U.S. grain in 1972, after a lapse of more than 20 years.

According to export reports filed with the Commerce Department, China has bought at least 110 million bushels of wheat and 23.6 million bushels of U.S. corn for delivery in 1973–74.

There is a delay of several weeks in the government's reporting system for exports, and one official said that the transaction would not show up for some time.

On the basis of listings so far, however, corn exports for the marketing year which began Monday add up to more than 1.3 billion bushels, compared with 1.125 billion in the 1972–73 season just ended.

The Agriculture Department's official corn export estimate was 1.05 billion bushels for the year ahead.

Despite a record corn crop this fall of more than 5.7 billion bushels, the large exports on top of domestic feed requirements exceed that.

As a result, even using the department's more conservative export figures, the reserve supply of corn a year from now will be reduced to 725 million bushels from 775 million in the season just ended.

If confirmed, the China corn sale—on top of other commitments—is expected to increase pressure for curbs on U.S commodity exports, an action opposed by Administration farm officials.

Agriculture Secretary Earl L. Butz renewed his opposition to export curbs late Tuesday at a news conference with Japanese reporters.

Butz said the Japanese Minister of Agriculture and Forestry, Yoshio Sakurachi, had expressed vigorous concern over possible U.S. control on farm exports.

"I assured him that no export controls are in prospect, and I agreed that the U.S. export controls in effect on soybeans for a short time this summer had been counterproductive," Butz said.

SELF-REGULATION IS NOT WORKING, CEA SAYS

WASHINGTON.—The head of the government's Commodity Exchange Authority told a House panel Wednesday the nation's self-governing commodities exchanges have not been policing themselves "to our satisfaction."

Authority Administrator Alex P. Caldwell said new Agriculture Department regulations for the exchanges go into effect soon "as a shoring-up operation" to pressure the markets into better enforcement of their own rules as required by law.

Caldwell said in his written statement to a select Small Business Committee subcommittee, that no proven manipulation of the markets has been found and speculation is not responsible for the sharp fluctuations and record high prices this year.

Caldwell said that cash markets, where the commodities are actually traded, led the futures markets, where contracts for future delivery are traded, during the chaotic periods this year that accompanied higher food prices for consumers.

"Grain markets were responding to basic supply and demand conditions and not to speculation in the futures markets," he said.

One exception to that trend occurred late in July when prices moved abnormally, he said. That trading is still under CEA investigation.

His suggestions for strengthening the CEA legislation included:

Bring under the CEA the 20 commodities currently unregulated.

Give CEA the authority to seek injunctions for immediate halts to trading-rule violations and to block the build-up of controlling market positions.

Require boards of trade to prove the contracts traded in their pits "serve an economic purpose in the production and marketing of the commodity."

Give the agriculture secretary power to require rather than ask exchanges to act to promote "orderly trading."

Provide CEA with authority to require multiple delivery points for satisfaction of the contracts. Corn and soybean now must be delivered to Chicago to satisfy contracts, and, critics charge, transportation logjams have allowed speculators to squeeze the market because of this.

Allow the CEA to assess civil money penalties as a middle ground between the present warnings and revocation of licenses.

Prohibit floor traders, also known as scalpers, from trading both for themselves and for customers.

"We firmly believe that effective self-regulation by exchanges under guidelines established by the CEA, plus independent action on our part, are the most effective ways to protect both market participants and the general public," Caldwell said.

BIG COMMODITY TRADERS SEEN THRIVING AT EXPENSE OF PUBLIC

WASHINGTON.—The $200-billion-a-year commodity futures market is costing small traders and the consuming public, which eventually buys the foodstuffs traded there.

The Commodity Exchange Authority (CEA)—the federal agency charged by law with responsibility for regulating the futures markets—has, in part, turned this task over to the professional traders themselves who operate in club-like atmosphere at the various commodity exchanges.

There are strong indications that rigged markets in wheat, eggs and meats have cost the public, the small commodity traders and farmers millions of dollars.

For example, commodity industry officials themselves agree that a recent, suspected manipulation of the egg futures market boosted the price of eggs on supermarket shelves by as much as 10 cents a dozen.

This alleged price rigging of the egg futures market in Chicago continued undetected by the CEA for nearly a year. A former high official of the Chicago Mercantile Exchange estimates that for every price manipulation case prosecuted by the CEA, eight or nine other price riggings are never discovered.

At the same time, there is little evidence that those caught in market manipulations and other serious abuses have received much more than a slap on the wrist.

Seven years ago, following the spectacular Tino DeAngelis salad oil swindle, the General Accounting Office (GAO) conducted a thorough study of the federal government's efforts to regulate the commodity markets, and found them "inadequate."

The congressional watchdog agency issued a set of strongly worded recommendations to the CEA—an Agriculture Department agency—recommendations designed to insure that the public, from the casual trader trying to make a few dollars purchasing commodity futures to the housewife doing her weekly grocery shopping, is adequately protected.

But CEA Administrator Alex C. Caldwell had paid little or no attention to the GAO recommendations. In fact, the level of CEA regulation of the markets has declined during the past seven years, even as the volume of commodity trading has soared from $65

billion in 1965 to more than $200 billion a year.

As a result, the operation of these markets is open to serious abuse, including price manipulations and other collusive and deceptive practices by those who specialize in buying and selling at the commodity exchanges in Chicago, Kansas City, New York and other cities.

The exchanges—where future crops of grain are traded, where young cattle and hogs still on the farm are bought and sold, and where fortunes can be won or lost in an instant—are a complex outgrowth of the need to provide a place for the orderly marketing of farm products.

But there are growing indications that trading in the major commodities has lost all touch with actual supply and demand and instead has become dominated by speculators who have little interest in the products except as pawns in what Rep. Neal Smith (D-Iowa) calls "the biggest legal gambling game in the world."

SOYBEAN BOOM

Recently, for instance, a frenzy of trading on the Chicago Board of Trade saw soybean futures almost double in price, reaching the unheard-of-figure of $6.81 a bushel. Soybeans are a booming commodity, but this record price has risen far above any real reflection of soybean demand, market observers feel.

Walter Goeppinger, president of the National Corn Growers Assn., said of the situation: "Most of the farmers had sold their soybeans for less than $3.50 a bushel. It was the speculators who made money in that market."

Serious problems can arise at the exchanges when a big trader, or a group of traders, attempts to manipulate the price of a commodity by buying large quantities solely to drive prices up, or by large-scale selling to drive prices down.

CEA ACKNOWLEDGEMENT

The CEA itself acknowledged that "if trading on commodity exchanges is not conducted according to equitable rules constantly enforced, unfair practices may distort or depress farm prices, open the way to price manipulations and make it possible for avaricious dealers to corner certain markets and exploit them to their profit."

Yet none of this officially stated concern is reflected in the serene atmosphere of Alex Caldwell's office at CEA headquarters here. Caldwell, 57, who has headed the agency since 1960, contends that the small traders and the public are being adequately safeguarded.

On the one hand, Caldwell frankly admits a lack of manpower to police the rapidly expanding commodity markets. But his report to Congress last year was typical, when he boasted to an appropriations subcommittee that he was operating with 175 employees nationwide, 22 fewer than two years earlier.

At the same time, he was admitting that the CEA workload, customer complaints and evidence of serious violations of the Commodity Exchange Act were rapidly increasing and were "a matter of concern."

TIGHT PURSESTRINGS

"I'm not a great one for spending public funds," he explains. "I'm all for self-policing, as far as it can go." To prove that he believes in letting the big commodity traders regulate themselves, Caldwell says that the CEA last year referred 111 possible violations of federal law to the exchanges themselves for investigation and action.

In its 1965 investigation the GAO charged that CEA was not making a sufficient number of probes of the major commodities to uncover and halt price manipulation attempts. At that time the CEA had never investigated the soybean, soybean oil and soybean meal futures which are three of the biggest commodities traded.

Today, with the commodity market tripled in size, there still has not been an overall investigation to see if soybean trading is being operated honestly because, according to Caldwell, "it would tie up our whole staff for a year."

GAO INVESTIGATION

The GAO report found that in the rare cases where the CEA did conduct market investigations, it discovered abusive trading practices such as cheating of customers by traders, filing of false reports and false and illegal transactions by traders. The GAO auditors decided to conduct their own investigation at one of the major exchanges and during one three-month period turned up 47 cases of "questionable" trading practices.

One of the most serious shortcomings of the CEA, according to the congressional agency, was its failure at that time to evaluate the effect on future prices of "floor trading," where a trader at the commodity exchange is permitted to buy and sell not only for the customers he serves, but for himself as well.

Professional floor traders, because of their specialized knowledge and constant presence in the exchange, "enjoy special advantages" over other people who might want to buy and sell commodities, the GAO said. Floor trading also raises the possibility of serious conflicts of interest, in which a floor trader might obtain more favorable deals for his own account than for those of his customers, the agency noted.

Another problem, the GAO said, is that Caldwell's agency has repeatedly failed to inspect the records of the commodity exchanges to check whether they really exercise their self-policing function by adequately punishing violators within their midst.

Yet today, Caldwell still steadfastly refuses to tackle these problems, saying in an interview that he is doing the best he can with the resources at his command, and dismissing questions such as conflict of interest in floor trading by saying they are "low priority."

EXAMPLES GIVEN

Some illustrations of the close ties between the CEA, representing the public, and the commodity markets controlled by the professional traders:

Allegations that a group of grain traders had rigged the wheat futures market on the Kansas City Board of Trade, in order to drive up the government's subsidy payments to exporters at the time of last year's huge Russian wheat sale, were referred by the CEA to the board itself for action. The board's investigating committees, which are made up of influential board members, decided there was "no basis for complaint."

The commodity exchanges are permitted by the CEA to set their own membership standards (often costly and exclusive), and to adopt their own rules of operation. For years the exchanges have set minimum commission fees to be charged by brokers who buy and sell commodities for customers. Brokers who tried to charge lower fees have been disciplined. Finally, in late 1971 the Justice Department filed an antitrust suit to break up the minimum fee setup. Caldwell, who had never initiated any such action on his own, admitted in a document filed with the court in the still-pending case that the minimum fees are not always related to the brokers' actual costs and that the public would be better off if they were abolished.

Exchange disciplinary committees, to which CEA regularly refers alleged violations, operate free of the most basic elements of due process that a defendant would be given in a court of law.

When the CEA does move against offenders it often—especially in recent years—permits them to continue in business with only a light penalty. In an important case concluded less than a year ago, Cargill Inc., one of the giants of the grain trade, was found guilty of an illegal squeeze of the 1963 wheat futures market in Chicago, which caused prices to rise to artificial levels. It took the CEA eight years to complete its case against Cargill and then it imposed only a meaningless two-year probation rather than a fine or suspension of trading privileges. A Cargill official, testifying before a congressional committee last fall, could not even remember whether the probation was still in force.

COMMODITY AGENCY HOLDS BUDGET LINE

(By Mary Russell)

WASHINGTON.—Despite criticism that his agency hasn't enough staff to properly police the booming $200 billion a year commodity futures market, the head of the Commodity Exchange Authority told a House appropriations subcommittee last week he asked for no new staff funds this year.

CEA Administrator Alex C. Caldwell said he was told by the Office of Management and Budget to hold his request for fiscal 1974 to the '73 budget and he did, because "that's the policy." Caldwell said OMB had cut $160,000 out of his nearly $3 million '73 budget request that he would have used to increase his 167-man staff.

Caldwell's failure to press for money brought severe criticism from Rep. William J. Scherle (R–Iowa), "I don't feel in my own mind that the people of this country are adequately protected by your agency," Scherle said.

LIMITS TO GROWTH

Mr. MUSKIE. Mr. President, much has been said and written in recent months about where man is headed if he continues along the current path of unexamined growth. One of the most thoughtful commentaries I have seen on the subject of "Limits to Growth" is the address which the distinguished Senator from Rhode Island (Senator PELL) delivered last week to an Honors Colloquium at the University of Rhode Island.

As a member of the Senate Foreign Relations Subcommittee on Oceans and the International Environment which Senator PELL chairs, I am particularly aware of the Senator from Rhode Island's long-standing concern for the relationship between economic growth and the environment. The address which he delivered in Rhode Island on October 1, is an important contribution to the continuing debate about the consequences of growth for the quality of human life and human society, and I ask unanimous consent that it be printed in the RECORD.

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

LECTURE BY SENATOR CLAIBORNE PELL

Recently I received a letter from a concerned citizen listing some of the major problems clouding the future of civilized man. The list was a familiar one:

Uncontrolled growth in population,

Limited world resources in terms of food, fiber, and energy,

Limited capacity of the world environment to absorb the wastes and byproducts of affluent, industrialized society.

In concluding, the letter posed a worrisome question: Is our Government formulating any cohesive, comprehensive response to this on-rushing crisis facing mankind?

The question is an important one, and I would like to address myself to it tonight.

I believe that humanity does indeed face critical problems in the coming decades, problems that will have a profound impact on the quality of life here in our country and throughout the world.

Thus far, at least, I have been far more impresed by the enormity of the problems than I have by the ability of our Government or other governments of the world to focus on those problems in a meaningful way.

These long-range problems, however, are beginning to show themselves symptomatically in our national life, in the form of short-term crises. Let me cite a few examples:

FOOD

During the past six months, we Americans have had the shocking and sobering experience of seeing empty meat counters at supermarkets, spotty shortages in certain other foods, and soaring food prices. To a large extent, these problems, I believe, are quite clearly the result of extraordinarily bad economic management by the Executive Branch of our Government. To some extent, however, the food supply problems of the past few months have been a first, gentle reminder of some stark truths:

Man remains, as he has through history, dependent for survival each year on the food he can coax from the earth and wring from the sea in the same year. A convergence of crop failures in a single year can spell disaster for much of mankind. And with population growth pressing closer to world agricultural productive capacity, man becomes increasingly vulnerable.

As we learned this year, it is exceedingly difficult, even if it is determined to be desirable, for one fortunate affluent nation to insulate itself from crop disasters that strike other nations.

The demand for more food, worldwide, will grow as human population grows—and world population at current rates will double in twenty to thirty years.

Never perhaps has all of mankind been fed adequately. The outlook for improvement in the future is not bright.

ENERGY

Similarly, we are now experiencing the first cutting edge of a long-term energy supply problem. We have had the first peacetime shortages of gasoline for our mushrooming population of automobiles, and we face the possibility of the first serious shortages of home heating oil this winter. Once again, these shortages, unparalleled in the recent decades of plenty, are but foreshadowings of great problems to come.

We are in the United States profligate users of energy. With six percent of the world's population, we now account for more than one-third of the annual world energy consumption and almost one-half of the world's pollution. Through the industrial age, affluence and high levels of energy consumption have gone hand in hand.

At current growth levels, we expect that our consumption of energy in the United States might double in a decade.

As a nation we are faced with critical problems of developing new energy sources to meet ever-increasing demand. But we have also the certain knowledge that at some unknown future time, the fossil fuel reserves of the world will be exhausted. Will we by then have developed a new technology of perpetual energy supply?

Even during the current era of fossil fuels, we know that as a nation we must inevitably become more dependent than we would like to be on imported energy.

And what of the rest of the world? The developing nations of the world, with a majority of the world's population, aspire to industrialization and improvement in the material quality of life of their people. As we have noted, economic growth and increasing per capita income are linked to increasing uses of energy.

The known energy resources of the world would face insupportable pressures if by some miracle of economic development, all the peoples of the world consumed energy at the rate that we Americans do.

ENVIRONMENT

At the same time, we have become intensely aware in the past few years that the human environment—the life-sustaining environment that we share with other creatures of the earth—is not unlimited in supply or capacity.

One of the basic elements of the environment is land. Largely because of our affluence and growth, land in many areas of our country has become a scarce commodity—and like all scarce commodities, increasingly expensive. We have found that we can no longer afford to be wasteful or careless in the way we use our limited supply of land. There are only so many miles of beaches, and more and more of our land area is being paved with concrete, sliced into quarter-acre portions for home sites, or dedicated to industrial parks or shopping plazas. In fact 1 percent of our land area is now hardtopped, devoted to the moving, parking, care, and production of automotive vehicles, and in urban areas it is obviously much higher.

On a broader scale we have found that our affluence may in some cases place unsustainable burdens on the atmosphere and on the waters of the world.

The environmental problem, in many ways, underlies the other major problems I have mentioned—food and energy supplies. I say this because efforts to ease or solve the food and energy problems all too frequently are found to be feasible only at an unacceptable cost in terms of environmental damage.

The technology that increases food production requires increased uses of energy—to produce fertilizer, to run tractors, to irrigate. The chemicals and pesticides that boost crop production all too often take a heavy toll in environmental damage.

Tapping new energy sources invariably involves severe environmental problems: surface stripping of oil shale or coal, or extracting oil from beneath the sea.

And, even if the energy sources are successfully tapped, there is serious question about the long-range modification of the climate resulting from prolonged, high-level consumption of fossil fuels.

Without plunging you further into gloom, I hope I have made my point. As fortunate residents of the most affluent and industrialized nation on earth, we have in the past few years begun to feel the pinch of severe, long-term global problems.

If you look at these problems as a whole, you find there is a single thread that runs through them all. The suggestion clearly emerges that there may well be limits to growth, particularly to exponential growth:

Limits to the growth of world population,

Limits to the growth of energy consumption,

Limits to the agricultural production of the world.

To put it another way, continued, endless growth may have complications and consequences for the quality of human life and for human society that are best avoided.

For most of the world, and for our own society in particular, this is a startling, if not revolutionary concept. The idea that growth is good is deeply embedded in our culture, and in Western civilization.

But the concept that growth may indeed have limits is one that is now being given serious study.

One study, in particular, has provoked worldwide interest. That study, appropriately entitled, "Limits to Growth," was commissioned by an organization called the "Club of Rome," conducted by a team of academicians led by Professor Dennis Meadows of MIT, and published in March of last year.

The study has its critics, and certainly has its shortcomings. But, it has succeeded in provoking serious thought about where man is headed if he continues along the current path of unexamined growth.

I commend it highly and hope each of you will have an opportunity to read and critique it.

The Club of Rome, incidentally, is not a very apt or descriptive name for the organization. It is in fact a relatively informal organization, with a membership limited to under 100 persons for practical working reasons. It was formed several years ago, under the leadership of Dr. Aurelio Peccei, by a group of individuals concerned about the destiny of man. I have the honor of being the only elected politician who is a member of the organization.

Let me turn now to the question I posed at the outset. How well is our Government responding in formulating responses to some of the long-range problems confronting mankind?

We have, in fact, made some very good modest beginnings.

We now have an Environmental Policy Act that requires our Government, for the first time, to examine the environmental consequences, in broad terms, of any major governmental action.

In addition, the Senate this year has passed a Land Use Policy Act that, in effect, requires that some conscious decisions be made about the development of land resources in our country, giving consideration to alternate uses and future needs.

We now have a Coastal Zone Management Act that provides incentives for state governments to undertake the same kind of conscious management of our increasingly crowded coastal zones.

And last year the Congress took a major step in authorizing the establishment of an Office of Technology Assessment—an arm of the Congress that will provide objective and expert information on possible side effects and unforeseen impacts of the introduction of new technology.

As an example of the importance of the work of this new Congressional office, we need consider only that the United States Government to a large extent sponsored the growth of the automobile as the predominant transportation technology in the nation, without any serious appreciation of the longer-range social and environmental impacts of that technology.

Each of these recent governmental actions is a significant and helpful step in the right direction.

But I believe more far-reaching action will be required if we are to respond adequately to the challenge. Unfortunately, there are very serious obstacles—political, cultural and institutional.

I have alluded previously to one of the principal barriers. It is the deeply-ingrained belief in growth—economic growth—as one of the principal goals of national policy. Indeed, politically the success of any national administration is most usually measured by the growth of the economy during its term in office. A big Gross National Product is a big step toward a big plurality at the ballot box.

This is quite understandable, for the orthodox economic and political philosophy of society from the start of the industrial revolution has been that economic growth is the essential means of improving the condition of man. It is a philosophy that has indeed served us well, and for evidence of that we need only look at the material well-being of the great masses of people in the industrialized nations of the world.

But, having viewed economic growth as the solution to man's problems, society generally is not likely to accept very readily the view that growth without limits is not a solution, but a problem in itself.

I do think we are becoming aware that indexes such as the Gross National Product do not provide an adequate measure of the

quality of life—and that is what we really are concerned about.

As Stewart L. Udall has suggested, we have a need for other quantitative indexes that will measure some other very important aspects of the quality of life: indexes of privacy, of quiet, and of cleanliness. The public, I suspect, is becoming increasingly aware amidst the evidence of daily life—traffic jams, smog warnings, crowded recreational areas—that more is not always better.

If our national, and international policies, are to be guided by considerations other than gross tonnage of products produced, it is, I believe, important that we learn how to produce meaningful measurements of what it all means to the quality of life.

Another serious barrier to coping with serious, long-term problems is that our institutions are geared to the solving of immediate problems in the shortest time possible.

In politics, in government, and in business, the rewards in terms of honor, recognition, and money go to those persons who can apply the quick fix.

In the Federal Government, any administration is compelled by political realities to seek short-range solutions to immediate problems; to promote policies that will produce demonstrable results within a four-year term.

There are at least two problems with this bias toward the short-term policy. First, it may lead to neglect of apparently less-pressing long-term problems. Secondly, the quick fix for a short-term problem may in fact make the long-term problem worse.

For example, a quick fix for the gasoline shortage this past summer would involve government action to require the production and distribution of enough gasoline to meet consumer demand. But that action might well make it even more difficult in the future to focus attention on basic long-term solutions, including development of alternative and more efficient transportation systems, and policies to conserve energy by discouraging profligate burning of irreplaceable oil resources.

The public pressures for immediate solutions to a problem are immense. There are very few public pressures for policies addressed to long-term problems.

I can tell you from my personal experience that anticipating problems of the future, and trying to solve them while they are manageable, is personally satisfying but politically unprofitable.

For example, in the field of disarmament, I labored for several years promoting the idea of a treaty to prohibit the introduction of nuclear weapons onto the seabeds of the world. Such a treaty has now been negotiated and ratified. But this effort met with no great applause, little recognition, and scarcely a mention in the news media.

Indeed, there was some criticism that this treaty was empty of import, because there were no nuclear weapons on the seabeds. I cannot help but think, however, that the world would be a safer place today if a treaty had been negotiated 25 years ago prohibiting the deployment of intercontinental ballistic missiles before they were deployed.

Today, there is governmental and public focus on the SALT talks, where efforts are being made to limit offensive strategic weapons such as the ICBM. But where are the efforts to prevent the development of new kinds of weaponry?

Recently, the Senate adopted my resolution urging the negotiation of a treaty prohibiting the development or use of environmental warfare.

I believe this new technology of warfare poses a very real threat, but because it is a problem of the future, it is not receiving the attention it deserves.

Another example, drawn from my personal experience, is the effort to improve intercity rail passenger service, and to develop new ground transportation technology, as an alternative and a supplement to proliferating interstate highways. It is an effort I began 12 years ago, largely as a one-man campaign in the Senate. Now there is a growing realization that modern high speed rail service, or new forms of high speed ground transportation, make a lot of sense in terms of energy conservation, land use, and efficiency, but we have yet to make the large-scale investments required to provide a balanced transportation system we need.

I am very deeply concerned at the dilemma that confronts us. On one hand, we clearly face long-term problems that will profoundly affect the quality of human life in future decades. On the other hand, our society and our institutions are focused on managing the crises of the moment.

I confess I have no easy solutions to this dilemma.

I do have some suggestions.

Obviously we should continue the efforts we have begun to strengthen the institutional arrangements of our government that deal with long-range planning and policies.

We should re-examine the incentives we have built into our economy and our government that promote greater growth, greater production, and greater consumption. For example, do we still want to encourage electric power consumption by granting lower rates to persons who use more power?

Ultimately, however, the best hope of turning our national attention to the problems of unlimited growth may rest in an old-fashioned virtue—statesmanship.

To cope with these problems, we must have public officials on the national level willing to turn from the politically profitable quick fix to the more difficult task of leadership.

We must have leaders willing to take the political risk involved in telling hard, unpopular truths. And this is why I am sad at seeing the decline in political activism that is so apparent on our campuses today, for it is the campuses of today that should be the spawning ground for our leaders of tomorrow.

We do indeed face serious problems. I believe the problems are manageable—if only we can begin with sufficient vigor to try to manage them.

DESTRUCTION OF CHEMICAL WARFARE AGENTS

Mr. HASKELL. Mr. President, it was with considerable relief that Coloradoans heard the announcement last Wednesday by Secretary of the Army Callaway that the Joint Chiefs of Staff had authorized the destruction of all chemical warfare agents—both obsolete supplies and those still included in the Nation's deterrent stockpile—at Rocky Mountain Arsenal near Denver.

This is action I and other members of the Colorado congressional delegation have sought for some time. There is no question it is the right decision and the only reasonable one. Storage of these deadly materials at the edge of a major metropolitan area and adjacent to busy Stapleton International Airport is unjustifiable.

Secretary Callaway's response to this problem was quick and I congratulate him for it. But I would like to call to the attention of my colleagues the fact that the chemical warfare agents stored at Rocky Mountain Arsenal comprise just a fraction of the national stockpile. Much of the balance lies in neighboring Utah.

I hope this apparent resolution of Denver's immediate problem does not divert the attention of Congress from the real issue: Can we justify the storage of any of these deadly materials anywhere? I suggest, Mr. President, that we cannot. I do not presume to know if the Joint Chiefs of Staff timed their long-awaited decision to achieve this diversion of our attention, but I fear it may nonetheless have that effect.

Just a few hours before Secretary Callaway's announcement, I testified before a House Armed Service Subcommittee during hearings on a bill by Congressman WAYNE OWENS of Utah to restrict shipment of chemical agents within this country. I urged support of the bill and support in conference committee of my own amendment to the military procurement authorization bill calling for an independent study by the National Academy of Sciences to determine the best method of eliminating our entire stockpile of chemical warfare agents. Further, I urged a comprehensive congressional investigation of our chemical warfare agent policies.

By the end of the day—and following Secretary Callaway's announcement—Congressman OWENS' bill had been tabled. But the problem remains.

Mr. President, this Nation has manufactured tons and tons of incredibly toxic substances under the guise of national defense. But I submit that while these chemical warfare agents contribute nothing to our national defense they add immeasurably to the national danger. With our nuclear deterrent, I foresee no situation in which we could conceivably use these agents. Many are so deadly, and the targeting for their use so imprecise, we could not use them without endangering our own troops.

The Defense Establishment clings to these deadly vestiges of another time. No enemy need fear them, but American citizens must worry about where they are stored today and where they may be moved tomorrow. It is time we began taking steps to destroy these chemicals.

Mr. President, I hope that while we congratulate ourselves on getting rid of the chemical warfare agents stored near Denver we do not lose sight of the fact that perhaps nine times that amount remains elsewhere. And it is no more critical to the national defense than the agents which are finally going to be destroyed at Rocky Mountain Arsenal. But it is no less deadly.

ACTION IS NEEDED ON AGE DISCRIMINATION

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has just issued a working paper called "Improving the Age Discrimination Law."

I would like to call the attention of the Congress to this document and to urge that action be taken in the near future on several proposals it describes, including:

An increase in authorization for the Age Discrimination in Employment Act—ADEA—from $3 million to $5 million;

Extension of ADEA coverage to Federal, State, and local government employees;

Extension of coverage to employers with 20 or more employees, instead of the current limit of 25 or more; and

That Congress request the Secretary of Labor to reevaluate the age 65 upper limit for ADEA and that the Secretary report on the status of early involuntary retirement under ADEA.

Tracing the history of the Age Discrimination in Employment Act since its enactment in 1967, the working paper identifies the several major problem areas in implementation.

Mr. President, I believe that the working paper is especially timely and I am pleased that Senator RANDOLPH, as chairman of the Subcommittee on Employment and Retirement Incomes, joined with me in a preface which further describes the significance and need for the report. I ask unanimous consent that the preface be printed in the RECORD at the conclusion of these remarks.

I would also like to thank our ranking minority member, Mr. FONG, and the chairman of the Subcommittee on Employment and Retirement Incomes, Mr. RANDOLPH, for their active interest and comments on this report.

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

PREFACE

An opportunity to strengthen the Age Discrimination in Employment Act exists, and it should be seized in the very near future.

Amendments which would have improved ADEA considerably were offered within recent months and nearly gained enactment.[1]

Passed in the Senate as part of the Fair Labor Standards Amendments of 1973, the ADEA provisions were deleted in conference because of procedural issues.

Another vehicle for advancing such amendments, however, may soon become available.[2]

In anticipation of that likelihood, the Senate Special Committee on Aging is presenting this working paper to provide information that should be helpful in making the case for an improved ADEA.

Moreover, the working paper provides useful perspective on discrimination against those Americans who are denied work opportunities simply because they are regarded as too old.

Why is such an assumption so often made? Simply because so many persons in this Nation—and others—are victims of misinformation or their own prejudices.

They believe, without benefit of facts, that skills or abilities decline after a certain age. They are quick to assume that older employees should be removed "to make way for the young." They fail to understand the vital need for experienced workers and executives in almost any work setting and their contributions to the economy.

Clearly, no employee should remain in a position if he or she cannot meet its demands and the law recognizes this fact.

But equally clearly, no employee should be forced to quit or retire early simply because of reaching a certain age.

Such judgments should be made on the basis of facts, not blanket assumptions.

ADEA was enacted, not only to enforce the law, but to provide the facts that would help change attitudes. Much more remains to be done in the way of education, and improving ADEA generally.

This working paper discusses suggestions for strengthening ADEA, as well as recent court decisions and other developments that make such a summary especially timely.

The Senate Committee on Aging is grateful to the National Council on the Aging for making available the full transcript of a management seminar held earlier this year for intensive examination of ADEA. The committee is also fortunate in that Elizabeth M. Heidbreder, who had worked with NCOA at the time of the seminar, has since joined the committee staff. In preparing this document, she drew from her impressive experience as economist, former staff person at the Social Security Administration, and as editor of a periodical dealing with industrial gerontology.

To anyone not already familiar with the widespread impact of aging throughout our society, this working paper will once again make the point that problems relating to growing older do not necessarily begin at age 65. Each American should be concerned about age discrimination, whether young, middle-aged, or beyond.

FRANK CHURCH,
Chairman, Special Committee on Aging.

JENNINGS RANDOLPH,
Chairman, Subcommittee on Employment and Retirement Incomes.

[1] The Senate Committee on Labor and Public Welfare included an amendment in S. 1861 (the Fair Labor Standards Amendments of 1973) which would have extended the coverage of ADEA to Federal, State, and local government employees and increased the authorization from $3 million to $5 million. In addition, a floor amendment by Senator Frank Church extended coverage to employers with 20 or more employees, instead of the current limit of 25 or more. These amendments, which were based upon bills introduced by Senator Bentsen (S. 635) and Senator Church (S. 1810), were passed by the Senate but deleted in conference committee because of the House germaneness rule.

[2] Representative John H. Dent, chairman of the General Labor Subcommittee of the House Education and Labor Committee, has indicated his willingness to hold hearings promptly on pending House legislation which parallels the provisions incorporated in S. 1861.

THE WATERGATE AND A RED HERRING

Mr. ERVIN. Mr. President, by a vote of 77 to 0, the Senate established its bipartisan Select Committee on Presidential Campaign Activities, and authorized and directed it to determine by investigation for legislative purposes the truth in respect to the tragic events known collectively as the Watergate affair.

Notwithstanding this, the Republican National Committee and its journalistic allies are undertaking by fly-blow the Senate Select Committee by charging that three of its seven members, Senator TALMADGE, Senator INOUYE, and myself, sought to prevent a full investigation of allegations made about 9 years ago that Bobby Baker had been guilty of wrongful conduct while serving as an employee of the Senate.

To make their charge appear to be plausible and to make its refutation difficult and tedious, they cite numerous votes cast by Senator TALMADGE, Senator INOUYE, and me in 1964 upon matters relating to Senate Resolution 330, H.R. 11049, Senate Resolution 367, Senate Resolution 338, and Senate Resolution 337.

Although the task is difficult and tedious, I will state what the permanent edition of the CONGRESSIONAL RECORD and and Congressional Quarterly Almanac reveal with respect to all of our votes on all of these matters, and thus demonstrate that the charge against us is fictitious.

At the time of the Bobby Baker investigation, the Senate Rules Committee had a membership of nine Senators, six of them being Democrats and three of them being Republicans.

The investigation of the charges against Bobby Baker was initiated by Senate Resolution 212, which was offered by Senator Williams of Delaware. On October 10, 1963, this resolution, which authorized the investigation of any Senate employee charged with financial misconduct, passed the Senate unanimously by a voice vote.

As Senate Resolution 212 recognized, the Senate Rules Committee was the appropriate Senate committee to investigate the charges against Bobby Baker because it is the administrative committee of the Senate and has supervision over Senate employees.

SENATE RESOLUTION 303

First. On May 14, 1964, Senator Williams of Delaware introduced Senate Resolution 330, which was designed to compel the Senate Rules Committee to investigate the financial affairs of all Members of the U.S. Senate, notwithstanding the fact that no Member of the U.S. Senate had been charged with any improper financial transactions.

Second. Before the Senate took action upon Senate Resolution 330, Senator CURTIS of Nebraska offered an amendment to Senate Resolution 330 to require the Senate Rules Committee to subpena and hear any witness which any three Senators desired to call, even though the other six members of the committee opposed the calling of such witness. Before taking action on Senate Resolution 330, the Senate adopted the Curtis amendment by a vote of 36 yeas to 33 nays. Senator INOUYE and I voted nay. Senator TALMADGE was necessarily absent and did not vote on the Curtis amendment. I voted against the Curtis amendment because it stymied the power of the majority of the committee to control the action of the committee, and compelled the committee to go on a fishing expedition in the absence of evidence indicating that the witness to be called at the instance of any three members of the committee had any knowledge of the matters the committee was authorized to investigate.

Third. After adopting the Curtis amendment, the Senate adopted by a vote of 42 yeas to 33 nays Senator MANSFIELD's motion to table Senate Resolution 330. Senator INOUYE and I voted yea, and Senator TALMADGE was necessarily absent and did not vote on Senate Resolution 330. I voted to table Senate Resolution 330 because I entertained the fundamental conviction that every man, be he a Senator or a private citizen, is entitled to the presumption that he is innocent of wrongdoing, and that it is contrary to the American system to require any man, whether he be a Senator

or an individual citizen, to prove his innocence of wrongdoing when no charges of wrongdoing have been made against him by any person.

What I have said about the votes relating to Senate Resolution 330 is sustained by the permanent edition of the CONGRESSIONAL RECORD of May 14, 1964, pages 10928, 10931.

H.R. 11049

On July 2, 1964, the Senate had under consideration H.R. 11049, a House-passed bill regulating the salaries of Government employees.

Senator Williams of Delaware offered an amendment to this House-passed bill which was designed to deny retirement benefits to former employees of Congress and the Federal Government who pleaded the privilege against self-incrimination established for the benefit of all Americans by the fifth amendment.

The Senate rejected the amendment proposed by Senator Williams by a vote of 52 nays to 39 yeas. Senator INOUYE and I voted nay on the Williams amendment. Senator TALMADGE was necessarily absent and did not vote.

I voted against the Williams amendment because it was unconstitutional. The Supreme Court has held that no man can be penalized in any way for exercising the privilege granted to all Americans by the fifth amendment or any other provision of the Constitution. Moreover, I do not believe that one can justify taking away from any government employee by a subsequent law retirement benefits earned by him in times past because of an act done by him after his right to the benefits has accrued. Any law which undertakes to do this is in nature an ex post facto law which is totally incompatible with the American system.

What I have said about the vote relating to H.R. 11049 is sustained by the CONGRESSIONAL RECORD for July 2, 1964, page 15837.

SENATE RESOLUTION 367

There were two phases to the Bobby Baker investigation. The first ended on July 8, 1964, when the Senate Rules Committee filed a report stating, in substance, that Bobby Baker had been guilty of many gross improprieties while serving as an employee of the Senate.

The second phase of the Bobby Baker investigation was initiated on September 10, 1964, when the Senate adopted Senate Resolution 367, a resolution offered by Senator MANSFIELD, the Democratic Leader of the Senate. Senator MANSFIELD introduced this resolution as a result of a charge made by Senator Williams of Delaware on September 1, 1964, that Bobby Baker and Matthew H. McCloskey had conspired to illegally contribute $25,000 to the 1960 Democratic campaign while McCloskey was prime contractor for the District of Columbia Stadium. The Mansfield resolution authorized and directed the Senate Rules Committee to reopen its investigation of Bobby Baker's financial activities, and to "give particular emphasis" to matters relating to the District of Columbia Stadium.

Before passage of Senate Resolution 367, the Senate rejected by a vote of 50 nays to 37 yeas, a substitute resolution (S. Res. 368) offered by Senator Williams of Delaware, providing in substance that further investigation of Bobby Baker's affairs should be conducted by the Senate Government Operations Committee rather than by the Senate Rules Committee, and that the Senate Government Operations Committee should broaden the investigation to include activities involving present or former Senators, or officers and employees of the Federal Government in general. Senator INOUYE and I voted "nay" on this substitute resolution. Senator TALMADGE was necessarily absent, and did not vote on it.

I voted against the substitute resolution offered by Senator Williams for several reasons. In the first place, it was strenuously opposed by Senator MCCLELLAN of Arkansas, the chairman of the Senate Government Operations Committee. In the second place, the Senate had before it no evidence justifying the broadening of the investigation which the substitute resolution would have required. In the third place, the adoption of the resolution would have required the Senate Government Operations Committee to cover all of the ground which the Senate Rules Committee had previously covered. In the fourth place, the Senate Government Operations Committee already had as much work as it could attend to, a fact which would have delayed the investigation considerably.

After rejecting the substitute resolution offered by Senator Williams, the Senate also rejected the following amendments:

First. An amendment offered by Senator Williams of Delaware and Senator CASE of New Jersey to Senate Resolution 367, which would have transferred the investigation of the Bobby Baker affair from the Senate Rules Committee, which had been investigating it for many months, to the newly established Senate Select Committee on Standards and Conduct. The Williams-Case amendment was rejected by a vote of 45 nays to 38 yeas. Senator TALMADGE, Senator INOUYE, and I voted against the Williams-Case amendment. I did so for two reasons. In the first place, the Senate Select Committee on Standards and Conduct had at that time no members and no staff, and in consequence, the adoption of the Williams-Case amendment would have delayed the investigation for a substantial period of time; and in the second place, the newly established Select Committee when organized would have had to cover the same matters which the Senate Rules Committee had already investigated.

Second. An amendment offered by Senator CURTIS of Nebraska to compel the Rules Committee to subpena and hear any witness designated by any three members of the committee even though the other six members of the committee were not satisfied that the witness knew anything about the matters the committee was authorized to investigate. The Curtis amendment was defeated by a vote of 45 nays to 39 yeas. Senator TALMADGE, Senator INOUYE, and I voted against the Curtis amendment. I voted against it because I believe that the only practical way in which a committee can operate is for the committee's actions to be controlled by a majority of its members, rather than by a minority, and because I believe that the adoption of the amendment would have put the arbitrary power in three of the nine members to stymie the committee and the Senate in its investigation of the Bobby Baker affair.

Third. An amendment offered by Senator Williams of Delaware to extend the investigation to be authorized by Senate Resolution 367 to any other Government building or facility in addition to the District of Columbia stadium. The Senate rejected the Williams amendment by a vote of 48 nays to 38 yeas. Senator TALMADGE, Senator INOUYE, and I voted nay simply because there was no sufficient indication that any illegal acts had occurred in connection with the construction of any other Government building or facility other than the District of Columbia stadium.

Fourth. An amendment offered by Senator Miller of Iowa to Senate Resolution 367 requiring the Senate Rules Committee to call promptly as witnesses in public session certain designated persons. The Senate rejected the Miller amendment by a vote of 47 nays to 31 yeas. Senator TALMADGE, Senator INOUYE, and I voted nay. I voted nay simply because I believed that when it authorizes a committee to conduct an investigation, the Senate ought not to undertake to dictate to the committee the precise manner in which it is to act and what witnesses it is to call.

After rejecting these amendments, the Senate adopted by a voice vote an amendment to Senate Resolution 367 offered by Senator Williams. This amendment which becomes a part of Senate Resolution 367 in its final form authorized and directed the Senate Rules Committee to investigate any charge which might be presented to it that any Senator or former Senator had engaged in any illegal or improper action while serving as a member of the Senate.

I digress to note that no such charge was made against any Senator while the Bobby Baker investigation was in progress.

After adopting the last-named Williams amendment by a voice vote, the Senate passed Senate Resolution 367 as thus amended by a vote of 75 yeas to 3 nays. Senator TALMADGE, Senator INOUYE, and I voted yea. I voted yea because Senate Resolution 367 as amended by the last-named Williams amendment reopened the investigation of the Bobby Baker affair and authorized the Senate Rules Committee to investigate charges of illegal or improper conduct on the part of Senators and former Senators. While I do not believe that Senators or former Senators should be required to appear before a Senate committee to establish their innocence when no charges have been made against them, I do believe that the Senate should investigate

through an appropriate Senate committee any charges of illegal or improper conduct which are actually made against them by any person of apparent credibility.

What I have said concerning the votes relating to Senate Resolution 367 is sustained by the permanent edition of the CONGRESSIONAL RECORD for September 10, 1964, pages 21915, 21925, 21926, 21928, 21938, and 21929, and by the Congressional Quarterly Almanac, volume XX, pages 716, 962–963.

While they may have been inspired by the Bobby Baker scandal, Senate Resolution 337 and Senate Resolution 338 had no direct bearing upon the investigation of his activities. I will discuss these resolutions in inverse order because that is the order in which they were considered by the Senate.

SENATE RESOLUTION 338

Senate Resolution 338, which was recommended by the Rules Committee, was designed to give the Senate Rules Committee jurisdiction to investigate all charges of violations of Senate Rules by Senators or Senate employees and to recommend disciplinary action in respect to Senators or employees found guilty of violating them.

I strongly favored the adoption of Senate Resolution 338 in its original form with the addition made to it by the Williams amendment set out below.

First. Senator Williams of Delaware offered an amendment to Senate Resolution 338 giving the Rules Committee the responsibility as well as the jurisdiction to investigate alleged violations of Senate rules by Senators and Senate employees. The vote on this amendment was 82 yeas and 1 nay. Senator TALMADGE, Senator INOUYE and I voted for the Williams amendment. (Congressional Quarterly Almanac, volume XX, pages 705, 972.)

Second. Senator CURTIS of Nebraska offered an amendment to Senate Resolution 338 to compel the nine member Rules Committee to call and hear any witness any one member wanted it to call and hear. The Senate rejected this amendment by a vote of 51 nays to 34 yeas. Senator TALMADGE, Senator INOUYE, and I voted against the Curtis amendment. I voted against the Curtis amendment because it would have given one member of the committee the arbitrary power to overrule the other eight members and thus frustrate the work of the committee and the Senate. (Congressional Quarterly Almanac, volume XX, pages 705, 972.)

Third. Senator JAVITS of New York offered an amendment to Senate Resolution 338 to authorize the Rules Committee to give advisory opinions on questions of ethics arising under Senate rules when requested by Senators or Senate employees. The Senate rejected the Javits amendment by a vote of 48 nays to 37 yeas. Senator TALMADGE, Senator INOUYE, and I voted nay. I voted nay on the Javits amendment because I believe it is not the proper function of any Senate committee to issue advisory opinions which are not legally binding on the committee or the Senate itself. Moreover, I believe it to be an unwise procedure because such opinions are likely to be based upon a partial ex parte statement of the person seeking the advisory opinion rather than upon a knowledge of all the circumstances relating to the matter. (Congressional Quarterly Almanac, vol. XX, p. 705, 972)

Fourth. Senator Cooper of Kentucky offered a substitute amendment for Senate Resolution 338 which was designed to establish a Permanent Senate Select Committee on Standards and Conduct consisting of three Democratic and three Republican Senators. Under the Cooper amendment, this permanent committee would be authorized to receive and investigate complaints of unethical and illegal conduct by a Senator or a Senate employee, and to recommend disciplinary action, when required, if approved by four of its members. The Senate substituted Senator Cooper's amendment for the original provisions of Senate Resolution 338 by a vote of 50 yeas to 33 nays. Senator TALMADGE, Senator INOUYE, and I voted nay. (Congressional Quarterly Almanac, vol. XX, p. 705, 972)

While I was entirely in sympathy with Senator Cooper's ultimate objective, I voted nay on his amendment for these reasons:

The establishment of the proposed new committee was unnecessary. Under the original terms of Senate Resolution 338, an existing committee, the Senate Rules Committee, would have been authorized to investigate all charges of violations of Senate rules by Senators or Senate employees, and to recommend to the Senate disciplinary action to be visited upon any Senator or Senate employee who violated them. If any Senator deemed the existing rules of the Senate to be inadequate to insure proper conduct on the part of Senators and Senate employees, he had full liberty to make proposals for additions to them, and the Senate had the power to adopt his proposals if a majority of its members adjudged them to be sound.

As a consequence of my philosophy of government, I think it unwise to multiply laws and regulations by adding to them when existing laws and regulations are sufficient to cope with problems arising out of illegal or unethical conduct. Like all other human beings in our land, Senators and Senate employees are subject to the criminal laws, and can be prosecuted, convicted, and punished for their criminal deeds. Moreover, article I, section 5 of the Constitution had already vested in the Senate ample power to punish illegal or unethical conduct on the part of Senators. The punishment authorized by this constitutional provision even extends to expulsion from Senate membership if two-thirds of the Senators so decree.

Fifth. After the Senate substituted the provisions of the Cooper amendment for the original provisions of Senate Resolution 338, the Senate passed the new Senate Resolution 338 by a vote of 61 yeas to 19 nays. Senator TALMADGE, Senator INOUYE, and I voted nay. (Congressional Quarterly Almanac, vol. XX, pp. 750, 972.) I voted nay on final passage because I preferred the original provisions of Senate Resolution 338 with by the Williams amendment over the the additional provision added to them provisions of the Cooper substitute. I did this for the reasons I have previously detailed.

SENATE RESOLUTION 337

Senate Resolution 337, which was recommended by the Rules Committee, was designed to amend the Senate rules by requiring each Senator and each Senate employee who earned as much as $10,000 a year to file an annual report with the Secretary of the Senate disclosing his major outside pecuniary business and professional interests, and his connection with any firm which engaged in practice before any governmental instrumentality. Under Senate Resolution 337, the Secretary of the Senate was to publish all disclosures by June 30 each year.

First. Senator Williams of Delaware offered a substitute amendment for Senate Resolution 337, which was designed to eliminate all of its original provisions and to substitute for them the requirement that all Senators and Senate employees who earned as much as $10,000 a year and their wives or husbands to do these things each year: To report to the Senate Select Committee on Standards and Conduct all assets, other than items of personal property valued at not more than $5,000, and to furnish to such committee copies of their income tax returns.

Before it voted on the Williams substitute amendment, the Senate rejected by a vote of 62 nays to 25 yeas a substitute for the Williams amendment offered by Senator Clark of Pennsylvania and Senator CASE of New Jersey. The Clark-Case amendment was designed to require each Senator, each spouse of a Senator, and each Senate employee who earned as much as $10,000 a year to disclose annually every asset worth $5,000 or more, every item of income or gift exceeding $100, and every outside business association.

The Senate rejected the Clark-Case amendment by a vote of 62 nays to 25 yeas. Senator TALMADGE, Senator INOUYE, and I voted against the Clark-Case amendment. After voting on the Clark-Case amendment, the Senate rejected the Williams amendment by a vote of 59 nays to 27 yeas. Senator TALMADGE, Senator INOUYE, and I voted againts the Williams amendment. (Congressional Quarterly Almanac, volume XX, pages 706, 971–972.)

I voted against the Clark-Case amendment and the Williams amendment for identical reasons. In the first place, I have serious misgivings concerning the philosophy which underlies the increasing demands that all public officers be required to disclose all matters relating to their pecuniary affairs; and in the second place, I was satisfied that it would have been unwise for the Senate to have taken action on this important subject on the spur of the moment on the Senate floor because the subject merited much more study and consideration than the Senate was able to give it under the circumstances then existing.

My misgivings concerning the philosophy underlying the demands for full

disclosure of the pecuniary affairs of public officers is that it creates a false standard for judging the validity of their official action. The false standard is this: Official action is to be judged by the hidden motives which may be supposed to have prompted it, and not by the essential merits or demerits of the action itself.

If his official action be sound, a public officer benefits his country, even though his official action may have been inspired by unworthy motives; and if his official action be unsound, a public officer injures his country, even though his public action may have been prompted by motives as pure as the aspirations of the angels. For this reason, I believe that official action should be appraised solely upon its own essential merits or demerits.

After it rejected the Williams amendment to Senate Resolution 337, the Senate adopted by a vote of 48 yeas to 39 nays a motion offered by Senator Dirksen of Illinois, the Republican leader, which recommitted Senate Resolution 337 to the Rules Committee with instructions that the committee report to the Senate his joint resolution, Senate Joint Resolution 187, to establish a Commission on Ethics in the Federal Government to investigate methods of insuring high ethical standards in all branches of the Government.

Senator TALMADGE, Senator INOUYE, and I voted for the Dirksen motion to recommit. (Congressional Quarterly Almanac, volume XX, pages 706, 972–973). I voted for the Dirksen motion to recommit because I believed that its adoption would insure an adequate study of the subject of ethics in Government.

I digress to note that on March 22, 1968, the Senate adopted by a vote of 67 yeas to 1 nay two new Senate Rules, rule 42 and rule 44, requiring each Senator to make certain reports relating to his income and property to the Secretary of the Senate and the Comptroller General of the United States. Senators TALMADGE and INOUYE and I were necessarily absent when the Senate voted on these new rules, but had ourselves recorded as favoring them. (See Congressional Quarterly Almanac, volume XXIV, page 13–S).

Senator TALMADGE, Senator INOUYE, and I strongly supported a full investigation of the alleged misdeeds of Bobby Baker, and voted accordingly.

His alleged misdeeds were fully investigated by the appropriate Senate committee—the Senate Rules Committee—as well as by the Department of Justice. The Senate Rules Committee investigated the alleged misdeeds of Bobby Baker over a period of 16 months, held 45 days of hearings, and heard the testimony of more than 100 witnesses.

As a result of the investigations of the Senate Rules Committee, and the Department of Justice, Bobby Baker was tried, convicted, and sentenced to prison for his misdeeds in the U.S. District Court for the District of Columbia. Furthermore, he actually served the prison sentence.

In addition to supporting the investigation of the alleged misdeeds of Bobby Baker by my votes, I insured that the investigation would be fair and full by persuading my long time friend, Maj. Lennox P. McLendon, of Greensboro, N.C., one of America's ablest and most respected lawyers, to accept the invitation extended to him by the Senate Rules Committee to serve as its counsel until the investigation was completed.

One can but admire the zeal exhibited by the Republican National Committee, and its journalistic allies, in their desperate effort to invent a red herring to drag across the trail which leads to the truth concerning the Watergate affair. One must remember, however, that what happened in the Bobby Baker investigation 9 years ago does not diminish by a job or title the right of Congress and the American people to know the truth in respect to the Watergate affair, or hide from intelligent people for an instant the tragic fact that the Watergate affair was planned, financed, and procured by men chosen by the White House to exercise enormous governmental, political, and financial power in its behalf.

NEW JERSEY VISIT OF JOZSEF CARDINAL MINDSZENTY

Mr. WILLIAMS. Mr. President, on Sunday, September 30, New Jersey was honored by the visit of Jozsef Cardinal Mindszenty, one of the most revered and heroic figures of our times.

Cardinal Mindszenty celebrated the Holy Sacrifice of the Mass and participated in ceremonies at the renovated Roman Catholic Church of St. Ladislaus in New Brunswick, N.J .

Dr. Edward Blaustein, president of Rutgers, the State University of New Jersey, who took part, called the event:

An extraordinary outpouring of joy and hope for a people who look to the Cardinal for inspiration in their lives.

And, it was truly that.

Cardinal Mindszenty represents something extraordinary to all of us. He is living proof that tyrants can imprison a man's body but they cannot triumph over his mind and soul.

I think his visit also was indicative of the kind of man he is. It is no easy matter for an 81-year-old man—even as robust a man as the Cardinal is—to make the trip from Vienna to this country.

But St. Ladislaus is the center of worship for many Hungarian-Americans, including freedom fighters who freed the Cardinal from prison in 1956. Cardinal Mindszenty showed that he has not forgotten.

Mr. President, the visit of Cardinal Mindszenty was extensively reported in the Star-Ledger of Newark, N.J. In order that this historic visit be made a permanent part of our national record, I ask unanimous consent that it be inserted in the CONGRESSIONAL RECORD at this point.

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

[From the Newark (N.J.) Star-Ledger, Oct. 1, 1973]

THOUSANDS HAIL MINDSZENTY AT CHURCH DEDICATION

(By Barbara Kukla)

Women knelt on the pavement to pray. Men and children stood reverently at attention.

For some 10,000 persons, most of them Hungarian Americans, it was a day never to be forgotten—the first American visit in 27 years of Jozsef Cardinal Mindszenty, the exiled senior bishop of Hungary.

Loudly and clearly, lyrics of ancient Hungarian folk songs rang out on New Brunswick's Somerset Street as the throng cheered the 81-year-old prelate, who had been imprisoned by Communists in his homeland.

As part of a four-day side trip to the United States from Canada, which concludes today, Cardinal Mindszenty had consented to dedicate the newly renovated St. Ladislaus Church on Somerset Street.

Greeted by the strains of the Hungarian national anthem and signs reading "God Brings the Cardinal," the primate was led by processional to a flower-bedecked platform from which he delivered a half-hour talk in Hungarian.

Gesturing vigorously and speaking in a strong, deliberate tone, he urged the faithful to preserve church traditions and customs of the homeland, declaring:

"The clear continuance of the ancient family life is the only way to survival."

Addressing parents, he emphasized the necessity of keeping "the Hungarian language and spirit alive."

He praised the parishioners of St. Ladislaus for renovating their church at a time "when there is a loss of interest" and urged other parishes to follow suit. The New Brunswick parish has a membership of about 800 families.

The Cardinal spoke out vehemently against divorce, birth control and abortion, castigating the Soviet Union and the United States for popularizing these practices.

Citing a declining birth rate in the United States, despite its affluence, he noted: "The Christian spirit seems lost in this country."

A two-minute synopsis of the Cardinal's message was given by the Rev. John Szabo of South Bend, Ind., after which Cardinal Mindszenty circled the church sprinkling water on the edifice while reciting a blessing.

School children formed a ring around the church during the ceremony.

Inside the church, the prelate celebrated Mass with the Rev. Julian Furzer, 58, the pastor, and single handedly served communion to 350 persons.

Seats in the church were reserved for elderly parishioners and dignitaries, including representatives of the Hungarian Protestant clergy and Ukrainian Catholic Church.

Other guests watched on closed-circuit television in the church basement and school. People in the streets listened to a loud speaker system.

For young and old, the cardinal's visit signified an event of great importance.

"His visit is a great honor and joy for the entire community, most particularly for that part of our citizenry with roots in Hungary," said New Brunswick Mayor Patricia Q. Sheehan. "It's a tremendous privilege and thrill for them for he not only is a priest, but a prince of the church."

Groups from all sections of New Jersey and several other states made up the crowd.

Forty members of the Cardinal Mindszenty Society, an organization dedicated to the preservation of Hungarian culture and customs, came by bus from Washington, D.C.

And a priest from Omaha, Neb., timed his two-week vacation to the visit.

"He (Mindszenty) truly is a man of God," said the Rev. John G. O'Rourke of Omaha. "He's a saint, a man who suffered for the faith like no other man."

Among those-accompanying Father Szabo from South Bend was Joseph Szalay, who identified himself as a Freedom Fighter who helped briefly free the cardinal from jail in 1956.

Szalay, who said his father was killed by Communists had brought his mother, wife and three children from South Bend, hoping for a brief reunion with the primate.

Numerous other Freedom Fighters, many

from the St. Ladislaus parish, were in the processional along with the Knights of Columbus, clergy and school children.

Hungarian Boy Scouts and Girl Scouts "in exile" formed a protective line as the cardinal was led to the speakers' platform.

Along the way, he was presented with flowers by four Ukrainian Orthodox children, who wished him "health, happiness and many years of long life."

Not understanding, the children just smiled as he paused to speak to them in Hungarian.

"I'm very proud that the cardinal's visit is so much recognized here in America," said Marika Reszeki, 16, a member of the parish Girl Scout group. "It means so much to us from Hungary that it's important enough to receive such widespread coverage."

Marika said she was born in France soon after her family fled Hungary during the 1956 revolution.

Mrs. Rose Wass, who came to the United States from Hungary in 1913, said she had traveled from Manville to see the cardinal "because he has done so much for the Hungarian Church and has suffered so much."

Cardinal Mindszenty, who has been called "a modern martyr," and once described himself as "a shipwreck of Hungarian liberty," first was imprisoned as a young priest in 1919 for his outspoken opposition to the short-lived Communist takeover of Hungary by Bela Kun. Kun later was executed.

During World War II Mindszenty was jailed again by the Nazis for offering Hungary as a sanctuary for Jews. He was released at the end of the war, but imprisoned again in 1948 as an anti-Communist.

Hungarian Freedom Fighters liberated him for four days in 1956. He sought asylum at the U.S. Embassy in Budapest, where he lived for 15 years after the uprising was crushed.

At the urging of Pope Paul VI, he accepted voluntary exile from Hungary two years ago in return for amnesty and recognition of his rank as cardinal primate—senior bishop—of his homeland. He has since lived in a seminary in Vienna.

The primate will wind up his visit to the United States tomorrow, when he will fly back to Vienna. A press conference and meetings with the clergy are scheduled today.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). The period for the transaction of morning business having expired, morning business is concluded.

AGRICULTURE, ENVIRONMENT AND CONSUMER PROTECTION APPROPRIATIONS, 1974—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senate will now proceed to the consideration of the conference report on H.R. 8619.

Mr. McGEE. Mr. President, I submit a report of the committee of conference on H.R. 8619, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8619) making appropriations for the Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

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

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 20, 1973, at pages 30561–30562.)

The PRESIDING OFFICER. The time for debate on this conference report is limited to 2 hours, to be equally divided between and controlled by the Senator from Maine (Mr. MUSKIE) and the Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I would like to say at the outset that most of the allotted time will be yielded back by agreement of all concerned. In initiating this discussion however, I want to call your attention to one particular section in the report of the conferees which has just been submitted, that portion dealing with the REA. In my judgment, this section has not received the attention to which its significance entitles it. It has to do with the ongoing controversy between the executive branch and the legislative branch in regard to the administration carrying out the clearly expressed will of Congress as reflected in enacted laws.

Congress has groped in many directions for some kind of policy to sustain the role of the legislative branch in this equal operation under the Constitution. In this conference, we had both substantial sums of money and highly significant policy matters under consideration with respect to REA. Chairman McCLELLAN took the lead which resulted in action to resolve these matters in a most satisfactory manner.

I single this item out for mention because the Senator from Arkansas himself is much too modest to mention it, but it carries in its substance a formula that may indeed achieve the balance of legislative-executive responsibility that we have all been seeking over these many months.

In the conference, we agreed to $750 million for insured loans under the REA program, in addition to the guaranteed loan program provided by law, the administration was obviously dragging its feet in implementing these clearly expressed congressional mandates. The Senator from Arkansas (Mr. McCLELLAN) found the key unlocking this situation so that this program can proceed.

His proposed language would have denied the payment of certain salaries within the Department of Agriculture until such time as the REA program was implemented as intended by Congress.

As it turns out, Mr. President, that kind of language was clearly understood and became unnecessary. With the threat of that language, it was possible to negotiate, as the chairman of the full committee did, with the Office of Management and Budget by telephone, and then by letter and to receive assurances from the Director of OMB that there would be every intention of carrying out the intent of Congress. I want the Members of this body and, indeed, all the country to know that this breakthrough and the understanding which resulted is a personal tribute to Chairman McCLELLAN. It is for that reason that I personally wanted to salute the chairman here this morning, and want him to know that all of us in this body, on both sides of the aisle, salute him for this significant achievement.

Senator McCLELLAN, we are deeply in your debt for having initiated this effort and having succeeded so sharply.

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

Mr. McGEE. I am happy to yield to the chairman of the Appropriations Committee.

Mr. McCLELLAN. I certainly thank the distinguished Senator from Wyoming, though I think he attributes to me an effort and a measure of success that should be jointly shared by all members of the committee. This course was followed after consultation with my colleagues on the Agriculture Appropriations Subcommittee. We decided upon this course, and I simply acted more or less as the intermediary between the committee and the administration, to try to bring about an understanding and to make certan that the express will of Congress was going to be honored and carried out in this particular area of Federal responsibility.

I think we now have that assurance, and I think we can rely upon it, and that this program can go forward without the crippling problems that it has experienced in the past.

So certainly I want to share the honor for whatever we have accomplished with all of my colleagues, particularly those on the Senate side of the conference, because we all worked together.

Mr. McGEE. I assure the Senator from Arkansas that we on the committee are delighted to share the credit, and I dare say that when the news gets out in Hawaii, where the ranking minority member of the subcommittee resides, or in Wyoming, it may read in the news there that we did it single-handedly, but we want it publicly known that it was done single-handedly by the chairman of the full committee, and that we are indeed honored to associate ourselves with his effort. I shall have more to say on this subject in my more detailed remarks.

Mr. FONG. Mr. President, I commend the distinguished chairman of the Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection (Mr. McGEE) for the outstanding job he has done on this bill in committee, in the Senate, and in conference. He gave us fine leadership, and we have a very fine conference report before us.

I especially want to thank him for all the courtesy he has extended to me throughout the consideration of this legislation, and I also wish to join him in his commendation of the distinguished chairman of our full Appropriations Committee, the Senator from Arkansas (Mr. McCLELLAN), for his excellent work in the conference.

Mr. President, the bill as reported by the Committee of Conference provides

funds for the current 1974 fiscal year for the Department of Agriculture, the Environmental Protection Agency, various consumer programs, and related independent agencies of the executive branch. While the amount of new obligational authority is some $400 million over the budget, it is nonetheless almost $3 billion below the appropriation for fiscal year 1973.

The largest increase over the budget is the amount for the food stamp program. The $300 million increase is necessary because the Agriculture and Consumer Protection Act of 1973, recently enacted by Congress, mandated various increases in eligibility. We have, therefore, provided a total of $2,500,000,000 for food stamps.

Another large increase over the budget is the amount for the special milk program. We have provided a spending level for the special milk program of $97,123,000 which will insure that milk is made available to all schoolchildren. This spending level accounts for $72,123,000 of the amount we are over the budget.

Most of the other increases are to be found in the funds provided for the Environmental Protection Agency. Overall, we have increased the Environmental Protection Agency budget request by $40 million, with most of the increase—$30,300,000—being for abatement and control.

Mr. President, as the chairman will explain the conference report in detail, I shall not take the time of the Senate to cover the same ground.

Mr. President, I believe this is a good bill, and I urge my colleagues to support the conference report.

Mr. McGEE. Mr. President, the conference report and the joint statement on the part of the managers which are available discuss the particulars of this bill and the action taken by the conferees but, in presenting this matter to the Senate, I would like to discuss a few matters in further detail.

This bill, as agreed upon by the conferees, contains new obligational authority in the approximate sum of $9.9 billion. This is more than $2.8 billion less than for fiscal year 1973, but is more than $400 million above the administration's budget estimates for fiscal year 1974. Lest someone jumps to the conclusion that this $400 million represents excessive or irresponsible spending on the part of the Senate committee, I want to point out to my colleagues early in these remarks that this excess is represented primarily by three separate items and if anyone has any doubts as to the merits of any of these items, I would suggest that now is the time for him to speak out.

Being $400 million over the budget estimate, the question of a Presidential veto has been discussed since the conference reached its agreement last month. Personally, I make no apologies for the spending levels provided in this bill. The committee and the conference made every possible effort to hold spending to a bare minimum. As a matter of fact, I feel we may have cut too closely on several items, but this is the price we are prepared to pay to cooperate with the administration in its efforts to combat the inflationary trend which has been running rampant these past several months. While I am not satisfied with some of the concessions we had to make in conference, I do feel that this bill is a responsible one and one which will allow rural America to move forward.

Now, to discuss the three items of increase that I mentioned previously. The major increase is in appropriations for the food stamp program, one of the major single items in this bill. The administration budget, presented to us in January of this year, requested $2.2 billion for the food stamp program. When we considered this item in committee and on the floor in June, we concluded that this figure was unrealistically low and it was increased to $2.5 billion, or $300 million more than the budget estimate. By the time this was considered by the conference committee last month, we were advised on an unofficial but reliable basis that with the increased cost of living, particularly food, the anticipated costs for fiscal year 1974 are now estimated at close to $3 billion—perhaps $2.8 or $2.9 billion. Actually, this should come as no surprise to any of us. The September 22 issue of the Washington Post reports that the cost of food in the Washington area rose 6.3 percent from July to August alone—the steepest rise in 26 years. That same article reports a yearly rise of food in the Washington area at 20 percent. The nationwide increase this past month was even more than for the Washington area—7.4 percent.

With data like this, I am certain that all of us can understand the conservative estimates of the administration in January were completely invalid for September, and even the increased figure of $2.5 billion as contained in the Senate version of the bill and approved by the conferees is wholly inadequate, so if any of you have any thoughts that this $300 million increase over the budget is irresponsible, I can only tell you, "You ain't seen nothing yet." Before this session is over, I think you can expect a supplemental budget estimate of an additional $300 to $400 million and if food costs continue to rise it might well be more than that. Food stamp recipients simply cannot absorb 6–7 percent monthly increases and cannot be expected to do so.

Of course, we have been assured repeatedly by the highest echelons within the Department and the administration that we have seen the last of the sharp rises in food prices and I hope that is the case—but that remains to be seen.

Second, we have a Senate increase which was approved by the conferees of some $72 million for the special school milk program. In terms of the overall increase of $400 million, this represents one of the substantial increases and, again, I most respectfully suggest that if anyone on the floor today is opposed to the special milk program for our schoolchildren, now is the time for him to speak up—to speak out and let his opposition be known.

For some reason or reasons which I am not able to explain to my colleagues, the administration has strongly and consistently opposed this program. They strongly opposed it through the conference and I suspect still strongly oppose it.

As you will recall, this program operated with an appropriation of $97,123,000 for fiscal year 1973, but the administration requested only $25 million for fiscal 1974, and this amount was approved by the House. The Senate, of course, provided the same level as in 1973—$97,123,000. It is most interesting to note that in all of the publicity I have seen coming from the administration in support of the reduced program which has been forced on schools throughout the country this fall, the entire blame has been placed on the Congress—pointing out that the regular appropriation bill has not been passed and the Department has been compelled to operate under the restrictive terms of a continuing resolution. It was not explained to our school officials and others interested that the administration requested the reduced level of $25 million or that it has been actively and aggressively opposing the increased level provided by the Senate. This is a case in which the administration perhaps told the truth as far as they went but, certainly, did not tell the whole truth. Really, I do not blame them for this since I would most certainly find it difficult to explain the justification for taking this school milk from children throughout the country. While we are all for fiscal responsibility and spending restraint, I, for one, am not ready to accept the premise that this additional $72 million which will go directly to schoolchildren in all schools in all parts of the country is more than we can afford. To me, it is not a question of whether we can afford it but rather it is a clear case that we cannot afford not to do it.

In any event, I wish to point specific direction to amendment No. 74 and the language agreed to by the conference committee, concluding with the statement:

> The Conferees wish to make certain that milk is made available to all school children.

That is the unanimous position of the conferees and if that is construed in some quarters as veto bait, inflationary, or fiscal irresponsibility, then so be it.

The other major item of increase is with the Environmental Protection Agency, where we are $40 million over the budget estimate. This is a most troublesome area for, while we are substantially over the budget estimate, there are many who question whether even this increased spending level is adequate to meet the environmental challenges facing the country today. But, here again, we have provided a minimum level of spending consistent with our desire to cooperate in meeting the fiscal crisis facing the Nation. So, we have these three major items:

[In millions]

Food stamps	$300
School milk	77
EPA	40
Total	417

These items represent an amount greater than the net amount the entire bill exceeds the budget estimates.

By way of further explanation, I would point out that for title I programs—agriculture programs—we are well below the budget estimates. For title II—rural development—we are slightly in excess of the estimates and we are substantially over the budget estimates for titles II and IV—environmental programs and consumer protection.

So, this is the story in capsule form. I hope that we can have an impressive vote today in support of the bill as cleared by the conference committee because, while it does not contain all that many of us would like, it is a responsible bill and one which I can recommend and endorse. A strong vote in the Senate would give a clear indication that we support the major items of increase which I have discussed but if anyone here does not support these measures, I think now is the time for him or them to be heard.

While I feel that the Senate conferees did an excellent job of sustaining the Senate position on the bill generally, there were some points on which we were compelled to recede but I can assure you that we did so most reluctantly and only after it was made quite clear that we had no alternative. One of these was amendment No. 62, sponsored by the senior Senator from Washington (Mr. MAGNUSON), which directed the Administrator of the Environmental Protection Agency to obligate at least $200 million to reimburse those municipalities which constructed waste treatment facilities between 1956–66 without receiving their full Federal share of construction costs.

This amendment had broad support in the Senate, and several Senators contacted me in reference to it but we were faced with a situation in which we simply could not convince the House conferees on the merits of this proposal. I think my colleagues on the conference committee will agree that we would be conferring yet, today, if we had continued to insist on adoption of the Senate amendment. We have several items in this bill, school milk for example, which have not fared well under the continuing resolution and for that reason we felt it imperative that the bill not be subjected to further delay—for that reason, we receded on amendment No. 62.

The same thing holds true for amendment No. 50, the one involving the necessity for EPA to file environmental impact statements. Here, again, this involved lengthy and detailed discussions. It was originally brought up for discussion on Monday, the first day of our conference, and was passed over until Wednesday when we reconvened. In the interim, Senator FONG, the subcommittee's ranking member, and a member of my staff met EPA officials and discussed this matter at length in an effort to have all of the ammunition possible to sustain the Senate's position. At our Wednesday meeting, all of the arguments were made most forcibly—principally by the Senator from Hawaii—but to no avail. From comments made during the official conference, and from some private conversations I have had with members of the House committee, it was apparent that the House Members spoke with one voice on this matter and there was no chance that they would recede and accept the Senate language.

EPA officials told us that the environmental explanations which they have planned to prepare actually would contain most of the information required by environmental impact statements but they did not want to be bound by the requirements of a formal statement. This argument was not persuasive with the House conferees, however, and they were most adamant in sustaining the House position.

We were able to hold the Senate figure of $2,144,000,000 for loans under the rural housing insurance fund, with the provision that not less than $1,200,000,000 shall be available for subsidized interest loans to low-income borrowers. We did have to compromise the items for rural housing for domestic farm labor and mutual and self-help housing but, in each case, the budget estimate and the House allowance was increased.

While these items were not in conference, the bill does contain funds for both the rural environmental assistance program, the old ACP, and the grant program of the Farmers Home Administration for rural water and waste disposal facilities. It also contains funds to implement certain programs authorized by the recently enacted Rural Development Act. The conference also adopted the Senate funds for restoration of the highly successful water bank program which was curtailed by the administration earlier this year.

Mr. President, I think it is appropriate at this point to make a special reference to the action of the conferees on the rural electric and the rural telephone programs. While I fully realize that different people have different views, in my opinion I feel that these programs have done more to revitalize and improve conditions in rural America than any other program. During the 36 years of operations, these programs have made rural America more efficient and more productive. At the same time, they have made life in rural America more acceptable and more pleasant to the American farmer, his wife and his family, but I shall not dwell at length on the merits of these programs as I am certain that most Members of this body share my views.

The REA provisions as reported by the Senate Appropriations Committee, and which survived conference, are realistic and responsible ones which recognize the needs of both the REA and rural America. The Senate increased the electric program insured loan levels from $618 million to $750 million and the telephone program from $140 million to a maximum of $200 million. The conferees agreed to these increased loan levels. In addition to this action, the conferees clarified beyond any doubt that these loan levels were for the insured program only and that the administration was expected to initiate the guaranteed loan program, as provided by law, in addition to the insured program. This action, I believe, is consistent with the clearly demonstrated capital needs of the industry and rural America.

While this point is not covered specifically in the conference report, the conferees also agreed to accept the Senate report language providing for notice to the Appropriations Committees of both Houses of Congress prior to finalizing any guaranteed loan commitments.

Before leaving this point, however, I would be remiss if I did not recognize the monumental contribution made by the chairman of the Senate Appropriations Committee, Senator MCCLELLAN. Consistent with his usual practice, the senior Senator from Arkansas acted without fanfare and without all of the publicity that quite often accompanies action of far less significance than the breakthrough which he accomplished in connection with the REA programs contained in the bill now before us. I might add that the publicity was certainly available to him had he chosen to take it but he chose otherwise, so few people are aware of the action he took or the results which he achieved. I want my colleagues to know that I am aware of it and I think they should be.

The Senator from Arkansas is far too modest to claim credit for himself and since I respect his decision in that regard, I shall not go into detail on the background involving the extensive negotiations which were undertaken to resolve this issue. I would, however, direct the specific attention of my colleagues to page 15 of the conference report, from which I quote the following:

The Congress passed and the President signed on May 11, 1973, P.L. 93–32 following a long dialogue with the Administration which was to be the basis for funding REA programs—from the Rural Electrification and Telephone Revolving Fund to the extent of its assets—and that P.L. 93–32 would be promptly implemented by the REA Administrator. This has not happened. Under P.L. 93–32, the Administrator was both authorized to make insured loans at 5%, and to guarantee non-Federal loans at interest rates to be agreed upon by the borrower and lender. Insured electric loans were to be made available under Congressional mandates that assured a loan program of not less than $618 million nor more than $750 million. The REA's "guarantee" authority was written to facilitate and support the ability of REA borrowers to obtain loans from non-REA lenders at prevailing market interest rates and terms when their borrowing needs are beyond the fund available for REA insured loans.

Now, over four months after the passage of Public Law 93–32, and nine months after the termination of the previous programs on January 1, 1973, the Administration has still not implemented REA's loan "guarantee" program.

To end this delay, and to assure the availability of credit to the REA, an amendment was proposed to the 1974 Agriculture Appropriation Act to implement the loan guarantee program by preventing the payment of certain salaries and expenses for persons associated with that delay. However, the amendment was withheld upon receiving assurances from the Director of the Office of Management and Budget that he would recommend and support implementation of this program.

In addition to these explicit comments and assurances, the Conference wants to make clear that the Office of Management and Budget also provided assurance that insofar as OMB was involved, all additional roadblocks to the implementation and operation

of these REA programs would be removed imminently.

Let me assure you that this language is a direct result of the determined and effective efforts of Chairman McCLELLAN. The assurances he sought and received from the Director of the Office of Management and Budget are most encouraging and heartening and they mean that we will all be going forward on a cooperative basis to satisfy the capital needs of REA and rural America for the benefit of the country as a whole. I am very pleased by this action. I think it is a highly significant breakthrough and I wanted to let it be known that all of us interested in this program are greatly indebted to the chairman (Mr. McCLELLAN) for his untiring and effective efforts toward this end.

Mr. President, before concluding these remarks I would like to express my appreciation to my colleagues who have assisted so greatly during the many deliberations we have had on this bill, particularly during the conference. As the ranking minority member, Senator FONG has been extremely helpful and cooperative. The senior Senator from Nebraska (Mr. HRUSKA) continues to be most helpful and cooperative even though he is no longer the ranking minority member. The ranking minority member of the full committee and a long-time member of this subcommittee, Senator YOUNG, is always available when he is needed and I can assure you he was needed throughout the conference.

On the majority side, we also had great cooperation and assistance from all but I would direct special attention to the Senator from Wisconsin (Mr. PROXMIRE), especially on the school milk and environmental issues. Likewise, the Senator from Georgia (Mr. TALMADGE), our ex officio member from the Committee on Agriculture and Forestry, found time in his extremely busy schedule to attend almost all of the conference. His deep interest in and knowledge of the newly authorized rural development programs proved to be invaluable. I have already made reference to the contributions of our chairman (Mr. McCLELLAN).

Finally, I would like to express my appreciation to the chairman of the House Appropriations Subcommittee, Mr. WHITTEN. As usual, he and his committee did a very thorough job as they considered this complex bill throughout the entire process. Even though we had some 75 numbered amendments which consisted of more than 100 Senate modifications in the bill, we had a most congenial, although a hard fought conference. It is always a pleasure to work with him, his committee and his fine staff.

In all, Mr. President, I think we had a good conference. We can never win them all but I think we made a good showing.

Mr. HUMPHREY. Mr. President, I would first like to commend Senator McGEE and his Senate Appropriations Subcommittee colleagues for the fine job they did on this bill. I particularly want to laud them for sustaining the Senate position with respect to special milk program funds. I also want to personally thank them for their directive to the Economic Research Service of the Department of Agriculture with respect to collecting all available data concerning the conditions and problems that now exist pertaining to our Nation's rural transportation system. I further wish to thank the conferees for the funds provided by them concerning wild rice research.

While I am generally very pleased with the actions taken by the conferees concerning funds for our Nation's rural development programs, I would like to get a clarification from the distinguished Senator from Wyoming (Mr. McGEE) relating to amounts specified in this bill for rural industrialization and rural community facility loans. I would like to know if the amounts specified in this bill for these purposes are limited only to direct or insured loans or do they also apply to "guaranteed" loans made for these purposes?

Mr. McGEE. It is my understanding that the funds provided in this bill for rural industrialization, and rural community facility loans apply only to those made on either a direct or insured basis. They do not apply to those made on a "guaranteed" basis. The conference established no limit on the amount of "guaranteed" loans that could be made for these purposes. The same, of course, applies to loans made by the Rural Electrification Administration. In fact, the conferees in their report on this bill, expressed disappointment with the Rural Electrification Administration's failure to utilize the "guaranteed" loan authority they now have under the law.

Mr. HUMPHREY. I thank the Senator from Wyoming (Mr. McGEE) for this important clarification. It is the hope of those of us who have worked so long and hard in breathing some life into our Nation's rural development efforts that the "guaranteed" loan program for these purposes can proceed unhampered by ceilings or any arbitrary limitations whether imposed by the Congress or the executive. To the extent that private capital can be made available for these important purposes through the "guaranteed" loan provisions of the Rural Development Act of 1972, and the Rural Electrification Act of 1973, every encouragement should be given to do so. To place any type of limit on the amount of loans that can be made on this basis would, in my judgment, be counterproductive to our nationally stated rural development policy goals.

Mr. President, I also wish to call attention to amendment No. 73 as agreed to by the conferees for this bill because of its crucial importance to the national school lunch program. This amendment appropriates $22,110,000 to be spent during this year to provide kitchen equipment for those schools offering school lunches for the first time and need help and for those schools which have been in the program for a long time and need help in replacing this wornout and outin purchasing refrigerators and stoves moded equipment.

In Public Law 92-433, which was signed into law on September 26, 1972, we instructed the Agriculture Department to survey the Nation's schools as to their need for kitchen equipment. That survey, with several key States not yet reporting, shows an amount in excess of $83 million in equipment needs.

In hearings held recently before the Select Committee on Nutrition and Human Needs, it was brought out that 5 million children in 17,700 schools still do not have the option to participate in the school lunch program.

In partial response to this problem, the Congress appropriated $6 million for kitchen equipment needs during this past summer in the second supplemental appropriation for 1973, which passed on June 30, 1973. Today we are appropriating another $22,110,000 for this fiscal year.

I wish to make clear to the Department of Agriculture that the need for these funds is overwhelming and, in fact, these funds will go only a short distance toward meeting that need. Therefore, if we are to maintain our commitment to reaching all the needy schoolchildren of this country with a nutritious school lunch, it is imperative that all of these funds—both the $6 million appropriated on June 30, 1973, and today's appropriation of 22,110,000—be fully spent during this fiscal year.

Mr. MUSKIE. Mr. President, the bill reported from conference would appropriate $5,000,000 "for the preparation of environmental impact statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law." The ambiguous language of this section requires some clarification, since an unwarranted and improper construction of it could call into question the settled relationship of the National Environmental Policy Act—NEPA—to the regulatory activities of the Environmental Protection Agency—EPA. Therefore, I would first like to ask the Senator from Wyoming whether the conferees intended for this language to change or modify existing substantive law in any way?

Mr. McGEE. The answer, of course, to the question raised by the Senator from Maine is, "No." As we all know, it would not be in order for the Congress to legislate through the vehicle of an appropriations bill. In fact when the House passed this bill on June 15 a point of order was raised on aspects of this item. The House manager, Mr. WHITTEN, struck that part of this provision which was legislation. I can only assume that the remainder to which you refer was not considered legislation in the other body either or it also would have been stricken.

Mr. MUSKIE. In that case, let me outline for the benefit of the Senator my understanding of the existing law governing the application of NEPA to the EPA. I would appreciate knowing whether it corresponds to the view of the law held by the Senate conferees when they agreed to accept this amendment. Under existing statutory and case law, the only instances wherein the EPA is required to prepare environmental impact statements are in connection with the making of waste treatment construction grants and the issuance of discharge permits for new water pollution sources under the Federal Water Pollution Con-

trol Act. Section 511(c)(1) and the legislative history of that act clearly state that all of the provisions of NEPA are to apply to those two specific activities. Except for that narrow extension of NEPA's coverage authorized under section 511 (c)(1), the Congress has never wavered from the intention expressed in enacting NEPA that the legislative mandates of the environmental improvement agencies—now EPA—were not to be changed in any way by NEPA.

The courts have enforced this legislative intent in dealing with the question of NEPA's application to the EPA's regulatory functions. In several recent Clean Air Act decisions—including Appalachian Power Co. against EPA, Getty Oil Co. against Ruckelshaus, Anaconda Co. against Ruckelshaus, Portland Cement Association against Ruckelshaus, and others—several circuit courts of appeals have held uniformly that the law prohibits the application of NEPA to the EPA's regulatory functions.

Mr. McGEE. In view of the Senator from Maine's knowledge on this complex issue, I would respect his view of the law on this question. In that connection, I would point out that the language of the section which we are discussing provides explicitly that the funds appropriated are to be used only for the preparation of impact statements where such statements are not prohibited by existing law.

Mr. MUSKIE. Am I correct, then, in my understanding that the language of this section should be construed to provide funds for the EPA to prepare environmental impact statements where the Agency is required to do so by existing law?

Mr. McGEE. Yes.

Mr. MUSKIE. I thank the Senator, and I express to him my appreciation for helping to make available the funding necessary to expedite the Agency's environmental regulatory and improvement efforts with which we are all so deeply concerned.

Mr. BAKER. Mr. President, I wish to express my complete endorsement of the statements made by the most able chairman of the Air and Water Pollution Subcommittee of the Committee on Public Works (Mr. MUSKIE), and of the distinguished Senator from Wyoming (Mr. McGEE) who is the Senate manager of the pending conference report. I believe that they have fully and carefully laid out the appropriate interpretation of the language of the conference report which calls "for the preparation of the environmental impact statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law."

Without any intention to prolong further the discussion of this matter, I would like to ask the distinguished Senator from Hawaii (Mr. FONG) whether he concurs with the statements which have been made to the effect that, in adopting this section, the conference committee did not intend to modify existing substantive law and that the intention was solely to provide an appropriation of funds for EPA to prepare impact statements for activities which are now covered by existing law.

Mr. FONG. Yes, I believe it is clear that the conference committee did not intend to modify existing substantive law and that the intention was solely to provide an appropriation of funds for EPA to prepare impact statements for activities which are now covered by existing law.

Mr. President, by way of background on this issue, we must search the House debate on the agricultural environmental and consumer protection appropriations bill (H.R. 8619), the same bill on which we are now considering the conference report.

As originally reported by the House Appropriations Committee, H.R. 8619 contained the following provision:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2)(B) of the same Act, $5,000,000.

Points of order were raised in the House against this provision on the ground it contained legislation in an appropriation bill. Specifically, it was contended that the language "along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2)(B) of the same Act"—meaning the National Environmental Policy Act—was legislation in an appropriation bill. The point of order raised noted that this language imposed a duty on EPA to file an additional statement not presently required by law.

The floor manager of the bill in the House thereupon moved to strike the portion I just quoted and the House concurred.

The language as passed by the House then read:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, $5,000,000.

When H.R. 8619 came over to the Senate, we changed the language to require "environmental explanations," rather than environmental impact statements as stated in the House version.

The Senate provision in H.R. 8619 read as follows:

> For an amount to provide for the preparation of environmental explanations on all proposed actions by the Environmental Protection Agency, $5,000,000.

As we all know, the rules of both the House and the Senate prohibit legislation in an appropriation bill. Sometimes, however, legislation is enacted in an appropriation bill because no point of order was raised against it. In this instance, a point of order was raised against legislative language in the environmental impact provision of H.R. 8619 when it was before the House.

It is clear, therefore, that in the pending agriculture bill we cannot add to, nor subtract from, the authorizing statutes governing the Environmental Protection Agency.

The House provision which conferees adopted, although different from the Senate provision, cannot add to, nor subtract from, existing law governing the Environmental Protection Agency. The chairman of the House Appropriations Subcommittee which handled H.R. 8619 indicated no intention to legislate in this bill when he moved to strike the language that did constitute legislation in an appropriation bill.

As the Environmental Protection Agency already prepares impact statements on its grant activities and as the Federal Water Pollution Control Amendments of 1972 specifically exempt water related regulatory activities from the impact statement requirement of the National Environmental Policy Act, the provision in the pending measure (H.R. 8619) relates only to the other environmentally protective regulatory activities of EPA, activities for which a substantial body of evidence indicates EPA is excluded from the NEPA impact statement requirements.

The legislative history of the National Environmental Policy Act indicates that Congress intended for environmental regulatory activities to be exempt from the NEPA impact statement requirements.

Further, the Council on Environmental Quality, in their original guidelines implementing NEPA, dated April 23, 1971, provided an exemption from the impact statement process for EPA's environmentally protective regulatory activities.

As I mentioned before, the Federal Water Pollution Control Amendments of 1972 provide a specific exemption from the impact statement requirement of NEPA for water related regulatory activities.

Several recent decisions of the U.S. court of appeals have upheld EPA's position that the impact statement process does not apply to its regulatory activities.

In view of the legislative history of NEPA; in view of the interpretations that have been made by competent bodies that EPA's regulatory activities are excluded from the NEPA impact statement process; in view of the fact that an appropriations bill cannot alter the text of existing law; in view of the fact that the chairman of the House Appropriations Subcommittee, who wrote the language that was in the House version and is retained in the conference version, indicated no intention to legislate in this provision; and in view of the fact that there is no language in H.R. 8619 mandating that the $5,000,000 be spent, as one conferee I hold that EPA is not required to do anything more or less than required by existing law.

If there is a question as to whether or not EPA must file environmental impact statements on its regulatory activities, this should be decided by the Congress in separate authorizing legislation, first considered by the proper committees, and not in an appropriation bill.

We, in Congress, surely do not want to be in the position of tying, through

appropriations, the regulatory hands of the very agency we have created to regulate air, water, noise, and other pollution control problems in our country. EPA has already given notice in the Federal Register of its intentions to issue "environmental explanations" on its regulatory activities beginning next January 1. As I noted earlier, it is already issuing environmental impact statements on its grant activities, except where not required by the Water Pollution Control Amendments of 1972.

Mr. McGEE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by the said amendment, insert: $285,925,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by the said amendment, insert: $70,104,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by the said amendment, insert:

Provided, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or invests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by the said amendment, insert:

National Commission on Water Quality

Salaries and Expenses

For an additional amount for the National Commission on Water Quality authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816–904), $10,000,000 to remain available until June 30, 1975: *Provided*, That no part of these funds shall be used to delay existing projects heretofore authorized.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: $1,140,000

Mr. McGEE. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 9, 12, 48, 64, and 69.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that a provision of law which requires that the conference report be printed as a Senate report be waived, since the report is identical to the report of the House of Representatives, which has already been printed in the RECORD as required by the rules of the House.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. McGEE. Mr. President, I would like to point out two printing errors in the printing of the report. On page H8156, the agreed upon amount for amendment No. 29 was $239,051,000, rather than $314,587,000 as shown. On the same page, the agreed upon figure for amendment No. 61 was $46,150,000, rather than $10,000,000 as shown in the RECORD. These corrected amounts which I have indicated are the ones agreed to by the conference and are the ones contained in the official report. These errors occurred during printing or typesetting operations and I did want to call this to the attention of my colleagues so there could be no misunderstanding.

Mr. President, I ask unanimous consent that a tabulation of the fiscal year 1973 appropriation, the 1974 budget request, the House, Senate, and conference committee allowances for fiscal year 1974 be printed in the RECORD.

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

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—AGRICULTURAL PROGRAMS									
Department of Agriculture									
Departmental management									
Office of the Secretary	$11,224,000	$10,933,000	$10,822,000	$10,872,000	$10,822,000	−$402,000	−$111,000		−$50,000
Office of the Inspector General	14,519,000	14,501,000	14,501,000	14,501,000	14,501,000	−18,000			
Transfer from food stamp program	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)				
Total, Office of the Inspector General	(18,769,000)	(18,751,000)	(18,751,000)	(18,751,000)	(18,751,000)	(−18,000)			
Office of the General Counsel	6,779,000	6,666,000	6,666,000	6,666,000	6,666,000	−113,000			
Office of Management Services	4,147,000	4,147,000	4,147,000	4,147,000	4,147,000				
Total, Departmental Management	36,669,000	36,247,000	36,136,000	36,186,000	36,136,000	−533,000	−111,000		−50,000
Science and education programs									
Agricultural Research Service:									
Research	190,892,600	170,790,000	172,790,000	178,946,900	175,938,400	−14,954,200	−5,148,400	+$3,148,400	−3,008,500
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)				
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
Scientific activities overseas	10,000,000	10,000,000	5,000,000	10,000,000	5,000,000	−5,000,000	−5,000,000		−5,000,000
Total, Agricultural Research Service	202,892,600	180,790,000	177,790,000	188,946,900	180,938,400	−21,954,200	+148,400	+3,148,400	−8,008,500
Animal and Plant Health Inspection Service	304,899,000	336,171,000	287,171,000	342,871,000	285,925,000	−18,974,000	−50,246,000	−1,246,000	−56,946,000
Cooperative State Research Service	91,438,000	73,700,000	86,700,000	90,121,000	89,880,000	−1,558,000	+16,180,000	+3,180,000	−241,000

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Extension Service	$194,331,000	$196,831,000	$199,573,000	$208,573,000	$204,073,000	+$9,742,000	+$7,242,000	+$4,500,000	−$4,500,000
National Agricultural Library	4,226,750	4,226,750	4,226,750	4,226,750	4,226,750				
Total, Science and Education programs	797,787,350	791,718,750	755,460,750	834,738,650	765,043,150	−32,744,200	−62,675,600	+9,582,400	−69,695,500
Agricultural economics									
Statistical Reporting Service	22,875,200	22,834,200	22,834,200	22,859,200	22,859,200	−16,000	+25,000	+25,000	
Economic Research Service	[1] 15,819,000	[1] 15,505,000	[1] 15,505,000	[1] 15,880,000	[1] 15,780,000	−39,000	+275,000	+275,000	−100,000
Total, Agricultural Economics	38,694,200	38,339,200	38,339,200	38,739,200	38,639,200	−55,000	+300,000	+300,000	−100,000
Marketing services									
Agricultural Marketing service: Marketing services	34,648,000	34,865,000	34,528,000	34,865,000	34,865,000	+217,000		+337,000	
Payments to States and possessions	2,500,000	1,600,000	1,600,000	1,600,000	1,600,000	−900,000			
Total, Agricultural Marketing Service	37,148,000	36,465,000	36,128,000	36,465,000	36,465,000	−683,000		+337,000	
Commodity Exchange Authority	2,906,000	2,906,000	3,257,000	3,257,000	3,257,000	+351,000	+351,000		
Packers and Stockyards Administration	4,062,650	4,054,650	4,054,650	4,154,650	4,054,650	−8,000			−100,000
Farmer Cooperative Service	2,055,000	1,955,000	1,955,000	1,955,000	1,955,000	−100,000			
Total, Marketing Service	46,171,650	45,380,650	45,394,650	45,831,650	45,731,650	−440,000	+351,000	+337,000	−100,000
International programs									
Export Marketing Service	(3,830,000)	(3,830,000)	(3,830,000)	(3,830,000)	(3,830,000)				
Foreign Agricultural Service	25,971,000	25,805,000	25,805,000	26,000,000	25,805,000	−166,000			−195,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)				
Total, Foreign Agricultural Service	(29,088,000)	(28,922,000)	(28,922,000)	(29,117,000)	(28,922,000)	(−166,000)			(−195,000)
Public Law 480	895,000,000	653,638,000	453,638,000	653,638,000	553,638,000	−341,362,000	−100,000,000	+100,000,000	−100,000,000
Total, International Programs	920,971,000	679,443,000	479,443,000	679,638,000	579,443,000	−341,528,000	−100,000,000	+100,000,000	−100,195,000
Commodity programs									
Agricultural Stabilization and Conservation Service: Salaries and expenses	169,235,000	152,000,000	169,235,000	169,235,000	169,235,000		+17,235,000		
Transfer from Commodity Credit Corporation	(78,346,000)	(82,027,000)	(78,346,000)	(78,346,000)	(78,346,000)		(−3,681,000)		
Total, salaries and expenses	(247,581,000)	(234,027,000)	(247,581,000)	(247,581,000)	(247,581,000)		(+13,554,000)		
Sugar Act program	84,500,000	89,500,000	88,500,000	88,500,000	88,500,000	+4,000,000	−1,000,000		
Cropland adjustment program	52,5000,00	51,900,000	51,900,000	51,900,000	5,1900,000	−600,000			
Dairy and beekeeper indemnity programs	3,500,000					−3,500,000			
Total, Agricultural Stabilization and Conservation Service	309,735,000	293,400,000	309,635,000	309,635,000	309,635,000	−100,000	+16,235,000		
Federal Crop Insurance Corporation: Administrative and operating expenses	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
Federal Crop Insurance Corporation Fund	(3,654,000)	(3,632,000)	(3,632,000)	(3,632,000)	(3,632,000)	(−22,000)			
Total, Federal Crop Insurance Corporation	(15,654,000)	(15,632,000)	(15,632,000)	(15,632,000)	(15,632,000)	(−22,000)			
Commodity Credit Corporation: Reimbursement for net realized losses	3,267,575,000	3,457,409,000	3,301,940,000	3,301,940,000	3,301,940,000	+34,365,000	−155,469,000		
Limitation on administrative expenses	(39,900,000)	(41,800,000)	(39,900,000)	(39,900,000)	(39,900,000)		(−1,900,000)		
Total, Commodity Programs	3,589,310,000	3,762,809,000	3,623,575,000	3,623,575,000	3,623,575,000	+34,265,000	−139,234,000		
Total, title I, agricultural programs	5,429,603,200	5,353,937,600	4,978,348,600	5,258,708,500	5,088,568,000	−341,035,200	−265,369,600	+110,219,400	−170,140,500
TITLE II—RURAL DEVELOPMENT PROGRAMS									
Department of Agriculture									
Rural Development Service	[2] 2,661,000	[2] 2,661,000	[2] 2,661,000	[2] 2,661,000	[2] 2,661,000				
Rural development grants and technical assistance		20,000,000	5,000,000	20,000,000	10,000,000	+$10,000,000	−$10,000,000	+$5,000,000	−$10,000,000
Resource conservation and development	26,600,000	8,217,000	17,217,000	17,217,000	17,217,000	−9,383,000	+9,000,000		

Footnotes at end of table.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II—RURAL DEVELOPMENT PROGRAMS—Continued									
Department of Agriculture—Con.									
Rural Electrification Administration:									
Rural electrification and telephone revolving fund:									
Electric loans	[3] $488,000,000	[4] ($618,000,000)	($618,000,000)	($750,000,000)	($750,000,000)	−$488,000,000	(+$132,000,000)	(+$132,000,000)	
Telephone loans	145,000,000	[4] (140,000,000)	(140,000,000)	(200,000,000)	(200,000,000)	−145,000,000	(+60,000,000)	(+60,000,000)	
Total, loans	633,000,000	(758,000,000)	(758,000,000)	(950,000,000)	(950,000,000)	−633,000,000	(+192,000,000)	(+192,000,000)	
Capitalization of Rural Telephone Bank	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000				
Salaries and expenses	16,720,000	16,720,000	16,720,000	16,720,000	16,720,000				
Total, Rural Electrification Administration	679,720,000	46,720,000	46,720,000	46,720,000	46,720,000	−633,000,000			
Farmers Home Administration:									
Direct loan account:									
Operating loans	(350,000,000)					(−350,000,000)			
Soil conservation loans	(24,000,000)					(24,000,000)			
Total, direct loan account	(374,000,000)					(−374,000,000)			
Rural Housing Insurance Fund:									
Direct loans	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)				
Insured loans	(2,144,000,000)	(1,133,000,000)	(1,500,000,000)	(2,144,000,000)	(2,144,000,000)		(+1,011,000,000)	(+644,000,000)	
Reimbursement for interest and other losses	51,461,000	89,170,000	89,170,000	89,170,000	89,170,000	+37,709,000			
Total, Rural Housing Insurance Fund	(2,205,461,000)	(1,232,170,000)	(1,599,170,000)	(2,243,170,000)	(2,243,170,000)	(+37,709,000)	(+1,011,000,000)	(+644,000,000)	
Agricultural Credit Insurance Fund:									
Insured real estate loans	(370,000,000)	(370,000,000)	(370,000,000)	(370,000,000)	(370,000,000)				
Insured water and waste disposal loans	(300,000,000)					(−300,000,000)			
Emergency loans	(350,000,000)	[5] (100,000,000)	[5] (100,000,000)	[5] (100,000,000)	[5] (100,000,000)	(−250,000,000)			
Soil conservation loans		(24,000,000)	(24,000,000)	(24,000,000)	(24,000,000)	(+24,000,000)			
Operating loans		[6] (350,000,000)	[6] (350,000,000)	[6] (350,000,000)	[6] (350,000,000)	(+350,000,000)			
Reimbursement for interest and other losses	56,762,000	74,554,000	74,554,000	74,554,000	74,554,000	+17,792,000			
Total, Agricultural Credit Insurance Fund	1,076,762,000)	918,554,000)	918,554,000)	(918,554,000)	(918,554,000)	(−158,208,000)			
Rural water and waste disposal grants	92,000,000		30,000,000	30,000,000	30,000,000	−62,000,000	+30,000,000		
Prior year unobligated balances	(58,000,000)		(120,000,000)	(120,000,000)	(120,000,000)	(+62,000,000)	(+120,000,000)		
Total, rural water and waste disposal grants	(150,000,000)		(150,000,000)	(150,000,000)	(150,000,000)		(+150,000,000)		
Rural housing for domestic farm labor	3,750,000		5,000,000	15,000,000	7,500,000	+3,750,000	+7,500,000	+2,500,000	−7,500,000
Mutual and self-help housing	3,000,000	3,000,000	3,000,000	5,000,000	4,000,000	+1,000,000	+1,000,000	+1,000,000	−1,000,000
Rural Development Insurance Fund:									
Water and sewer facility loans		[7] (545,000,000)	(445,000,000)	[7] (545,000,000)	(470,000,000)	(+470,000,000)	(−75,000,000)	(+25,000,000)	(−75,000,000)
Industrial development loans		(200,000,000)	(100,000,000)	(400,000,000)	(200,000,000)	(+200,000,000)		(+100,000,000)	(−200,000,000)
Community facility loans		(7)	(50,000,000)	(7)	(50,000,000)	(+50,000,000)	(+50,000,000)		(+50,000,000)
Total, Rural Development Insurance Fund		(745,000,000)	(595,000,000)	(945,000,000)	(720,000,000)	(+720,000,000)	(−25,000,000)	(+125,000,000)	(−225,000,000)
Payment of participation sales insufficiencies		[8] (1,476,000)	[8] (1,476,000)	[8] (1,476,000)	[8] (1,476,000)	(+1,476,000)			
Salaries and expenses	116,627,000	112,500,000	112,500,000	112,500,000	112,500,000	−4,127,000			
Transfer from loan accounts	(1,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(+2,000,000)			
Total, salaries and expenses	(118,127,000)	(116,000,000)	(116,000,000)	(116,000,000)	(116,000,000)	(−2,127,000)			
Total, Farmers Home Administration	323,600,000	279,224,000	314,224,000	326,224,000	317,724,000	−5,876,000	+38,500,000	+3,500,000	−8,500,000
Farm Credit Administration (limitation on administrative expenses)	(5,545,000)	(5,810,000)	(5,810,000)	(5,810,000)	(5,810,000)	(+265,000)			
Independent agencies									
Total, Title II, rural development programs	1,032,581,000	356,822,000	385,822,000	412,822,000	394,322,000	−638,259,000	+$37,500,000	+$8,500,000	−$18,500,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—ENVIRONMENTAL PROGRAMS									
Independent Agencies									
Council on Environmental Quality and Office of Environmental Quality	$2,550,000	$2,466,000	$2,466,000	$2,466,000	$2,466,000	−$84,000			
Environmental Protection Agency:									
Agency and regional management	41,960,400	50,800,000	54,475,000	55,375,000	54,675,000	+12,714,600	+3,875,000	+200,000	−700,000
Research and development	185,223,700	148,700,000	146,175,000	178,975,000	157,775,000	−27,448,700	+9,075,000	+11,600,000	−21,200,000
Prior year unobligated balances			(13,000,000)	(9,000,000)	(9,000,000)	(+9,000,000)	(+9,000,000)	(−4,000,000)	
Total, research and development	(185,223,700)	(148,700,000)	(159,175,000)	(187,975,000)	(166,775,000)	(−18,448,700)	(+18,075,000)	(+7,600,000)	(−21,200,000)
Abatement and control	217,222,700	243,100,000	265,400,000	291,800,000	273,400,000	+56,177,300	+30,300,000	+8,000,000	−18,400,000
Prior year unobligated balances			(5,700,000)	(1,700,000)	(3,700,000)	(+3,700,000)	(+3,700,000)	(+2,000,000)	(+2,000,000)
Total, abatement and control	(217,222,700)	(243,100,000)	(271,100,000)	(293,500,000)	(277,100,000)	(+59,877,300)	(+34,000,000)	(+6,000,000)	(−16,400,000)
Enforcement	28,894,200	47,400,000	45,950,000	46,850,000	46,150,000	+17,255,800	−1,250,000	+200,000	−700,000
Construction grants	1,900,000,000					−1,900,000,000			
Liquidation of contract authority		(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+600,000,000)			
Scientific activities overseas	4,000,000	4,000,000	2,000,000	4,000,000	2,000,000	−2,000,000	2,000,000		−2,000,000
Total, Environmental Protection Agency	2,377,301,000	494,000,000	514,000,000	577,000,000	534,000,000	−1,843,301,000	+40,000,000	+20,000,000	43,000,000
National Commission on Materials Policy	1,300,000	91,000				−1,300,000	−91,000		
National Commission on Water Quality	200,000	[9] 14,800,000		10,000,000	10,000,000	+9,800,000	−4,800,000	+10,000,000	
Department of Commerce									
National Industrial Pollution Control Council	330,000	323,000				330,000	−323,000		
Department of housing and urban development									
Grants for basic water and sewer facilities									
Prior year unobligated balances	(500,000,000)		[10] (400,000,000)	[10] (400,000,000)	[10] (400,000,000)	(−100,000,000)	(+400,000,000)		
Total, facilities	(500,000,000)		(400,000,000)	(400,000,000)	(400,000,000)	(−100,000,000)	(+400,000,000)		
Department of the Treasury									
Bureau of Accounts:									
Salaries and expenses		1,188,000	1,188,000	1,188,000	1,188,000	+1,188,000			
Advances to the Environmental Financing Authority fund		[11] (100,000,000)	[11] (100,000,000)	[11] (100,000,000)	[11] (100,000,000)	(+100,000,000)			
Total, Bureau of Accounts		1,188,000	188,000	1,188,000	1,188,000	+1,188,000			
Department of Agriculture									
Soil Conservation Service:									
Conservation operations	163,440,000	153,923,000	160,000,000	168,069,000	160,000,000	−3,440,000	+6,077,000		−8,069,000
River basin surveys and investigations	11,859,000	12,351,000	12,351,000	12,351,000	12,351,000	+492,000			
Watershed planning	7,789,000	7,053,000	7,053,000	12,000,000	10,000,000	+2,211,000	+2,947,000	+2,947,000	−2,000,000
Watershed and flood prevention operations	170,049,500	84,847,000	134,000,000	134,000,000	134,000,000	−36,049,500	+49,153,000		
Great Plains conservation program	18,113,500	18,172,000	18,172,000	18,172,000	18,172,000	+58,500			
Total, Soil Conservation Service	371,251,000	276,346,000	331,576,000	344,592,000	334,523,000	−36,728,000	+58,177,000	+2,947,000	−10,069,000
Agricultural Stabilization and Conservation Service:									
Agricultural Conservation Program (REAP):									
Advance authorization (contract authority)	225,500,000		160,000,000	160,000,000	160,000,000	−65,500,000	+160,000,000		
Liquidation of contract authority	(195,500,000)	($15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(−180,500,000)			
Water Bank Act program	10,000,000		[12]	[12] 10,000,000	[12] 10,000,000		+10,000,000	+$10,000,000	
Emergency conservation measures	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−15,000,000			
Total, Agricultural Stabilization and Conservation Service	260,500,000	10,000,000	170,000,000	180,000,000	180,000,000	−80,500,000	+170,000,000	+10,000,000	
Total, title III, environmental programs	3,013,432,000	799,214,000	1,019,230,000	1,115,246,000	1,062,177,000	−1,951,255,000	+262,963,000	+42,947,000	−$53,069,000

Footnotes at end of table.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE IV—CONSUMER PROGRAMS									
Department of Health, Education, and Welfare									
Office of Consumer Affairs	$1,100,500	$1,200,000		$1,200,000	$1,140,000	+$39,500	−$60,000	+$1,140,000	−$60,000
Food and Drug Administration:									
Salaries and expenses	156,195,000	161,140,000	160,590,000	160,590,000	160,590,000	+4,395,000	−550,000		
Product safety transfer	(−11,300,000)					(+11,300,000)			
Prior year unobligated balances	(9,547,000)		(3,000,000	(3,000,000)	(3,000,000)	(−6,547,000)	(+3,000,000)		
Total, salaries and expenses	(154,442,000)	(161,140,000)	(163,590 000)	(163,590,000)	(163,590,000)	(+9,148,000)	(+2,450,000)		
Buildings and facilities		5,000,000					−5,000,000		
Prior year unobligated balances	(3,900,000)		(5,000,000)	(5,000,000)	(5,000,000)	(+1,100,000)	(+5,000,000)		
Total, buildings and facilities	(3,900,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+1,100,000)			
Total, Food and Drug Administration (including prior year unobligated balances)	(158,342,000)	(166,140,000)	(168,590,000)	(168,590,000)	(168,590,000)	(+10,248,000)	(+2,250,000)		
General Services Administration									
Consumer Information Center	823,000	635,000	635,000	635,000	635,000	−188,000			
Independent Agencies									
National Commission on Consumer Finance	365,000					−365,000			
Consumer Product Safety Commission		30,900,000	30,900,000	30,900,000	30,900,000	+30,900,000			
Transfers from other agencies	(13,554,000)					(−13,554,000)			
Total, Consumer Product Safety Commission	(13,554,000)	(30,900,000)	(30,900,000)	(30,900,000)	(30,900,000)	(+17,346,000)			
Federal Trade Commission	30,474,000	30,090,000	29,600,000	32,090,000	30,600,000	+126,000	+510,000	+1,000,000	−1,490,000
Product safety transfer	(−1,500,000)					(+1,500,000)			
Total, Federal Trade Commission	(28,974,000)	(30,090,000)	(29,600,000)	(32,090,000)	(30,600,000)	(+1,626,000)	(+510,000)	(+1,000,000)	(−1,490,000)
Department of Agriculture									
Food and Nutrition Service:									
Child nutrition programs	477,296,000	555,612,000	555,612,000	567,612,000	561,612,000	+84,316,000	+6,000,000	+6,000,000	−6,000,000
Transfer from sec. 32	(119,165,000)	(199,631,000)	(199,631,000)	(199,631,000)	(199,631,000)	(+80,466,000)			
Total, child nutrition programs	(596,461,000)	(755,243,000)	(755,243,000)	(767,243,000)	(761,243,000)	(+164,782,000)	(+6,000,000)	(+6,000,000)	(−6,000,000)
Special milk program	97,123,000	25,000,000	25,000,000	97,123,000	97,123,000		+72,123,000	+72,123,000	
Food stamp program	2,500,000,000	2,200,000,000	2,200,000,000	2,500,000,000	2,500,000,000		+300,000,000	+300,000,000	
Total, Food and Nutrition Service	3,074,419,000	2,780,612,000	2,780,612,000	3,164,735,000	3,158,735,000	+84,316,000	+378,123,000	+378,123,000	−6,000,000
Total, title IV, consumer programs	3,263,376,500	3,009,577,000	3,002,337,000	3,390,150,000	3,382,600,000	+119,223,500	+373,023,000	+380,263,000	−7,550,000
RECAPITULATION									
Title I—Agricultural programs	5,429,603,200	5,353,937,600	4,978,348,600	5,258,708,500	5,088,568,000	−341,035,200	−265,369,600	+110,219,400	−170,140,500
Title II—Rural development programs	1,032,581,000	356,822,000	385,822,000	412,822,000	394,522,000	−638,259,000	+37,500,000	+8,500,000	−18,500,000
Title III—Environmental programs	3,013,432,000	[9]799,214,000	1,019,230,000	1,115,246,000	1,062,177,000	−1,951,255,000	+262,963,000	+42,947,000	−53,069,000
Title IV—Consumer programs	3,263,376,500	3,009,577,000	3,002,337,000	3,390,150,000	3,382,600,000	+119,223,500	+373,023,000	+380,263,000	−7,550,000
Total new budget (obligational) authority	12,738,992,700	9,519,550,600	9,385,737,600	10,176,926,500	9,927,667,000	−2,811,325,700	+408,116,400	+541,929,400	−249,259,500
Consisting of:									
1. Appropriations	11,878,492,700	[9]9,519,550,600	9,225,737,600	10,016,926,500	9,767,667,000	−2,110,825,700	+248,116,400	+541,929,400	−249,259,500
2. Reappropriations	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
3. Contract authorizations	225,500,000		160,000,000	160,000,000	160,000,000	−65,500,000	+160,000,000		
4. Authorizations to spend from debt receipts	633,000,000					−633,000,000			
5. Direct and insured loan level	(3,548,000,000)	(3,490,000,000)	(3,707,000,000)	(4,893,000,000)	(4,668,000,000)	(+1,120,000,000)	(+1,178,000,000)	(+961,000,000)	(−225,000,000)

[1] Reflects transfer of Economic Development Division and $2,261,000 to Rural Development Service.
[2] Reflects transfer of $2,261,000 from Economic Research Service for activities of Economic Development Division.
[3] Excludes $107,000,000 of prior year balances available in 1973.
[4] These amounts included in the Rural Development Insurance Fund.
[5] Department requested definite limitation on loans; committee provided indefinite amount.
[6] Department requested indefinite limitation on loans; committee provided definite limitation.
[7] Total of $545,000,000 available for water, waste disposal, and other community facilities.
[8] Indefinite appropriation.
[9] Includes budget amendment of $13,800,000 not considered by House.
[10] $100,000,000 to be transferred to the Environmental Protection Agency for a storm and combined sewer demonstration program in the Great Lakes area.
[11] In addition, the Secretary of the Treasury is authorized to purchase $200,000,000 of the obligations of the Authority.
[12] Unobligated balance of $11,390,820 available for obligation in 1974.

SCHOOL LUNCH EQUIPMENT

Mr. EAGLETON. Mr. President, amendment No. 73, as agreed to by the conferees on H.R. 8619, Agriculture-Environmental and Consumer Protection appropriations for fiscal 1974, is of crucial importance to the future of the national school lunch program. The amendment appropriates $22,110,000 to be spent during fiscal 1974 to provide school lunch equipment for both those schools across the country that wish to participate in the program for the first time and for those who have been longstanding participants and wish to replace their old equipment.

The great need for these funds has been documented by a Department of Agriculture study, private studies, and hearings before the Senate Select Committee on Nutrition and Human Needs. It is an acknowledged fact that there are still 5 million children attending 17,700 schools who have no opportunity to obtain a nutritious noontime meal from the school lunch program because their schools do not serve lunches.

Public Law 92–433, signed on September 26, 1972, contained a provision directing the Department of Agriculture to survey all the States to determine the amount of nonfood assistance funds required to carry out the congressional mandate as set forth in the National School Lunch and Child Nutrition Acts. That survey, which still lacks data from some important States, shows that schools need a minimum of $83 million in nonfood assistance funds immediately to operate school food programs in the manner and to the extent intended by Congress.

As a partial answer to this need, we appropriated the sum of $6 million on June 29, 1973, in the Second Supplemental Appropriations Act for fiscal 1973 for schools to use during the summer of 1973 to purchase kitchen equipment. That sum has just recently been apportioned among the States. Today we are responding further to this urgent need by appropriating another $22,110,000 for fiscal 1974.

Mr. President, I wish to make certain that the Department of Agriculture does not misread our intention. We expect that all of this money, both the $6 million voted on June 29, 1973, and the $22,110,000 we are voting today, will be fully spent during this fiscal year as a step toward fulfilling the intent of Congress that every needy child in the Nation shall have the opportunity to obtain a free school lunch. Any impoundment of these funds would clearly violate that intent.

Mr. BAYH. Mr. President, I must express regret at the decision of the conferees to cut in half, from $20 million to $10 million, the Senate-passed appropriation for implementation of modern techniques to remove sulfur from the stacks of coal-burning electric generating plants.

I offered the amendment proposing this expenditure during subcommittee markup because of the clear and compelling need to meet our growing energy needs in an environmentally responsible manner. Given the inability of domestic oil resources to meet our energy requirements, and recognizing the desirability and need to hold imports of oil as low as possible, we must turn to our abundant coal resources as a key element in meeting energy demand.

Indeed, in pursuing this course of action the administration has adopted the regrettable posture of seeking to relax air quality standards, rather than taking the constructive approach of finding means of burning coal cleanly.

To those who say we must choose between a spoiled environment or an energy shortage, I say that by using our scientific ability and by committing sufficient Federal resources we can have enough clean energy to meet our requirements. This is why I proposed spending $20 million in fiscal year 1974 in demonstration projects designed to remove sulfur from the stacks of plants using high-sulfur coal such as that which we have in my own State of Indiana.

The sum involved is not very great, but the potential benefit, in terms of moving us closer to the point when we can burn our huge coal supplies cleanly, is immense. There are varying estimates on how long known coal reserves will last, but all of those estimates agree that we have enough coal to last hundreds of years.

Given the combined needs to meet the energy needs of the American people and to keep our air from undergoing further degradation, the only course open to us is to speed research, development, and implementation of modern means of controlling sulfur emissions from coal-fired plants. The decision of the conferees to reduce this appropriation will postpone the day when that goal is realized.

Such action provides an unfortunate measure of support for the irresponsible course of action being sought by the administration. Rather than surrendering the quality of air in order to generate energy, we should rise to the challenge and seek enough clean energy to satisfy the requirements of American consumers and industry.

HOUSE CONCURRENT RESOLUTION 315—CORRECTION OF AN ENGROSSED BILL

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Concurrent Resolution 315.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 315 which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 8619) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes, is authorized and directed to make the following change: In lieu of the word "Community" on page 21, line 23, of the House engrossed bill, insert the word "Commodity".

Mr. McGEE. Mr. President, I ask unanimous consent for the immediate consideration of this concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 315) was considered and agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 9, 1973, the President had approved and signed the following acts:

S. 464. An act for the relief of Guido Bellanca; and

S. 2075. An act to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource development.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JOHNSTON) 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 agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the House to the amendment of the Senate to bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes.

WAR POWERS RESOLUTION OF 1973—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. CLARK). Under the previous order, the Senate will now proceed to the consideration of the conference report on House Joint Resolution 542, which will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of 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 October 4, 1973 at pp. 33036–33038.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS TO 12:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, without the time being charged against either side for the recess, that the Senate stand in recess until the hour of 12:30 p.m. today.

There being no objection, at 12:06 p.m., the Senate took a recess until 12:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. CLARK).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

WAR POWERS RESOLUTION OF 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

The PRESIDING OFFICER. The question is on agreeing to the conference report on House Joint Resolution 542. Time for debate on this conference report is limited to 3 hours to be equally divided and controlled by the Senator from Missouri (Mr. EAGLETON) and the Senator from Arkansas (Mr. FULBRIGHT).

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

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I would like first to say that the two principal Senate sponsors of this legislation were the Senator from New York (Mr. JAVITS) and the Senator from Missouri (Mr. EAGLETON). There were others. However, the principal sponsors took the greatest amount of time and spent a great deal of effort on it.

As far as the House was concerned, Representative ZABLOCKI devoted a great deal of time to this matter. The conference committee had five or six quite long conferences on the matter and devoted a great deal of attention to it. There was a great deal of staff work.

I consider that this is a very good example of a genuine compromise between the views of the House and the Senate. And I think that it is an excellent solution to the different views which developed in the course of this effort.

I feel that this legislation is a follow-on from the commitments resolution passed by the Senate some 4 years ago, I believe. And it is an effort to define the legitimate constitutional responsibilities of the legislative branch and the executive branch in the field of foreign policy, with particular reference to the war powers, which the Constitution really delegates to the Congress.

Mr. President, I will not read all the specifics. I will only call attention to parts of it. The area in particular which aroused the greatest controversy is contained in section 2 (c). I will read that for the RECORD:

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations wehre imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

Mr. President, that was the area which caused the greatest amount of concern and difference and finally a compromise. The House did not undertake to specify such specifics especially, except that they recognized that they may introduce our Armed Forces into hostilities.

The matter caused a great deal of soul-searching. There are those who still feel that we should not attempt to state this affirmatively in view of the constitutional decisions that these powers are still in the Congress.

I think it is a reasonable compromise. In addition to that specification, the other provision, with regard to consultation, is to me the most fundamentally important of all. There are, of course, specific regulations or guidelines for congressional action in case that a contingency does result in the introduction of Armed Forces into hostilities. They are all important, but on principle these two provisions are extremely important.

It has been reported in the press that the President will veto this legislation. That report, however, was made long before we concluded the conference, so it puzzles me why they would be so premature in their judgment about a piece of legislation when they could not possibly have known what the final form of it would be. I reiterate, as I stated on the day we concluded the conference, that I do hope the Executive will take this seriously and will reconsider that decision as it has been reported, and at least study the matter and see if it is not possible, at this late date in the controversy between the legislative and the Executive, to accept this legislation.

I do not believe that in any substantial way at all it encroaches upon the prerogatives of the commander in chief, the President. I think it merely recognizes some of his prerogatives that have been established by tradition. There is a question about some of that being really constitutional, if you are a strict constructionist, but in any case we have recognized it, and I would again urge the President to take a very good look at the final form which has just been reported only a few days ago, on October 4, I believe it was, and see if it is not possible for him to accept it.

Even though the President does reject it, which I sincerely hope he will not, and I urge him not to, I think the document still stands as a very important expression by Congress on this subject of the responsibility of Congress and the Executive in the field of making war. So, as I have said in the course of the debate and the discussions in the conference, I regard it as a very important political instrument for the guidance of future Presidents, whether or not the present President accepts it.

I think it would be a mistake on his part and on the part of the executive branch to reject it and thus emphasize continuing differences of views as to what the proper role of Congress is in this field. So I very much hope he will accept it, but I would not for a moment state that this was a vain exercise, even though he does not, because it will stand for the future, I think, as a most responsible and effective statement of the delineation of the lines of responsibility between the executive and the legislative branches of our Government.

I wish to compliment the staff on both sides. I thought the staff work by both the House and the Senate was excellent. And, of course, above all I commend the patience and the devotion of the Senator from New York (Mr. JAVITS) in bringing this matter to fruition. Senator JAVITS' assistant, Mr. Lakeland, gave this matter practically his full time for a very long time, and brought to it a great deal of knowledge, patience, and industry.

I will say for the record that in the beginning there was a difference between my views on this subject, which I have mentioned—that is, on section 2(c)—about the wisdom of specifying these incidents. I was fearful that in undertaking to specify, we would enlarge rather than contain or restrict the powers of the Executive to engage us in warfare.

I was very worried about that; as a matter of fact I filed, which I rarely do, minority views in the committee report on the Senate bill; but I am bound to say that as a result of a conscientious conference and the willingness of the principal sponsor, Mr. JAVITS, to accept some modification of his views, I believe we have the best possible result. I personally believe, with all deference to the Senator from New York and Representative ZABLOCKI, that the version which we finally adopted is superior to either the House or the Senate bill as originally passed. This is one case in which I really believe the work of the conference is a distinct improvement upon the work of

either of the Houses in their initial stages.

There were only two members of the conference, both of them from the House of Representativse, who declined to sign the final report. All the Senate conferees signed it. So I think that speaks well for it.

I hope very much that both Houses, and especially the Senate, will agree to this conference report by an overwhelming endorsement. I do not like to prophesy, but I sincerely hope that the Senate, at least, would be able to override a veto if the President should take that action.

I again say, in closing, that I hope the President will review this matter most carefully and see if he cannot accept it. If he does that, of course, he will give it added prestige and added strength, and I believe that would go far toward reconciling, if I may use that word, the relations between the executive and the legislative, which, as we all know, have become strained by differences growing up as a result of the Vietnam war, so that we may pass on to a period of greater cooperation between the legislative and executive branches, if the President can find it possible to accept the bill.

I think it is a very important bill, and I commend it to the Senate.

Mr. JAVITS. Mr. President, will the Senator yield me 10 minutes? I believe he controls the time.

Mr. FULBRIGHT. I am happy to yield the Senator whatever time he wishes within the limitation of the agreement.

Mr. JAVITS. Mr. President, other Senators wish to speak, and 10 minutes will be adequate for me.

First, let me say that I deeply appreciate the fine words of my chairman as far as my own participation is concerned, I return the compliment; he was a splendid presiding officer in conference. He had profound views of his own, but he subordinated those to defend the Senate bill, and I believe was a decisive factor in the result which was obtained.

I, too, do not wish to omit the tremendous credit which is due to the House conferees, to Representative ZABLOCKI, who was the principal factor in bringing about a House bill and a House agreement, and among his colleagues, especially Representative FASCELL, Representative FRASER, Representative FINDLEY, and Representative BROOMFIELD, and on the Republican side, nor to omit giving credit to the staff. Mr. Lakeland, my own assistant, was very effective, and Mr. Tillman, Senator FULBRIGHT'S assistant, who worked under Carl Marcy, our committee's distinguished chief of staff; and on the House side, Jack Sullivan, George Berdis, Lou Gulick, and Everett Bierman, who worked under the direction of Marian Czarnecki, the chief of staff of the House Foreign Affairs Committee.

Mr. President, I agree with Senator FULBRIGHT, that this bill as it has now come back, as a measure of reconciliation, is an excellent vehicle for expressing the congressional will perhaps better than either of the preceding bills.

The House and Senate conferees have, in my judgment, succeeded beyond expectations in synthesizing genuinely strong and viable war powers legislation from the divergent bills passed earlier by the Senate and House respectively. Some had expressed doubt that it would be possible to reconcile the Senate and House bills in conference because of the structural and conceptual differences in the two bills. The pessimists, however, have been proved wrong by the results.

At the end of the conference conferees expressed the view that the best elements of the Senate and House bills had been blended into a new document which stands very much on its own feet. I share that view. Throughout the conference, a sense of historic opportunity and responsibility pervaded. The conferees on both sides asserted throughout their determination to achieve a successful and affirmative result, even on those occasions when progress appeared to be stymied. There is no doubt in my mind that the extraordinary accomplishment of the conferees is a reflection of the national mood and the force of history—which served to shape the work which had been entrusted to the conferees.

In essential terms the conferees were called upon to agree on legislation intended to serve the historic purpose of assuring to the American people that "due process" will be observed with respect to involving our Nation in war. Due process with respect to war is probably the most vital concern and requirement to the American people today, especially in light of the extreme agony inflicted upon our Nation by the Vietnam war—a war respecting which "due process" was conspicuously not observed in the course of committing our Nation to war.

I have been asked whether this is an untimely moment to bring up the conference report in view of the Middle East crisis.

My view is that it is a most timely moment to bring up the conference report and to make every Member search his own conscience in both the House and the Senate, and our President, too.

I thoroughly agree with the Senator from Arkansas (Mr. FULBRIGHT) on that. I cannot believe the President of the United States, with respect to a measure passed by heavy majorities in the House and Senate dealing with the fundamental question of reassurance to the American people on the issue of war or peace, would make an advance decision, before he even saw the text of the bill, that he will veto it. I believe that the President of the United States is a man of the stature to review this in light of the issues before the country and our historic experience.

I say that this is a timely moment precisely because it is a moment of danger. It is well known that I have a very deep sympathy for Israel in her struggle for survival, but I want our country to participate in no conflict. I do not want our country to put its Armed Forces in any imminent danger of a conflict, unless Congress and the President concur.

Mr. President, the time when you prove something is in a moment of crisis precisely like this. So, it is timely—not untimely, that we bring this conference report before Congress.

In the final analysis, that is all this bill does. It simply insures that an affirmative decision, which is of critical importance, can be taken only by the President and the Congress acting together. That does not mean unanimously but it does mean the necessary majorities in both Senate and House.

On April 13, 1972 the Senate passed the War Powers Act for the first time by a vote of 68 to 16; on July 20, the Senate again passed the War Powers Act by a vote of 72 to 18. And, because of the extensive consideration which was given to the War Powers Act, most Senators are familiar with the provisions and mechanisms of the Senate bill. Moreover, the report of the Foreign Relations Committee accompanying S. 440, the War Powers Act, contained an extensive explanation of the bill's provisions. Inasmuch as the conference report represents a blend of the Senate and House measures, and consequently differs in some material respects from the Senate text, I believe it would be useful to explain the provisions of the conference bill in somewhat greater detail than is contained in the joint statement of managers contained in the conference report.

THE AUTHORITY ISSUE

A principal feature of the Senate bill was its delineation of the emergency authority of the Commander in Chief to introduce U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances contained in section 3. In the Senate bill, the "authority" section constituted the main triggering mechanism for the subsequent provisions of the legislation. The House bill contained no "authority" provision comparable to the Senate's section 3. The Senate conferees receded from making the delineation of authority the central triggering mechanism of the legislation in deference to the strong wishes of the House conferees. However, at the insistence of the Senate conferees a strong, clear statement respecting the authority issue has been written into the agreed-upon legislation in section 2(c).

In the compromise legislation, section 2(c) serves the important purpose of stating the parameters of the President's authority as Commander in Chief "to introduce U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In this respect, it is an important element in the legislation. As a statement of law, section 2(c) is important as a refutation of excessive and overblown claims of authority argued in recent years by executive branch lawyers for the President. The Senate conferees insisted upon the inclusion of the language of section 2(c) because, to establish the parameters of the authority of Congress, it is essential to delineate the parameters of the President's authority.

In explaining section 2(c) in the joint statement of the managers, the wording reads as follows:

Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Subsequent sections of the joint resolution are not dependent upon the language of this sub-

section, as was the case with a similar provision of the Senate bill (section 3).

In stating that subsequent sections of the legislation are not "dependent" upon the language of section 2(c), it merely takes note of a fact—unlike the Senate bill, the delineation of authority in section 2(c) is not the triggering mechanism for the subsequent provisions of the bill. There is, however, a very direct and important relationship between the declaration of authority contained in section 2(c) and the other provisions of the conference bill. In effect, section 2(c) declares the President's authority, while the subsequent provisions provide a mechanism for carrying into effect the authority of the Congress; thus, it provides the setting for the "due process" meshing of the authority of the President and the Congress with respect to committing the Nation to war.

CONSULTATION

Section 3, the provisions establishing a statutory requirement of advance consultation as well as continuing consultation with the Congress, is to be read as maximal rather than minimal. The consultation requirement is not discretionary for the President; he is obliged by law to consult before the introduction of forces into hostilities and to continue consultations so long as the troops are engaged. This section does take account of the contingency that there may be instances of such great suddenness in which it is not possible to consult in advance. In such situations the actions of the President would still be governed by the declaration of authority in section 2(c).

It is important to note that, while consultation is a statutorily established requirement in this legislation, the President does not acquire or derive any authority respecting the use of the Armed Forces through the consultation process per se—although "consultation" may lead to a declaration of war or the enactment of specific statutory authorization. In other words, consultation is not a substitute for specific statutory authorization.

Section 3 is rather intended to reestablish the historic, consultative tradition between the executive and the Congress respecting foreign affairs and international security matters, which has generally prevailed throughout our Nation's history. The breakdown in recent years of this consultative tradition has contributed heavily to strains between the executive and the Congress, and in my judgment is an important contributory element in the constitutional crisis now confronting our Nation with respect to the war powers.

REPORTING

In section 4 the legislation establishes comprehensive, mandatory reporting requirements. Section 4(b) makes provision for the Congress to obtain, as a matter of right and by law, "such other information as the Congress may request"—over and above the extensive information which must be provided automatically under the terms of section 4(a). The initial report required of the President is to be submitted within 48 hours of the causal event.

Section 4 constitutes the triggering mechanism for subsequent congressional action to extend or foreshorten the 60-day period. The 60-day clock begins to run from the time the report is due—48 hours after the causal event. Any delay in the submission of the required report would be an infraction of the law and specifically would not extend the 60-day time period.

CONGRESSIONAL ACTION

The termination provisions of section 5 apply only with respect to section 4(a)(1) — "the introduction of U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." Sections 4(a)(2) and 4(a)(3), which concern sensitive peacetime deployments of the Armed Forces, are not covered by the automatic termination provisions of section 5. They are covered by the mandatory reporting requirements of section 4.

Section 5(b) is pivotal language. It provides:

> The President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States.

Section 5(b) also provides that the specified 60-day period can be extended for up to an additional 30 days if "the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of U.S. Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

This tightly drawn language is designed specifically to meet a limited emergency contingency in which U.S. Armed Forces might be trapped or so heavily engaged in hot combat on the 60th day as to make their safe extrication by the 60th day impossible. No one would expect our forces to have to stop defending themselves on the 60th day if the Commander in Chief had not achieved their safe removal by that date.

It is very important to note that the criteria are very specific and restricted; they concern the physical safety of our forces and only pertain "in the course of bringing about a prompt removal of such forces." This certification provision may not be used to pursue any other purpose or policy objective than that of safeguarding the physical safety of the U.S. forces in question.

Section 5(c) provides that the Congress can foreshorten the 60-day time period by concurrent resolution. Use of the concurrent resolution device to foreshorten the time period is restricted to the initial 60-day period provided in section 5(b). It would not apply to any extensions to the 60-day period which Congress may have made by law, or to any time periods established in prior or subsequent specific statutory authorization enacted by the Congress as provided in various sections of the bill. Moreover, the concurrent resolution procedure would not apply to the 30-day period during which the President could certify military necessity respecting the safe removal of forces.

CONGRESSIONAL PRIORITY PROCEDURES

Sections 6 and 7 establish detailed procedures for congressional consideration of legislation proposed to extend—or foreshorten—the 60-day period. While section 6 and section 7 mandate very detailed procedures, it is provided that either body can modify the mandated procedure at any stage by yea and nay vote. This is included to assure full flexibility to the Congress.

INTERPRETATION

Section 8 contains important definitions with respect to various sections of the bill. It consists mainly of language from the Senate bill. It defines "specific statutory authorization" and establishes that no treaty is to be interpreted as being self-executing—that all treaties require implementing legislation to qualify as "specific statutory authorization." Section 8(b), derived directly from the Senate bill, makes it clear that the legislation is not intended to disrupt the NATO command structure. In addition, section 8(c), also taken directly from the Senate bill, explicitly brings the assignment of advisors and irregulars under the provisions of the bill.

This bill represents a critical departure from the past. That is why I have called this legislation an "historic term." Without this bill there has been a fuzzy area. The only means left to the Congress for extricating our Nation from a conflict was the money cutoff. We tried that for 5 long years after sentiment coalesced in the Senate with respect to getting out of Vietnam. We got nowhere with it because there were always so many complications. First, there was the barrier of a Presidential veto. Then such questions as where is the particular money going into a particular war, and what about leaving our men stranded in the field without the means to fight a war? Considerations of that character tended to prevail.

If the only route is the money route, that route is always still available to the Congress whether we pass this bill or not.

The Constitution says nothing whatever about the President's initiating or making any war. A President is Commander in Chief, period. That is all. It is what is read into those words that have caused this doctrine to be erected for over 200 years; that is, in order to have a man known as a "strong" President, he had to carry out a war, otherwise he was not known as a "strong" President. That goes right through our history.

That is the historic thread in our history which we are breaking. We should break with it. It is high time that we did.

The Senator from Arkansas (Mr. FULBRIGHT) has already spoken about what is the principal area of accommodation between House and Senate aside from the very fine additions respecting consultation and reporting to which I have already referred.

But the great point of difference was that the Senate bill added a provision in it which delineated the authority of the President and made it law, that his

emergency authority to proceed unilaterally extended only to a national emergency defined as an attack on our forces, an attack upon our territory, or a specially defined endangering of the lives of American citizens abroad.

The House strongly objected to such a delineation, so we took a different approach. In its place we made a declaration of what the Constitution says or means as to the constitutional authority of the President as Commander in Chief to act in an emergency. What is an "emergency" in this context? So we declared what we consider the constitutional situation to be.

Perhaps we may have to struggle with this problem. But in order to put the President on notice as to the parameters of his authority, declare what we consider to be the Presidential powers to be with respect to the definition of a national emergency which would entitle him to introduce our Armed Forces into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

We have made the bill operative upon what we called in the conference performance test—to wit, actually putting the troops into hostilities or imminent danger of hostilities. That is what triggers the bill. The President is required to report to us, when such a step is taken.

Mr. President, the statement of managers on this point is all right, so far as it goes, but it does not go far enough. By declaring what is the President's authority to be under the Constitution, we have the right to determine, when he sends in a report, which he is obligated to do under three broad categories set forth in section 4(a) whether it is a report which comes under the 60-day time limit. This is emphasized by section 8 (d) (2), to which I invite the attention of Senators, which states that nothing in the joint resolution:

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

Those are the operative words: "Which authority he would not have had in the absence of this joint resolution."

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

Mr. JAVITS. I yield.

Mr. MUSKIE. Principally to emphasize the importance of the point the Senator is making, I should like to put it in another context.

The war powers bill is not viewed by those who have studied it as an attempt to define completely the constitutional division of powers between the President and Congress. It is clear that it cannot admit the President's power to be able continually to assert war-making powers in excess of those to which Members of Congress will agree. Members of Congress will continue to challenge the President's assertion of war powers. What we undertake to do here is to cover cases in which there is disagreement as to whether the President has powers, and cases in which there is no disagreement as to those powers. In either case, the operative authority is the law which Presidents must consult.

Mr. JAVITS. Mr. President, the distinguished Senator from Maine was one of our most esteemed conferees. He made an enormous contribution to the result. I respect that contribution of the Senator and his delineation of what we were doing. I wish to add only this further point, which I was trying to make.

At that stage where the President does report, Congress may very well decide that the report is one covered by section 4(a) (1) of this particular measure, and therefore does trigger the 60-day period, even though he may not think so. That is critical and it connects the provisions of 2(c) with the provisions of section 8(d).

It is true that such a conflict would have a political resolution. But it would differ from the present, in that the President might find it to be a risk in which he would have no legal authority.

Mr. MUSKIE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MUSKIE. I add this point. I think the bill should be known as the Javits-Zablocki bill, and I want to pay that tribute to the outstanding leadership of the distinguished Senator from New York and the distinguished Representative from Wisconsin for working out the conference report.

At the outset of the conference, I was mystified as to whether it would be possible to blend or meld two such seemingly opposite approaches to the war powers issue. Because of the leadership of Senator Javits and Representative Zablocki, that issue was resolved, and I think we have before us a better bill than when we went into conference. So I do pay my most respectful tribute to the Senator for that accomplishment.

Mr. JAVITS. Mr. President, I thank the distinguished Senator very much. Would the Senator desire some further time at this present moment?

Mr. MUSKIE. Yes, I would appreciate that.

Mr. JAVITS. Mr. President, I am ready to yield to the Senator from Maine. How much time does the Senator desire?

Mr. MUSKIE. Mr. President, I will yield to myself 10 minutes.

The war powers resolution represents a powerful reaffirmation of congressional responsibility in the warmaking sphere. It will surely be one of the historic accomplishments of this Congress—and a great accomplishment for the country if this bill prevails over a threatened presidential veto.

Let me say, in addition, that if the bill is vetoed, and even if the veto is sustained, I think the effect on the relationship between Presidential and congressional warmaking powers upon future Presidents and future Congresses will be positive and helpful. I doubt whether this President or future Presidents will actually ignore this expression of congressional sentiment on this issue.

The purpose of the war powers resolution is not to alter the Constitution, as executive branch officials profess to believe, but to restore and fulfill the intent of the Constitution in matters of war and peace. The essential purpose of the resolution is to define—more exactly to reaffirm—the constitutional authority of Congress to decide whether and when our country will go to war. In no sense is this legislation intended to encroach upon or to detract from the authority of the President as Commander in Chief, including his authority to repel attacks upon the United States or its Armed Forces.

It is sometimes contended that declarations of war are obsolete in international practice, and that because they are, the power of Congress to declare war is also obsolete. This argument is spurious. The framers of our Constitution did not confer upon Congress a power to use those magical words "declare war" and no others; the power they conferred upon Congress was to decide whether or not, and under what circumstances, the United States would make war upon another sovereign nation.

Nor is the war power in the slightest degree ambiguous, as advocates of executive latitude profess to believe. The framers of the American Constitution were neither hesitant nor vague in their conferral of the war power upon Congress. The reasoning of the Founding Fathers is a matter of historical record: Dismayed by the arbitrary power of the British Crown to drag the American colonies into unwanted wars, they vested the authority to initiate war in the legislature, transferring that power, as Jefferson put it, "from those who are to spend to those who are to pay." In testimony before the Foreign Relations Committee in support of the Senate bill, Prof. Raoul Berger of the Harvard Law School stated:

The power to wage war, it may be categorically asserted, was vested by the Constitution in Congress, not the President. If this be so, your bill merely seeks to restore the original design. It cannot be unconstitutional to go back to the Constitution.

The resolution which the Senate and House conferees agreed to has the following basic provisions: First, whenever the President sends troops into combat without a declaration of war, or other specific authorization of Congress, he must notify Congress within 48 hours and must cease the combat activity or deployment within 60 days unless Congress grants approval for continuation by a majority of both Chambers. Second, it also provides that the initial 60-day period can be extended 30 more days if the President certifies to Congress in writing that "unavoidable military necessity respecting the safety of the U.S. Armed Forces" requires the additional time. After that, all activity must cease unless both Houses approve continuation. Third, if Congress wants the combat activities or deployment stopped before the 60 or 90 days are up, it can order the President to cease by concurrent resolution. Such a resolution does not require a Presidential signature and therefore cannot be vetoed.

Mr. President, the war powers resolution is properly regarded as legislation which should not have been necessary,

and would not have been necessary, if Congress and the President had remained within their respective constitutional spheres.

Three decades of total war, limited war, and cold war have propelled the American political system far along the road to Executive domination in the conduct of foreign relations. This has been, to some degree, the result of Presidential usurpation. To some degree it has been the result of congressional lassitude and unquestioning support of Presidential leadership. But most of all, it has been the result of war itself, and of these past three decades of constant crisis and disruption.

Mr. President, as matters now stand, the Congress exercises no more than a marginal influence on decisions as to whether the Nation will be committed to war. The purpose of the war powers resolution is to draw the Congress back from the periphery to the center of this most crucial area of decisionmaking. To this end it is neither sufficient nor necessary for Congress to come to the Executive as a suppliant, pleading for and relying upon promises of consultation. Experience has shown that such vague reassurances are readily given but rarely implemented. If Congress is to recover its war power, it will have to do the job for itself—that is a certainty.

The view of the Executive—executives, I might add, of both parties—has been amply demonstrated in the course of the war in Indochina, which was preeminently a Presidential war. For a time, the controversial and unlamented Gulf of Tonkin resolution provided at least a facade of constitutionality for the war. President Johnson himself, however, while maintaining that the Tonkin resolution was a valid authorization, also maintained that he needed no authorization. He expressed this view in a press conference on August 18, 1967, stating that the purpose of the Tonkin resolution had been to allow Congress to "be there on the takeoff" as well as on the "landing," although Mr. Johnson stressed "we did not think the resolution was necessary to do what we did and what we're doing."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. Mr. President, I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 additional minutes.

Mr. MUSKIE. Mr. President, when the Tonkin resolution was finally repealed on January 12, 1971, the repealer went virtually unnoticed—clearly indicating its insignificance. The Nixon administration did not even bother to oppose the repeal of the Tonkin resolution, quite obviously because the President thought himself at liberty to pursue the war without it. The Nixon administration explained that it "has not relied on or referred to the Tonkin Gulf resolution of August 10, 1964, as support for its Vietnam policy."

Throughout the course of the Vietnam war, and especially after the repeal of the Tonkin resolution, the Nixon administration maintained that its authority to wage war in Indochina was based upon its obligation to protect the American troops that had been placed there by the Johnson administration. The general thesis of the Nixon administration was reiterated by Secretary of Defense Laird when he was asked on April 18, 1972, to explain on what authority the President had renewed the heavy bombing of North Vietnam. The Secretary answered:

> It is the protection of the American personnel. You don't need any more authority than that . . . that is sufficient, complete and total.

When our troops were finally withdrawn from Vietnam, and the Tonkin resolution repealed as well, the administration then retreated to new and even swampier ground for the defense of its continuing air war in Cambodia. Its explanations of American participation in that war, now happily ended, could scarcely be dignified as legal arguments—they were more in the nature of evasions and rationalizations.

In the end, advocates of unrestricted Presidential war power are forced back upon the contention that the framers of the Constitution were uncertain and ambiguous about where they wished to vest the authority to initiate war. So Secretary Rogers contended in his presentation to the Senate Foreign Relations Committee on May 14, 1971. So, too, the State Department memorandum of April 30 commends the framers of the Constitution for "leaving considerable flexibility for the future play of political forces."

The view of the Senate and House conferees, as embodied in the conference report before us, is that the Constitution is not at all imprecise in allocating the war powers. We believe the Constitution is quite specific—as the framers intended it to be—in giving Congress the authority to decide on going to war and in giving the President the authority, as Commander in Chief, to respond to an emergency and to command the Armed Forces once a conflict is underway. In short, we believe the Constitution gives Congress the authority to take the Nation into war, whether by formal declaration of war or by other legislative means, and the President the authority to conduct it.

In order to restore this classical constitutional definition of authority, I commend to my colleagues the adoption of this conference report.

Mr. HUMPHREY. Mr. President, will the Senator yield to me about 7 minutes, if he has some time?

Mr. MUSKIE. Mr. President, I yield 7 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, first I wish to commend the distinguished Senator from Maine for his leadership in this important legislation. I think it represents one of the finest legislative accomplishments in my memory, and I have been in this body for many years. I want to also commend the distinguished Senator from New York, who has been the driving force in bringing about what we call the War Powers Act. The conference report represents a sensible, reasonable adjudication or modification of the two bills as passed by the respective Houses, and I hope that it will be overwhelmingly approved here in the Senate.

Many of our colleagues have stated that the Congress possesses the constitutional basis for playing a meaningful and vigorous role in the development of foreign policy.

I believe this, and I believe that the record of the history of this Republic underscores the fact that Congress can and should play a very meaningful role in all matters of foreign policy and national security.

Unfortunately, power granted has not always meant power accepted. In fact, we have all witnessed the steady erosion of congressional power and prerogatives in the field of domestic and foreign policy.

When any President takes powers previously unknown to him—as this and other Presidents have done—he must take those powers from somewhere. And that somewhere is the Congress of the United States.

Presidential power has grown at the cost of diminished accountability and public scrutiny of executive branch activities. And it has grown at the cost of respect for and confidence in the constitutional processes of government.

I would not want to have my remarks interpreted as my believing in a weak Presidency. On the contrary, I believe in a strong Presidency, one in which prompt action can be taken, but, above all, in which leadership is exercised not only in governmental affairs but in all matters of private and public concern.

The Presidency is indeed the focal center of power and of interest in this country, and I do not want to see the Office of the Presidency diminished or demeaned in any way in terms of its responsibilities under our Constitution. Indeed, there is a long overdue need of examining the Presidency in light of the conditions in the 20th century, and also the conditions that may very well prevail in the 21st century.

In the field of foreign policymaking, Presidents have been able to base their actions not on legislative authority, but on inherent powers vested in the Presidency.

Since the end of the Second World War a unique combination of events and forces has been responsible for expanding Presidential power in foreign policymaking.

The international climate of cold war, a spiraling arms race, and intermittent regional clashes have provided Presidents with great latitude to conduct foreign policy and mobilize public support.

Strong Presidential personalities have been an important factor in this phenomenon. Strong willed men in the oval office have added to the perception that only the President can act in foreign policy matters and protect the national interest.

Finally, the Congress, lacking staff, expertise, information, and will, has been overwhelmed by the executive juggernaut.

This Congress appropriates, as other Congresses have, millions of dollars for the executive branch for additional per-

sonnel, millions of dollars for additional facilities, millions of dollars for information retrieval systems, millions of dollars for research; and treats itself as if it were the international pauper. It is ludicrous.

I am not here to condemn the President for his exercise of power, because we have permitted that. We talk about a permissive society. Congress is woefully guilty of permissiveness with the executive branch that violates the spirit, the language, and the intent of the Constitution.

I have served in the executive branch, and I want to tell you, it is eay to roll this body, because the executive branch comes in with power, comes in with information, is able to mobilize public opinion; and this Congress and other Congresses—I speak of the Congress as an institution—willingly and gladly supplies resources to the executive branch so it can exercise its will. And when it comes to ourselves, we are afraid. We are fearful men. We are afraid to go home and face our constituents. We will not even provide a parking lot. And yet we will provide for the executive branch of Government marble halls. I think we ought to examine ourselves as we examine the executive branch. "Know thyself," somewhere it is written. We prefer to know others.

The result of all of this has had very serious policy implications. The most serious is the almost total abandonment of a tradition of self-discipline and restraint in the use of power.

I am not exaggerating when I say that, with very few exceptions, the power to initiate and wage war has shifted to the executive branch.

The problem of "Presidential war"—the most serious constitutional issue before us today—is not unique to Richard Nixon. But he has gone further than any other Chief Executive in claiming an unlimited right to commit American forces to combat by his own initiative.

The Congress, in a spirit of bipartisanship, stands ready to correct this grave constitutional imbalance.

We have developed and agreed upon legislation which will limit a President's warmaking authority without curbing his role as Commander in Chief and protector of the Nation's security.

In the final version of the war powers legislation before us, the Congress is saying to the President: "We have a right and responsibility to share with the executive branch the awesome decision of committing American forces to combat."

It is unfortunate, even tragic, that a veto cloud now hangs over the War Powers Act. If vetoed, all of the pious words about bipartisanship and shared power will be lost in a Presidential pronouncement reinforcing the concept of unchecked power.

I do not think it is right for the executive branch to hold over Congress a constant club of a veto unless the President gets his way, particularly on this vital issue that is covered in the Constitution of the United States itself, the power to wage war.

If there is one lesson to be learned from more than a decade of war in Asia it is that a democratic society cannot long endure the stresses and strains resulting from the unshared moral and political burden of sending a nation's sons to war.

Mr. President, I strongly support the conference report.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I hope that the conference report will be adopted. And I trust that none of us will shirk from our responsibility on this legislation simply because we have heard by the news grapevine that somehow or other the President may veto it.

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator from New York. I asked for this time only because I want to make it very clear that the Senator from New Jersey is not only wholeheartedly behind this legislation, but is also enormously grateful for the contribution that the Committee on Foreign Relations made, and most particularly for the contribution made by the Senator from New York (Mr. JAVITS).

This is not the precise bill that the Senator from New York first introduced. It was hammered out in committee at first, and then in conference with the House.

I think the final product is excellent, both in substance and as a symbol of the exercise by this body and by the Congress as a whole of its responsibility. This could not have been done without a combination of the wisdom, tenacity, and great understanding possessed by the Senator from New York as demonstrated all the way through. In mentioning the Senator from New York, I want also to mention his counterpart in the House, Representative ZABLOCKI, who did tremendous work both in the House and in the committee and in the conference in which I was privileged to share.

I commend the Senator from New York and wish him well in all matters, and particularly wish for him a long continuation in the kind of service he has rendered in this instance.

Mr. JAVITS. Mr. President, I am very grateful to my colleague. I can only affirm that without him and the other conferees we would not be here in this posture today.

I thank him as an old friend and colleague.

Mr. EAGLETON. Mr. President, I believe I have an hour and a half in opposition.

The PRESIDING OFFICER. The Senator is correct.

Mr. EAGLETON. I yield 5 minutes to the distinguished Senator from Arizona.

A CONSTITUTIONAL ALTERNATIVE TO WAR POWERS LEGISLATION—IMPROVED PROCEDURES FOR INFORMATION AND CONSULTATION

Mr. GOLDWATER. Mr. President, I rise to speak in opposition to the conference report resolving the differences between the Senate- and House-passed versions of the war powers legislation. I have previously identified for my colleagues the many reasons why I believe this legislation violates the constitutional allotment of war powers devised by the Founding Fathers and why the only legal recourse for those who wish to vest all the warmaking and foreign policy powers with Congress is to start the machinery for changing the Constitution.

Today I wish to address myself to another fundamental reason why the war powers bill should not be passed. To put it simply, the legislation is not necessary.

I might say, Mr. President, with reference to the conference, that I think if the Senate is interested in an effective bill, assuming that legislation is the way to approach the matter, we should pass one. This conference report, Mr. President, I could probably actually vote for, because it gives the President even broader powers than the authors of the original bill thought they were correcting.

The real answer to increasing the role of Congress in this field——

Mr. EAGLETON. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. EAGLETON. Did I correctly hear the Senator say that in some respects he even considered voting for the measure, because this bill as presently drafted gives the President greater powers to wage one-man war than he had before?

Mr. GOLDWATER. I would not vote for it under any circumstances.

Mr. EAGLETON. I commend the Senator.

Mr. GOLDWATER. But I do think that from the conference report, for example, it appears to me that the President is no longer prohibited from initiating original actions. He needs only to report during the first 60 days.

Mr. EAGLETON. The Senator is precisely correct.

Mr. GOLDWATER. This language puts into the law language that is not contained in the Constitution, but only assumed to be there because of the delegation of Commander-in-Chief powers to the President. If I were looking for a reason to change my mind, that would be it.

Mr. EAGLETON. I agree with the Senator completely on that point.

Mr. GOLDWATER. The real answer to increasing the role of Congress in this field lies within the basic scheme designed by the framers who intended that the two political branches of our Government, the executive and legislative, should work in a spirit of cooperation and consultation as much as possible. Criticism and restraint is of course contemplated, but the rigid rules of the war powers bill would, instead of providing for this, curtail the powers of the President beyond safety. Rather than spell out mechanical limitations on Executive power based upon an assumption of perpetual hostility between the two branches, Congress and the Executive should and must be working together to develop improved and more effective procedures for mutual information and consultation on a long range basis.

Mr. President, it has not been widely noted that the Secretary of State, the Legal Adviser of the Department of State, and a number of other officials from the Department have offered time

after time to work out with Congress a means for keeping the Congress more informed on a basis of greater consultation. Nor has it been given any notice at all to my knowledge that there is ongoing right now a great deal of give and take, face-to-face meetings between the Executive and the Congress on foreign policy matters. This morning's meeting between the President and congressional leaders on the Middle East situation is just one dimension of this consultation.

Mr. President, I have compiled a table of the many formal appearances by Department of State officials on Capitol Hill, of the voluminous number of direct correspondence which flows between the Department and Congress, and of the even greater number of telephone contacts which the Department has daily with the offices of Congressmen and Senators, and I must say that the overall picture amassed is one of considerable and regular contact between the two branches. For example, there were more than 200 appearances by Department of State officers on Capitol Hill in 1972, including 11 by the Secretary himself. At least 500 legislative reports were provided to congressional committees and over 17,000 letters were sent out by the Department's officers to Members of Congress and committees.

In addition to these formal exchanges, Mr. President, I should mention that officers of the Department of State meet every Wednesday when the Congress is in session with any Members of the House of Representatives who wish to come and hear a briefing and be able to ask questions about various aspects of foreign policy. I am aware that the Secretary of State personally attends some of these Wednesday morning meetings and I think they provide an excellent means for a continuing consultation among Congress and the Executive so that there can be a good mutual understanding and awareness of developing policies. I believe it is fair to say that any Congressman who regularly attends these Wednesday morning meetings acquires over a period of time an enormous amount of information about foreign policy issues. The meetings were, I believe, first organized during the 1960's when the same procedure was offered to the Senate, but for some reason the idea was discouraged from within this body. Periodic briefings are also given to key staffers from all interested congressional offices and many Senate offices are represented at these meetings.

Mr. President, here is an immediately available means for developing closer consultation between Congress and the Executive and not just in terms of crisis situations. Here is an area where I believe Congress should logically be focusing its attention on improving the processes for keeping Congress informed and involved as a participant in the shaping and handling of foreign policy. By working on the practical channels for promoting an atmosphere of cooperation between the branches, I believe we can make the political process of accommodation between the Preisdent and the Congress function smoothly the way our Constitution was designed to work. I would urge the Senate and the Congress to pursue this route for involvement in foreign policy as a substitute for the rigid and constitutionally troublesome restrictions on Presidential action which are contained in the war powers bill.

Mr. President, I ask unanimous consent that a table of direct contacts by the Department of State with Congress be inserted at this point in the RECORD.

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

DIRECT INFORMATIONAL CONTACTS BY DEPARTMENT OF STATE WITH MEMBERS OF CONGRESS, 1972

1. Total appearances by department officers on hill: By secretary, 11. By others, 203.

(Representing over 500 man-hours of time by Secretary and senior officers.)

2. Appearances on authorization bill: By Secretary, 5. By others, 32.

(Separated because representing thoroughgoing review of every aspect of policy.)

3. Legislative reports: Requested, 598. Submitted, 501.

(The remainder were pending either with the Office of Management and Budget or within the Department at year's end.)

4. Congressional correspondence: 17,016 per year, 1,418 per month, 70 per day.

5. Incoming telephone calls: 45,000 per year, 230 per day in session.

6. Official business congressional travel: 361 foreign trips by 636 Members of Congress and Staff.

(Representing first-hand meetings with U.S. overseas representatives and direct study of foreign attitudes and conditions.)

Mr. GOLDWATER. Mr. President, I thank my friend from Missouri for yielding me this time.

Mr. EAGLETON. Mr. President, I thank the distinguished Senator from Arizona.

Mr. President, I yield 3 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I shall be brief. This is certainly poor timing in terms of considering a limitation on the war powers of the President at a time when the Middle East crisis has developed into a full-fledged war.

It would be unwise at any time because, historically, the President of the United States has been the principal organ through which the United States has formulated and implemented foreign policy.

The President must be, particularly in this day and age, relatively unhampered in the conduct of diplomacy.

Military force, Mr. President, is a tool of diplomacy. The President must be allowed some flexibility in utilizing that tool.

The case is well made by Justice Sutherland in the case of *United States* v. *Curtiss Wright Corporation,* 299 U.S. 304, where he said:

> Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations."
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> It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved.

Mr. President, those words are as vital and as valid today as they were when Justice Sutherland uttered them in 1936.

I am hopeful that we will defeat the conference report on the war powers bill. Such a serious proscription on the powers of the President, at this time in particular, is unwise, but at any time during the course of a confrontation with another great superpower, it would be potentially disastrous.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield 3 minutes to the Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. BENTSEN. Mr. President, I thank the Senator from Arkansas for yielding me this time.

Mr. President, I thank the Senator from Missouri for yielding me the floor so that I might make a few remarks on what is certainly an historical moment—Senate consideration of a war powers conference report.

In essence, what this legislation does is to clarify the parameters within which our Nation's foreign policy is formulated and implemented. All of us in this Chamber—indeed the entire country—are perfectly aware of the erosion of the balance of powers within our Government and it is not just the fault of the executive. Congress is also at least partially to blame for we have stood silently by and failed to assume our constitutional obligations. We must reverse this trend; we must work to restore the constitutional role of the Congress in the foreign policy-making process and we must reaffirm the balance between the executive and the legislative branches. The war powers bill is a major step toward achieving those goals.

Yet at the same time it is a bill that allows the President needed flexibility to meet the challenges of the nuclear age. In this day of instant communication and nuclear capability, it is essential that the President have the powers to act in an amergency, to respond to a surprise attack and to defend the United States and its citizens in an emergency situation. This is a burdensome responsibility, the responsibility of war and peace which we as world leaders are forced to assume. The decision to com-

mit our Nation to war is too awesome for one man to assume unto himself. It is too much responsibility and too much power for one man. This is why we have the principle of the separation of powers as the bedrock of our Constitution and our system of government.

This bill does not challenge the President's authority as Commander in Chief nor his constitutional right to conduct a war in the way he sees fit. It does not tie the President's hands for we realize that there are circumstances under which a President may have to commit American troops without explicit congressional approval.

But the Congress would be negligent of its own constitutional responsibilities if it relegated to one man the decision to send our sons to war. We are striving in this bill to repair the erosion of power and to strengthen the prerogatives of the Congress, to restore the balance of powers within the Government and to revive respect for the institution of government. We are trying to create a new balance of trust.

There can be and there will be disagreement between the executive branch and the Congress but there should not be and must not be distrust. We have to insure that responsibility for future foreign policy decisions be shared. Democratic government, after all, "derives its just powers from the consent of the governed." The momentous decisions of war and peace must be made by the people through their elected representatives. And we must show that the Congress is directly responsible and responsive to the electorate; that we are prepared to meet our constitutional obligations in the formulation of policy; that we will not leave vital decisionmaking solely to the executive branch by default.

This bill assumes that the national interest is best defined when the President as well as the Congress reach an understanding as to what the national interest is. National decisions must be shared decisions. The responsibility of Congress in committing our country to war has become a major focus of attention. The American public will not support another undeclared war prosecuted without widespread public support.

We in Congress have to assume the burden of responsibility by squarely facing the difficult questions of foreign policy. We can no longer afford to avoid making difficult decisions. The democratic process is at stake and with it the confidence of the American people in the very institutions of government. The war powers bill is a long overdue step toward strengthening that delicate balance between the executive and legislative branches in the making of our foreign policy.

I urge my colleagues to support the conference report on S. 440.

Mr. JAVITS. Mr. President, will the Senator from Texas yield?

Mr. BENTSEN. I am delighted to yield to the Senator from New York who has had so much to do with this piece of legislation and I congratulate him on it.

Mr. JAVITS. Mr. President, I wanted to say that the distinguished Senator from Texas is the author of one of the original war powers bills which was tremendously helpful and very constructive in this whole effort we have been making here, and I want to pay my tribute to him.

Mr. BENTSEN. I thank the Senator from New York very much. After all, the Senator from New York has played the major role in this piece of legislation and we are all indebted to him for it.

We in Congress must face up to our responsibility in the foreign policy role. We can no longer afford to avoid difficult decisions. We have to—if I may use the expression—"belly up" to our responsibilities and bite the bullet on these decisions instead of waffling in our position, because the democratic process is at stake and with it the Government of the American people and our institutions of government.

This bill is a long overdue step toward strengthening that delicate balance between the executive and the legislative branches in the making of our foreign policy.

Once again, I urge my colleagues to support the conference report.

Mr. EAGLETON. Mr. President, I yield myself such time as I may consume.

I ask unanimous consent that James Murphy and Brian Atwood have the privilege of the floor during deliberations on the instant matter.

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

Mr. EAGLETON. Mr. President, I rise to oppose the conference report on the War Powers Act. My opposition to this compromise bill is one of the most difficult choices I have had to make as a U.S. Senator. For 3 years, the Senator from New York and I have stood together in advocating legislation which would delineate the respective war-making powers of Congress and the President. I profoundly regret that today, when Congress seems so close to achieving that goal, I must reluctantly dissent.

I would first like to point out that the war powers bills passed by the House and Senate were not generally compatible. They marched down separate and distinct roads, almost irreconcilable roads. Although both bills embraced the automatic cutoff mechanism—in the Senate bill it was a 30-day period and in the House bill it was a 120-day period—they represented two separate approaches to an extremely complex problem. Therefore, I recognize the extreme difficulty that confronted the conferees in attempting to reach a compromise acceptable to both sides.

Undoubtedly, the most difficult issue to resolve in conference was that of expressing the President's emergency powers in explicit legislative language. The Senate bill, S. 440, carefully enumerated and described the circumstances wherein the President could commit forces in an emergency without specific congressional approval. It mentioned three very specific emergency situations: first, an attack on the United States; second, an attack on American forces legally deployed abroad; and third, the rescue of American nationals traveling abroad on business, and so forth. They were the three emergency situations in which the President was given limited unilateral authority for a 30-day period. That was in the Senate bill.

The House bill, on the other hand, simply required the President to consult and to report when U.S. Forces were committed. In essence, the House bill that went into conference said this: Before you send the forces abroad, call up Senator MANSFIELD, Senator HUGH SCOTT, Speaker ALBERT, and Minority Leader GERALD R. FORD and say, "Gentleman, the boys are going." That is consultation under the House bill.

Today, we have the compromise. The compromise bill attempts to conjoin these divergent approaches in section 2(c), under a section entitled "Purpose and Policy." I will read section 2(c) of "Purpose and Policy":

> The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

Mr. President, that is not bad language. It very significantly, and I think grievously, omits the rescue of American nationals, which has been upheld in court decisions as a constitutional prerogative of the President. So that goes out the window. But, aside from that, it is nice language—but it means nothing. It is in the "Purpose and Policy" section of this bill. It is in essence no more binding than a "whereas" clause in a Kiwanis Club resolution.

So the words in section 2(c) do not mean a thing. To use one of the favorite words of the Senator from New York, they are precatory words; they are meaningless. In effect, the very heart of the Senate bill, S. 440, have been placed in the "whereas" section—the pious pronouncement of nothing.

Then we get down to the "reporting" and "consultation" sections of the conference report. That gets down to where the bill might have some binding effect. They are the operative sections of the bill—consultation and reporting. These are the sections that become law.

Section 2(c), I emphasize, is zero, and I will explain further why it is zero.

Section 3 is consultation; that was in the original Zablocki bill. That is the bill in which the President calls up Messrs. MANSFIELD, HUGH SCOTT, ALBERT, and GERALD R. FORD and tells them the boys are going.

Under section 4, the reporting section, he can keep the forces anywhere in the world for 90 days without Congress doing a thing about it.

The most interesting statement I have heard today on the floor of the Senate came from the Senator from Arizona, in his speech in opposition to this conference report. He said that for a moment he almost thought he was going to support this bill, because it gives the President even more authority than he now has. There could not be two people who

disagree more on the warmaking process, vis-a-vis the President and Congress, than the Senator from Arizona and myself. We view it from almost polarized positions. We agree with our votes here today, but for dissimilar reasons. He was inclined to think it gave the President more unilateral warmaking power, and that is why he was almost going to support it, but he did not quite do so.

Mr. President, this is an open-ended, blank check for 90 days of warmaking, anywhere in the world, by the President of the United States. That, frankly and sadly, is what the conferees intended.

When I first read the language, I thought it was an oversight or perhaps it was improvident draftsmanship in the legislative process; but when I read the conference report, it became clear that that is exactly what they intended.

On page 8 the report makes reference to section 2(c). That is the section I read earlier, which has those nice, pious, nonoperative words. This is what the conferees said about section 2(c):

> Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

This is the key sentence and it refers to those sections in the bill that do have the force of law:

> Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill.

If I were arguing a case to a jury of 12 good men I would probably rest my case on that one sentence. I would rest it very sadly; because, as I said at the outset, 3 years have gone into this bill, 3 devoted years by the distinguished Senator from New York and others, who have tried to fashion some legislative fabric by which we could delineate the constitutional prerogative which is ours—the prerogative to declare war. It is the most sacred power men can have. Hamilton and Madison said that Congress is to have that power. Only the legislative branch can decide when American forces are to be committed to war.

That was the thrust of the Senate bill. It said very clearly: "Mr. President, under the Constitution, you cannot commit forces to war unless you come to us first, except for three circumstances." We spell out those three circumstances in the operative sections of the statute: An attack upon the United States, an attack on troops legally deployed abroad, and the rescue of American nationals imperiled abroad. We circumscribed those three circumstances as narrowly as we could, and even with respect to those the President had to come to us in 30 days or else those expeditions had to be discontinued. That is not the bill before us today.

That is where we find ourselves today, faced with the bill that came from conference.

This legislation was motivated by the most tragic mistake our Nation has made—the Indochina war. More specifically, the invasion of Cambodia in 1970 demonstrated in real-life terms the extent to which the President had usurped the war powers which the Constitution confers on Congress. We were, in short, confronted with a fait accompli. The attempts by Congress to stop that military initiative after the fact figuratively tore this Nation apart.

Today the President continues to claim the inherent power to commit U.S. forces to hostilities whenever he deems it to be in the national interest. The most recent manifestation of this attitude was the President's continued bombing of Cambodia after all American forces had left Indochina last spring. Having claimed inherent powers as Commander in Chief to protect our forces during the process of withdrawal, the administration was forced to find a new legal justification for military action after those forces departed Indochina under the provisions of the Paris Peace Agreement. In the absence of any congressional action to define the limits of Presidential powers in this area, it was a relatively easy task for the administration to point to article II of the Constitution and state that the powers of the Chief Executive were "adequate" to allow him to make the unilateral decision to use military forces for the purpose of enforcing the Paris Agreement.

For 3 years the Senator from New York, the Senator from Mississippi and I have attempted to clarify the respective warmaking powers of Congress and the President within the broad "twilight zone" left by the Founding Fathers. That area of largely undefined authority has become almost totally occupied by Presidential initiative. Our original motivation was to make the President come to Congress before he committed American Forces in other than emergency situations. This principle was expressed most eloquently by Senator JAVITS in testimony before the House Foreign Affairs Committee:

> The obvious course for Congress is to devise ways to bring to bear its extensive, policy-making powers respecting war at the outset, so that it is not left to fumble later in an after-the-fact attempt to use its appropriations power. This is what the War Powers Act seeks to do.

But today we are presented with a bill that departs from that central principle which has heretofore guided Senate action on war powers legislation. The compromise bill represents a near-total abrogation of the Senate position on war powers.

The bill in its present form, therefore, is worse than no bill at all. It fails to address directly the question of just what authority the President has to engage our forces in hostilities without the approval of Congress. It is of questionable constitutionality in that it creates a 60-to-90-day period of Presidentially declared war, in derogation of the war powers conferred by the founders on Congress. And it creates a legal base for the continuing claims of virtually untrammeled Presidential authority to take the Nation to war without a prior congressional declaration.

While the policy statement in section 2(c) of this bill—the policy statement—does represent a "sense of Congress" interpretation of the President's powers, it does not provide an answer to the current impasse between Congress and the President. In fact, its practical effect would be to enshrine, to make permanent by statute, the President's current misuse of power through a procedure which seeks only to limit that misuse rather than to prohibit it altogether.

This point raises the practical dilemma with which I have been faced. It is true that if this legislation passes in its present form, Congress will have a more efficient mechanism for terminating Presidentially initiated American participation in hostilities after they have begun. Assuming that all provisions of the "congressional action" section of this bill are constitutional—that is a bold assumption, in my judgment, but let us assume that—Congress could stop the President by a simple majority vote rather than having to use the power of the purse and being forced to muster a two-thirds majority to override a Persidential veto. But the legal effect of this approach is to delegate congressional decisionmaking power for a period of from 60 to 90 days.

In practical terms, we must recognize the incredible powers of persuasion the President has at his command at all times, and especially during periods of crisis. The Senate bill dealt with this political reality by establishing clear signposts of authority—signposts which could be readily understood by the American people.

But this bill avoids the difficult task of establishing signposts by rendering even the limited definition of Presidential emergency authority contained in section 2(c) legally meaningless. The House bill—the original Zablocki bill—completely avoided any definition of such Presidential authority, and it would appear that the conference report represents a victory—a complete, total, unvarnished victory—for that approach to war powers legislation. Prof. Alexander Bickel of Yale University Law School, a widely recognized authority in this area of constitutional law, was extremely critical of this approach in testimony before the House Foreign Affairs Committee.

> If you don't have anything prefacing a reporting section that says, "Here, this is our view of where your authority ends and where ours begins," you necessarily fall into that pitfall because you assume there is legal authority out there beyond the Constitution.

I must reluctantly conclude that in the absence of an operative and effective definition of Presidential authority the effect of this bill would be to permit the President to nullify Congress' obligation to declare war before we commit forces. Whether or not the mechanism included in this bill to stop the President after the fact is more efficient than present remedies available to us, we cannot delegate our responsibility to authorize offensive war before it begins.

Mr. President, in my judgment, we cannot do it constitutionally, we cannot do it ethically, and we cannot do it morally.

If we fail to delineate the proper limits of power in terms that are readily un-

derstandable, then we invite the President to continue to define that power as he sees fit. The President, Congress, the courts, and the American people must understand the legitimate role of the Commander in Chief in the initiation of hostilities. If this legislation does not define that role in legally binding terms, then the practical political reality is that we will never be able to muster the votes necessary to stop a President after the flag has been committed.

Mr. President, I do not know how many hot situations there are going to be around the world. At this time, quite obviously, we know of one in the Mideast that is hot in every sense of that term. Situations have a way of flaring up in the India-Pakistan-Bangladesh area of the world. Indeed, there is a hot situation, in measurable terms, in Northern Ireland. If I had a globe before me, I could probably hop-scotch around the world pointing out places where there is trouble or where, in the foreseeable future, there is reasonable likelihood of trouble.

When I did that, I would turn to the conference report bill and I would see what authority we are giving to the President of the United States with respect to each and every one of these hot spots. Here is the authority we would be giving to him: We would be saying to him, when and if it becomes law—that "Up to 90 days, it is your ball game. Send the ships wherever you want. Send the planes wherever you want. Send the troops wherever you want for up to 90 days. Commit the flag,"—to use the cliche—"Whether it is an emergency or national security situation, fear not. You have 90 days of uncontrolled, unilateral authority."

By the way, says the bill, after 90 days, Congress can get into the act and decide whether to yank the forces out.

Mr. President, think of the first 90 days of the Vietnam war. What would have been the vote of Congress to bring them out? Suppose troops had been committed last year, or 18 months ago, to Bangladesh, and they were there for 90 days, and the President said, "We have got to save them a few days more." What would be the vote of Congress to bring them out after they are there?

That is what it is all about. The question is whether we play in the game—or in the decisionmaking process—before the troops are committed or only after they are committed. And it is all the difference in the world, because before they are gone, before they are in the trenches, before they are in danger, before they are being exposed to risk of death and injury, then perhaps—and I say perhaps—a rational, calm decision conceivably could be made on the floor of Congress. We would at least be given the chance the Founders wanted to give us to avoid a mistake, to avoid a misadventure by a President.

But after it is a fait accompli, Mr. President, after they are there, then the authority of Congress to rescind, 90 days later under this bill, is shallow indeed.

Mr. President, if we consider the Gulf of Tonkin resolution, in August of 1964, to have been the official and legal start of the war in Vietnam, as some do, then it took almost 9 years, from August 1964 to the spring of 1973, to get those troops out. Once that flag was committed, once the forces were there, regardless of how unpopular the war became in the intervening period—and you know, Mr. President, it became awesomely unpopular—regardless of the peace marches and the protests that the war had engendered during that period, that war droned on and droned on and droned on. And Congress was helpless to act.

Finally Congress did take some action. We took action on Cambodia. After the POW's had been returned, after all the troops had been withdrawn, there was still the lingering air war in Cambodia. We finally took action there, but only after it appeared that the flag had been withdrawn. But even then we had to go through the agonizing process of authorizing that war for 45 additional days. Do you remember that, Mr. President? We could not end the war in Cambodia. We had to give the President 45 more days, after 9 years of agonizing experience.

So under this conference bill, after the President, for whatever reason he believes thinks the troops should go in—whether it is an emergency or not is irrelevant, because all he needs is a whim or pretext or an intuitive reaction—in they go, authorized in advance for 90 days, courtesy of the Congress.

There is a tendency today to devise legislation simply as a stopgap for temporarily plugging holes in our governmental system. We seem more comfortable in bemoaning the immediate effects of the abuses of power than in dealing with the fundamental constitutional issues involved.

But if we take that approach in the war powers area, we risk the possibility that the original intent of the Constitution will be compromised. We cannot resolve the imbalance within our system by dealing only with the effects of that imbalance. If we are reluctant to deal with the constitutional issue of prior authority, then we will continue to be confronted in years to come with the prospect of desperately trying to stop misbegotten wars.

War powers legislation that is meaningful has to deal with the fundamental causes of the constitutional impasse that plagued the Nation for the past decade. It must, in my judgment, in the most precise legal language, carefully spell out those powers which adhere to the Executive by reason of his status as Commander in Chief and his obligation to act in emergencies to repel attacks upon the Nation, its forces, and its citizens abroad. For the rest, such legislation must make clear that all remaining decisions involved in taking the Nation to war are reserved to the elected representatives of the people—as the Constitution so says, the Congress.

In conclusion, I am sad to say it is my judgment that the bill reported by the conference committee fails to meet this standard. Moreover, it fails to embody the wisdom that we should have gleaned from our tortuous experience of the Vietnam war. Accordingly, and with profound regret, I urge its rejection by the Senate.

Much better—much, much better—that we begin again to frame an acceptable and workable and effective bill than to enact into law a measure that will come back to haunt us for generations to come.

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

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself, with the consent of the Senator from Arkansas (Mr. FULBRIGHT), 5 minutes.

Mr. President, I have heard the excellent speech of the Senator from Missouri, with a considerable feeling of great sadness. He and I and Senator JOHN STENNIS, whom we all revere, were partners in this effort, and it is a matter of great disappointment to me that the Senator from Missouri (Mr. EAGLETON), in conscience, as any Senator has a right to do, has now decided to vote against this conference report.

I am especially grieved, because I believe that his interpretation of what this means and what it will do with any President is erroneous, because it fails to take into account the various components of the bill as we now ask the Senate to approve it in the conference report.

I would be the first to agree that I preferred the Senate version. I fought for it. My colleagues on the conference committee will testify to that, I am sure. The House was absolutely adamant against what is called an authority test, which is really what the Senator from Missouri wanted and what I wanted and what the Senator from Mississippi (Mr. STENNIS) wanted and what the Senate wanted, having voted 72 to 18 for that bill.

The only bill we could get was one based on a performance test. It is a miracle that we got this bill.

In my judgment the difference between the substantive effect of the Senate bill and the substantive effect of this bill is strictly one of minor degree and not of effective operating force. I would prefer the Senate version. There is no question about it. The Senate does not need an explanation from me on the Senate version. Unfortunately that version could not pass both Houses. Therefore, the Senate does need an explanation from me on the conference report.

There is nothing in the manager's report that makes the legislative history exclusively or which binds the Senate only to those confines. I am just as much a manager and so is the Senator from Arkansas (Mr. FULBRIGHT) and Senators CASE, AIKEN, MUSKIE, MANSFIELD, and SYMINGTON as the managers of the House.

Even they in the joint statement, the House conferees, have not committed themselves against the interpretation I have made. All that they have said is that subsequent sections of the joint resolution are not "dependent" upon the language of subsection (2)(c). In the sense of not being the triggering device, as it was in the Senate bill, this is true. But that is not the way subsection (2)(c) has operative force. It is by no means valueless or inoperative.

If this is a statute, every part means something, whether it is written in sub-

section (2)(c) or in section 3, as in the Senate bill.

Second, the use of that language in the managers' joint statement was dictated by what I have described as the performance test. However, it is nonetheless a very effective section. And it is effective for three reasons.

First, for what it says. And the critical word which was bitterly fought over in the conference is the word "only." That word is there.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself another 5 minutes.

The sentence in subsection 2(c), which we are now debating, reads:

The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to . . .

Only pursuant to what? The subsection further states:

(1) A declaration of war, (2) specific statutory authorization, . . .

Both of which the Senator from Missouri (Mr. EAGLETON) or anyone else will agree to. And the third point is:

Or (3) a national emergency created by attack upon the United States, its Territories or Possessions, or its Armed Forces.

What the Senator from Missouri (Mr. EAGLETON) is really saying to us is:

Well, the President can call anything an emergency on that basis.

I hasten to point out that our own section 3 carried the same provision. If this President or any President wants to do so in a given situation, he can say that it was a national emergency created by an attack on the United States. He could still go ahead. So, we have not added anything to that. Under both bills he would be acting outside of the law and outside of the Constitution.

Again I repeat that I would have preferred the statutory bounds on his hands. This is a declaration of the meaning Constitution on this point. It is by no means empty or without import.

Mr. EAGLETON. Mr. President, would the Senator yield?

Mr. JAVITS. Not at this time. I would like to finish and then I will yield or engage in any debate the Senator wishes.

The second point with respect to section 4 is that it will be noted that the preamble to section 4 states:

In the absence of a declaration of war, . . .

There is nothing there about statutory or any other power. The sole exception is that there be a declaration of war. In the absence of a declaration of war, the President is required to report to us in 48 hours not only if he puts our forces in combat or engages in hostilities, but also respecting certain sensitive peacetime deployments. That is something not covered by the Senate bill. That is covered by clauses 2 and 3 in section 4(a) of the conference bill.

Mr. President, we have the discretion when we get a report as to whether we consider it a report of hostilities under section 4(a)(1) or whether it is a report of peacetime deployment under section 4(a)(2) or 4(a)(3).

Any President who defies this would be in real jeopardy not just because Congress can do this, but because if his actions are actually illegal, then he is challenged in any contract for procurement, he is challenged as to conscription, and he is challenged as to any action taken pursuant to what may be considered to be the war power.

I do not believe that any President is going to fly in the face of that without batting an eye.

So, Mr. President, if anything, it may very well be that this is a stronger statute than the Senate passed.

Third and finally, if the Members of the Senate will turn to section 8(d)—and incidentally it makes one very sad, because the Senator from Missouri (Mr. EAGLETON) was heavily responsible for key elements of section 8 which is now incorporated in this measure—it seeks to negate any inferences that would flow from any treaty or statute. This was the contribution of the Senator from Missouri to this section.

Nonetheless, if we turn to section 8(d) that states as follows:

(d) nothing in this joint resolution—(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations where an involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

So we expressly negate the fact that the President gets any additional power, which is the whole argument of the Senator from Missouri for this joint resolution.

So, even if everything I have argued about section 2(c) and section 4(a) is wrong, the fact is that we do not give him any more than he had before, and we negate any inference that we do.

It seems to me that, locking the situation in that way, the difference is very narrow. It seems to me that that locks it in just as effectively—almost as effectively; I am not trying to argue that the Senate won 100 percent, but a very high percentage of the purpose has been achieved, enough so that it answers the argument of Senator EAGLETON, with which I do not agree—that this is a very real, active, substantive check upon the President, so that he must, with any kind of practicality, seek the concurrence of Congress in what we prescribe.

When you compare what we gave up in terms of that with what we got, which is an absolute cutoff in terms of the President not having any legal authority, I think we got an enormous percentage of what the Senate was after in the Senate bill, and that therefore the conference report should be approved.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, will the Senator yield, on my time, for a few brief questions?

Mr. JAVITS. Mr. President, I would love to do that, and I will do it, but Senator STENNIS is in the Chamber, and I think we would all like to hear whatever thoughts he wishes to express.

Mr. EAGLETON. I agree completely. I yield the Senator from Mississippi such time as he may require.

Mr. STENNIS. You go ahead.

Mr. EAGLETON. First, Mr. President, let me ask this of the distinguished Senator from New York, who is not only the initial author of S. 440, but manager of the bill on the floor, a conferee, a former attorney general of New York, and a distinguished lawyer: With respect to this word "only" in section (2)(c), he has laid great emphasis on the word "only," the Senator said the Presidential powers are only, pursuant to this section, used to react to emergencies such as an attack upon the United States, its territories, and its possessions.

I take it that the Senator's current position is that under the Constitution the President has no emergency authority with respect to American nationals endangered abroad.

Mr. JAVITS. I said no such thing. I said——

Mr. EAGLETON. The Senator emphasized the word "only."

Mr. JAVITS. I understand. I said "is exercised only." That takes in what we understand the current situation to be and what we are willing to accept is the current situation.

I would tell the Senator this: There was a very long argument about including the concept of rescuing nationals. It was felt that whatever was specified on that score, in order to be conservative in respect of the President's power, would have to be so hedged and qualified that we were better off just not saying it, in view of the fact that it is a rather rare occurrence, and just leaving that open; and that is what we did.

Mr. EAGLETON. Then I take it, from that answer, that the word "only" is interpreted to mean "more or less only"?

Mr. JAVITS. No; only means only, and sometimes in life something is so de minimis in terms of its occurrence or likelihood, and the President can always come to us for authority——

Mr. EAGLETON. Does the Senator mean to say that the rescue of American nationals in danger abroad is de minimis?

Mr. JAVITS. He can always come to us for authority if he is in any doubt.

Mr. EAGLETON. I ask the Senator, as a respected constitutional lawyer, in his view does the President have or does he not have authority to act unilaterally to rescue American nationals in danger abroad who might be found in the midst of rebellion or the threat of war?

Mr. JAVITS. I think the normal practice which has grown up on that is that it does not involve such a utilization of the forces of the United States as to represent a use of forces, appreciably, in hostilities so as to constitute an exercise of the war power or to constitute a commitment of the Nation to war. The Constitutional Convention spoke only of "repelling sudden attacks."

Mr. EAGLETON. With all due respect, Mr. President, I find that incredible. The Dominican Republic—Lyndon B. Johnson's memorable adventure—was that

action not predicated on emergency authority to rescue American citizens in Santo Domingo?

Mr. JAVITS. It may have been so predicated, but I do not think it was justified. Any President, so long as the Army, Navy, and Air Force will obey him, can seek to assert authority which may not be justified under constitutional law. We could not help that even if we passed the Senate bill as the conference report. He would still do the same thing.

Mr. EAGLETON. I take it, then, by the great emphasis, that "only" means only, word "only," on which the Senator laid truly, honestly only?

Mr. JAVITS. Yes.

Mr. EAGLETON. All right. Now, with respect to section 2(d), the same section, the Senator realizes and has stated in his remarks that language relating to emergencies was in the operative section of the Senate bill, S. 440. Is that not correct?

Mr. JAVITS. I do not agree with the Senator as to the definition of the "operating section." I think every section of this bill is operative, including the declaration.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. So I cannot accept the fact that the Senator chooses to make his own definition as to what is operative.

Mr. EAGLETON. The Senator realizes, does he not, that it is an established legal doctrine? I have one "hornbook" here—I could quote the Senator a hundred—that a preamble or a policy section is:

> To supply reasons and explanations and not to confer power or determine rights. Hence it cannot be given the effect of enlarging the scope or effect of a statute.

Is that not pretty standard, garden variety legislative law?

Mr. JAVITS. But nonetheless this is a statute, and every word in the statute, in my judgment, has equal effect, no matter what took place at the head of the column; in this case it is "purpose and policy."

Mr. EAGLETON. Did not the conferees on the House side, the Zablocki side, fight very vigorously to keep it out of the operative sections and put it in the purpose and policy sections?

Mr. JAVITS. "The operative sections" is strictly the Senator's definition. What they fought was making the touching-off point for the number of days the question of authority rather than the question of performance, and upon that, as I have stated before, we had to give ground, and we did.

Mr. EAGLETON. I have one other question, and then I shall yield to the distinguished Senator from Mississippi, and then after that I shall have some concluding remarks of my own.

The Senator, in his presentation, said something to this effect—and I want to get it straight—that we are not to pay any attention to the managers' report; is that the gist of it?

Mr. JAVITS. No.

Mr. EAGLETON. The Senator signed the managers' report?

Mr. JAVITS. I signed the report of the conferees. That does include the managers' report. We do not sign, as I understand it, the managers' report per se. The signatures appear at the end of the measure.

Mr. EAGLETON. The signatures appear both at the end of the bill and at the end of the managers' report.

Mr. JAVITS. That is right.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I have been here a long time, and I do not understand that the statement of the managers excludes interpretation beyond or more detailed than that in the statement. I have pointed out that it is unnecessary, and I still repeat that, to challenge the statement of the managers, because it is limited, and I point that out again to the Senator, that it is not dependent upon the language of this section, and it is not.

But that does not mean that this section means nothing, because the triggering mechanism in this case is performance. The triggering mechanism is not authority, as it was in our bill, and to that extent we gave some ground. But what I have pointed out is that, with locking in the report section as we have, we have not given very much. I cannot pretend to the Senator and I do not pretend to the Senator that this is meaningless, what the Senate did as contrasted with what the House did. I do not contend that at all. I much prefer the Senate version. But I am pointing out that we still have an effective bill for the reasons I have stated. The Senator may not choose to support it. That is his privilege. But this is, in my judgment, an effective bill.

Mr. EAGLETON. Let me say to the Senator in response, before I yield to the Senator from Mississippi, that under the Legislative Reorganization Act, the report of the managers is a report of all signing conferees on both sides. The old rules used to be that the managers on one side wrote up how they saw it, and the managers on the other side wrote up how they thought it should be, and their comments ended up in legislative limbo. This is, of course, a joint explanatory statement of the committee of the conference and it reads, "Managers on the part of House and Senate." It does not have facsimile signatures, just the printed signatures by six or seven Members of the Senate, including the name of Senator JAVITS.

Mr. JAVITS. I have no challenge to that whatever. That is why I made the statement I did. I am not trying to disown the report. I accept it. But I point out that the managers' report is entirely consistent with the explanation I have made to the Senate, and I stand by that.

Mr. EAGLETON. With all deference to what the Senator said in his earlier remarks, in which he said that he was going to suggest, as one of the sponsors of the bill, that he was not bound by the managers' report. It was, in my opinion, an attempt to get around this perplexing, vexing, sentence on page 8 which, truthfully, the Senator from New York cannot avoid, cannot escape. It is a millstone around the neck of the bill——

Mr. JAVITS. I am sorry, it may be a millstone to the Senator, but the vote will show how much of a millstone it is to the Senate.

Let me finish, inasmuch as the Senator asked me to yield, by saying that I am not getting around anything, have no intention of doing so, and could not if I would. But I am going beyond what the legislation said, which is what I said. I went beyond that to show how this section ties in with the rest. The Senator's argument and mine cannot dispel that. This says what it says. The law is what counts, unless there is something bad about it. I have done my utmost, because I thought that this statement of the managers was limited—and I am not trying to repudiate it—even if it were made by the House alone, I am not trying to repudiate it—they are entitled to full faith and credit, too, but I went beyond that. That is what I endeavored to prove in the succeeding section of this measure. In addition, I say to the Senator from Missouri, as one of its original sponsors and one of the stalwarts with respect to the bill, let us not miss the forest for the trees. The fact is that never in the history of this country has an effort been made to restrain the war powers in the hands of the President. It may not suit my colleague 100 percent, but it will make history in this country such as has never been made before.

Mr. EAGLETON. Mr. President, I yield myself such time as I may consume.

We are not here to make history. We are here to make law. We are here to make important law, the most important law that can be made by man on this earth; namely, when to go to war—how, why, and when to go to war. We are not here to go home and tuck it under our pillow. The fact is, we have a War Powers Act. It is what it says. That is important, not the title and not even the length of time that has gone into the making of the bill, as long as that has been. That is vital, yes. But what is truly important is how this Nation goes to war and what this bill says, not what the noble intent of the Senator from New York was when he managed the bill on the floor of the Senate, but what this bill says now after it has come back from conference.

Yes, I helped to give birth to the Senate bill three years ago, but the child has been kidnapped. It is no longer the same child that went into the conference. It has come out a different baby—and a dangerous baby, Mr. President. Because this bill does not go one inch in terms of constricting the unilateral war-making of the President of the United States.

Try as he may, and able lawyer that he is, the Senator from New York cannot get around the language of the statute. He cannot get around the fact that the purpose and the political effect of section 2(c) is "nothing." Noble in concept but worthless in execution. He cannot get around the fact that the managers' report of both houses said as much when it said that subsequent sections of the joint resolution are not dependent on the language of section 2(c). The managers went so far as to say, "We want to show you this is not the Senate bill." So they took that out. All we have left—and very little is left—is section 8, which is what the Senator gives me credit for authoring. He can have section 8 back.

He can take it. What we have here today is a 60- to 90-day open-ended blank check which says, "You fight the war for whatever reason, wherever you want to, Mr. President." That is what we are legislating here today.

Mr. President, I am pleased now to yield to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Missouri very much for yielding me at this time.

Mr. President, first, I want to commend as well as thank the conferees who worked long and laboriously on the two bills, the one from the House and the one from the Senate. They are the same men—some of them are—who worked on this whole subject matter for years and followed it up at every turn and deserve the utmost credit. I commend them highly.

Now, Mr. President, the conference report before us today is an important and historic one. It is a sound piece of legislation in my humble opinion, and I do not hesitate to support it fully.

The Senate and the House each passed a war powers bill in July. The intent of the bills was the same, but there were language differences. Because both houses believed in the importance of a strong, well-written war powers bill, and because of the perseverance of the conferees on both sides, the differences were worked out, resulting in what I consider to be an excellent piece of legislation.

The joint resolution, as reported by the conference committee, clarifies the emergency powers of the President as pertaining to situations wherein there is a national emergency created by an attack upon the United States, its territories or possessions, or its Armed Forces.

Just that fact within itself, Mr. President, is a real contribution to our constitutional history, clearing up at the same time and not unduly restricting, in my humble opinion, the chief executive of the United States. He must have the power to act. He must have the power to act quickly. Someone has to make a judgment on that. I never want to restrict it. It is a matter of restricting, though, the committal of the Nation, its manpower, its worldly goods, and everything else, to an all-out war. Three Congresses have passed on it, to which I object.

The legislation includes provisions urging consultation between the President and the Congress before U.S. Forces are introduced into hostilities, or situations where hostilities appear imminent. This is a particularly important provision because it emphasizes that it is only as a result of both of these branches of the Federal Government working together and accepting their responsibilities that the nation should be committed to war.

The legislation strikes a reasonable compromise between the House position under which the President's emergency authority would automatically be terminated after 120 days, and the Senate position which permitted 30 days. The provision which emerged from conference allows the President 60 days under such an emergency, with an additional 30 days to disengage troops if their safety requires it.

Both bills include priority provisions to insure that Congress would act promptly upon a request from the President to extend his authority during an emergency. A reasonable compromise was reached on these provisions which I believe will assure any observer that Congress would act deliberately but promptly in such situations.

Finally, in several extremely important provisions, the joint resolution defines and interprets existing law to insure that such legislative acts as approval of a treaty or an appropriations bill would not be taken to imply specific statutory authorization for the executive branch unilaterally to involve the nation in war.

Taken together, I believe the conferees did their work well, and I would commend their efforts.

We have come a long way with the war powers issue. Senator JAVITS, Senator EAGLETON, and I introduced war powers legislation in 1970 and 1971. Now in the fall of 1973 we are at the point of agreeing to a war powers conference report, and I again stress my own interest in this vital legislation, and my belief that we must put a law on the books. It is of crucial importance to our country that we never again go to war without the moral sanction of the American people. The Founding Fathers meant it to be that way, and I believe we cannot let it be any other way.

I think we can differ as to language and get into long, important arguments about the meaning of words. But the outstanding achievement of this legislation—assuming no bad language—will be that we put something on the law books, as of 1973, that attempts to spell out the powers and the responsibilities—and I think responsibility is to be emphasized more than power. I refer particularly to the responsibilities of Congress. I hope we never again fail to meet those obligations.

With the Senate and the House both at the point of agreeing to this conference report and sending it to the President, it is a time for solidarity in our support for the war powers measure. I urge agreement to the conference report.

Mr. JAVITS. Mr. President, I yield myself 1 minute, not to engage in the debate that Senator EAGLETON is so ably carrying on, but to thank Senator STENNIS, who I believe has been decisive in bringing war powers legislation to this point.

He is the chairman of the Committee on Armed Services. He is deeply committed to American security and American defense. He is generally considered conservative in his views on the exercise of the President's power, but he is a deep constitutionalist, according to his own tradition and his illustrious reputation. I cannot testify enough to the impact which his support of this measure has had. I consider it decisive in bringing us to where we are today and to the debt of gratitude which he earns from the country.

Mr. STENNIS. Mr. President, I warmly thank the Senator. I deeply appreciate his remarks. His contribution, day after day and week after week, has been a major part of this fine effort.

Mr. JAVITS. I thank the Senator.

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

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I should like to add my own commendation to that already expressed for the work of the distinguished senior Senator from New York and the distinguished Senator from Mississippi. It is perfectly obvious that this measure is free of partisanship. It is sponsored by so-called liberals and conservatives, Democrats and Republicans, and by both the House and the Senate.

The legislation in no way is a reflection on the incumbent President, who inherited a major American war and brought it to an end. Had this bill been enacted 10 years ago, President Nixon might not have had the conduct of the Vietnam war thrust upon him, because the United States might not have committed troops to combat.

This bill can actually assure that presidents will not go to war without congressional approval. Since a President cannot effectively prosecute a war without congressional support, this bill would save Presidents from undertaking unpopular wars.

This bill can be a deterrent to ill-considered actions which may involve the Nation in undesirable wars which are of no consequence to our national security. There would be quick congressional accord when a military action is obviously necessary to the Nation's security. The authority of Presidents to respond to instant threats would in no way be impaired.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of research I have done in this field to determine the intention of the Founding Fathers in framing the Constitution with respect to war-making powers.

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

SUMMARY OF RESEARCH

Historical precedent adequately supports Congressional authority in war making. There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander in Chief, to repel sudden attacks.

At the Constitutional Convention, during the debate on war-making powers, James Madison of Virginia and Elbridge Gerry of Massachusetts challenged the phrase "to make war" which had been the focus of discussion. They moved to change the phrase from "make war" to "declare war," contending that this would leave to the President the power to repel sudden attacks. This motion was agreed to by a vote of 8 to 1.

The Constitution ultimately named the President as Commander in Chief of the Army and Navy, and empowered him to make treaties with the advice and consent of Congress. To Congress was allocated the power to levy taxes for the common defense, 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.

When, at the Convention, Pierce Butler of South Carolina had suggested that the

war-making power could be safely vested in the President, Mr. Gerry replied that he never expected to hear in a republic a motion to authorize the Executive alone to declare war. As I have mentioned, the Madison-Gerry motion was adopted, limiting the war-initiating power of the President to repelling sudden attacks.

But that is the limit of the Constitution's mandate in regard to war-making powers. Nowhere does the Constitution specify whether, under what circumstances, or by whose decision can the Armed Forces be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

At the beginning of our constitutional history, the primary responsibility of Congress in the initiation of war was frequently proclaimed and upheld. President Adams, in 1798, concerned about French threats to American shipping, waited until Congress provided the authority to move. Alexander Hamilton had advised the administration, in a letter to Secretary of War James McHenry, as follows:

"In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President."

In 1801, in his opinion on the Amelia case, Chief Justice John Marshall stated that the "whole powers of war" were vested in Congress.

The same year, Tripoli declared war on the United States when the United States refused to pay tribute in exchange for safe passage of American ships. President Jefferson moved ships to the Mediterranean with orders limiting them to self-defense and the defense of other American ships. He told the Congress that he felt obligated to take only defensive actions because he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."

During a dispute with Spain in 1805, President Jefferson renounced the use of force, saying that he thought it was his duty to await congressional authority "considering that Congress alone is constitutionally invested with the power to changing our position from peace to war."

In equally unequivocal statements, President Monroe and Secretaries of State John Quincy Adams and Daniel Webster, stated that the initiation of war is a prerogative of Congress. President Monroe wrote:

"The Executive has no right to compromit the nation in any question of war."

Adams wrote that under the Constitution "the ultimate decision" belongs to Congress. Webster states:

"I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."

In 1846, when President Polk moved troops into territory disputed between this country and Mexico, resulting in hostilities, Congress reluctantly declared war after the fact. Later, when the House of Representatives was resolving to thank Zachary Taylor, the victorious general, an amendment to the resolution stated that the war "was unnecessarily and unconstitutionally begun by the President of the United States." Former President John Quincy Adams, then a Member of the House, and future President Abraham Lincoln voted for the amendment which was adopted by a vote of 85 to 81, but later dropped.

In 1857, Secretary of State Lewis Cass, responding to a British request to send ships in support of an expedition to China, wrote to the British Foreign Office as follows:

"Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken."

President Buchanan made the point as forcefully when he asked Congress for authority to protect transit across Panama in 1858. In his message to the Congress on December 6 of that year, he said:

"The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks."

In 1900, President McKinley sent thousands of American troops to suppress the Boxer Rebellion in China and to rescue Western nationals in Peking. Although he was accused of acting without congressional authority, Congress had already adjourned and, because it was an election year, there was no interest in returning for a special session.

In 1911, President William Howard Taft sent troops to the Mexican border, but conceded that only Congress could authorize sending troops across the border. In a message to Congress, President Taft said:

"The assumption of the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I certainly doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval."

Since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. Thus, an incursion was made into Mexico in pursuit of the bandit, Pancho Villa, in 1917. President Wilson sent marines to fight in Haiti and Santo Domingo. President Truman sent hundreds of thousands of troops to fight in Korea. All these actions were taken by the Executive without congressional authority. They negate the concept, central to the Constitution, that our government requires a balance of powers within a system of checks and balances.

Of course, questions about the division of powers and the Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam. Until Congress passed the Gulf of Tonkin resolution, the use of American troops in combat in Vietnam was totally without congressional approval. For this reason, more than any other, the question of congressional responsibility for war making has become a major issue in the country. As most of us in Congress well know, the American people are determined that there shall be no future undeclared wars initiated by presidents and prosecuted without wide public support. The people insist that Congress measure up to its constitutional role, and this legislation seeks to do just that—to clarify the Congressional role so that this Congress and future Congresses will do their duty.

Mr. JAVITS. Mr. President, we ran into a very interesting situation. Apparently, before I introduced this bill—I still do not know how many months, but it certainly was before—Senator PERCY was already doing research, with the idea of preparing a resolution on this very subject, and I had no knowledge of it whatever. I state that affirmatively. Had I known it, I certainly would have consulted him and at least sought to join him or have him join me.

I think it is an extraordinary manifestation of our time, one, that he should have been so farsighted at that time and, two, that, with quite characteristic understanding and generosity—with which I have had experience ever since he came to the Senate—when he saw what I was doing, as we sent it around for cosponsorship, and even without talking with me about it, he said:

The job is done. We will just leave it to Senator JAVITS.

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

Mr. JAVITS. I yield.

Mr. PERCY. The Senator from Illinois purposely did not mention the dates as to when this research had been done, because in no sense did I want to try to imply that this was anything I had done before anyone else. The gracious comments by the distinguished Senator from New York are very typical of him.

I had submitted a sense of the Senate resolution. When I saw the Stennis-Javits approach as a bill, a piece of legislation, I became an enthusiastic backer and supporter of the pioneering efforts that have been made for this legislation. I hope it will be adopted overwhelmingly and signed by the President of the United States.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I thank the Senator from New York for yielding and wish to express my support for the conference report. In 1970, when this measure was first introduced, I happened to be on the floor of the Senate when the Senator from New York was discussing the concept. At that time, it made a great deal of sense to me, and I asked permission to become cosponsor. At that time, it appeared to be a proper and useful attempt by Congress to cast some light in a very murky and misunderstood constitutional area.

The measure was reintroduced in 1971, in the 92d Congress. However, at that time, as the distinguished Senator from New York knows, I happened to be the chairman of a political party, and the leader of that party, President Nixon, was then engaged in the Vietnamization program; and I felt it the better part of wisdom not to extend my efforts insofar as the War Powers Act was concerned.

I have studied the conference report and believe the concept is still sound; although, there may be some reason for differences, and I can even understand why the measure might be objected to by any President. Nonetheless, I believe—as most Members of Congress have indicated by their votes—that we have a responsibility under the Constitution. Therefore, I support the conference report and commend the Senator from New York and others who have played a primary role in the formulation.

Mr. President, the war powers resolution before the Senate today is a proposal of substantial importance to the Nation. It steps into one of the Constitution's uncharted gray areas and attempts to establish some clear lines of author-

ity, responsibility and direction where now there is only the ambiguity of yesterday's history and the uncertainty of tomorrow's events and circumstances.

The war power is one of the most important aspects of nationhood. It is a country's ability to defend itself and assert its rights in the world. Over the course of history the war power has been abused by some nations, and the right of self defense has undergone a cancerous mutation into a tool of aggression. But as we look back at other nations and the history of wars between them, we see that the abuse of the war power did not usually originate with the nation itself, its people. Rather this abuse grew out of improper allocation or assumption of the ability to use the war power. Sometimes this wrongful use of the war power could be traced to structural deficiencies in the government. In other cases the structure was sound, but individuals or groups within the structure were unwise, subject to error or manifestly evil.

Our country, however, has had the blessing of a sound constitutional framework which has given full opportunity for good to prosper, has given room for error to be discovered and has never permitted evil to be unleashed.

To fully appreciate the importance of this wise and wonderful foundation for our Republic and understand the evolution of the war power's exercise, it would be appropriate to look back over a period of events beginning 196 years ago next month.

DIVISION OF THE WAR POWER

The draftsmen of the Constitution clearly intended to divide the war power between the President and Congress, but just as clearly, did not intend to precisely define that boundary. They rejected the traditional power of kings to commit unwilling nations to war to further the king's international political objectives. At the same time, they recognized the need for quick presidential response to rapidly developing international situations.

The accommodation of these two interests took place in the session of the constitutional convention on Friday, August 17, 1787, when the enumeration of the powers of Congress were submitted to the delegates. A discussion occurred on the draft language empowering Congress "to make war."

As reported by James Madison, Charles Pinckney urged that the warmaking power be confined to the Senate alone, while Pierce Butler urged that the power be vested in the President. James Madison and Elbridge Gerry then jointly moved to substitute the word "declare" for the word "make," leaving to the President the power to repel sudden attacks. John Sherman expressed a preference to "make" as opposed to "declare," because the latter was too narrow a grant of power. However, he expressed the view that the grant of power to Congress to "make" war would nonetheless permit the President to repel attack, although not to commence war. Gerry and George Mason opposed the giving of the power to declare war to the President. Refus King supported the substitution of the word "declare," urging that the word "make" might be understood to mean "conduct" war, which latter was a Presidential function.

With only New Hampshire dissenting, it was agreed that the grant to Congress should be of the power to declare war. Pinckney's motion to strike out the whole clause, and thereby presumably to leave the way open to vest the entire war-making power in the President, was then defeated by a voice vote.

The framers of the Constitution, in making this division of authority between the executive and the legislative branches did not make a detailed allocation of authority between the two branches.

But nearly 200 years of practice has given rise to a number of precedents and usages, although it cannot be confidently said that any sharp line of demarcation exists as a result of this history.

RECOGNITION OF ARMED CONFLICT SHORT OF "WAR"

Before turning to historical practice for the light which it throws upon the proper interpretation of the President's power, let me first dispel any notion that the United States may lawfully engage in armed hostilities with a foreign power only if Congress has declared war. From the earliest days of the Republic, all three branches of the Federal Government have recognized that this is not so, and that not every armed conflict between forces of two sovereigns is "war." This fact affords no final answer to the constitutional question of the division of authority between the President and Congress in exercising the war power, but it does suggest that the effort to find an answer is not advanced by a mechanical application of labels to various fact situations.

Congress, during the so-called undeclared war with France which lasted from 1798 to 1800, authorized by statute limited use of this Nation's Armed Forces against those of France. The fifth Congress, 1 Stat. 578.

In "The Eliza," a case arising out of this "undeclared war," the Supreme Court described differences between war and other armed conflicts as being differences between "solemn war" and "imperfect war":

> If it be declared in form, it is called solemn, and is of the perfect kind: because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war, all the members act under a general authority, and all the rights and consequences of war attach to their condition.
>
> But hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons and things; and this is more properly termed imperfect war; because not solemn, and because those who are authorized to commit hostilities act under special authority and can go no further than to the extent of their commission, "The Eliza," 4 Dall. 37, 40–41.

In that case, a French privateer took possession of an American ship that was later recaptured by Americans who claimed entitlement to payment from the ship's owners. The questions arose in interpretation of two statutes as to what they were entitled to. To answer that question, the court had to decide whether we were at war with France.

While the court termed both forms of military action "war," the distinction which it drew likewise separates the declared wars of the 20th century, such as the two world wars, and the undeclared armed conflicts such as have more recently occurred in Korea and in Southeast Asia. In both of the two world wars, the declarations of war were viewed by the executive branch to authorize complete subjugation of the enemy, and some form of "unconditional surrender" on the part of the enemy was the announced goal of the allied nations. In Korea and Vietnam, on the other hand, the goals have been the far more limited ones of the maintenance of territorial integrity and of the right of self-determination.

As has been pointed out many times, the United States throughout its history has been involved in armed conflicts short of declared war, from the undeclared war with France in 1798–1800 to Vietnam. I will discuss the more significant of these involvements later.

THE PRESIDENT AS COMMANDER IN CHIEF

Because of the nature of the President's power as commander in chief and because of the fact that it is frequently exercised in foreign affairs, there are few judicial precedents dealing with the subject. Such judicial learning as there is on the subject, however, makes it reasonably clear that the designation of the President as commander in chief of the Armed Forces is a substantive grant of power, and not merely a commission which treats him as a supreme commander.

Chief Justice Marshall writing for the Supreme Court in *Little* v. *Barreme*, 2 Cr. 170, concluded that the seizure of a ship on the high seas had not been authorized by an act of Congress. In the course of the opinion, he stated:

> It is by no means clear that the President of the United States, whose high duty it is to "take care that the laws be faithfully executed," and who is commander-in-chief of the Armies and Navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication American vessels which were forfeited by being engaged in this illicit commerce. 2 Cranch at 177.

Justice Grier, speaking for the Supreme Court in its famous decision in the prize cases, likewise viewed the President's designation as commander in chief as being a substantive source of authority on which he might rely in putting down rebellion:

> Whether the President in fulfilling his duties, as Commander in Chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel

him to accord to them the character of belligerants, is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted. He must determine what degree of force the crisis demands. 2 Black 625, 670.

More recently, Justice Jackson, concurring in Youngstown Sheet and Tube Co. against Sawyer, said:

We should not use this occasion to circumscribe, must less to contract, the lawful role of the President as Commander in Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force. At least when turned against the outside world for the security of our society. 343 U.S. 579, at 645.

The limits of the President's power as Commander in Chief are nowhere defined in the Constitution, except by way of negative implication from the fact that the power to declare war is committed to Congress. However, as a result of numerous occurrences in the history of the Republic, more light has been thrown on the scope of this power.

SCOPE OF POWER AS COMMANDER IN CHIEF

The questions of how far the Chief Executive may go without congressional authorization in committing American military forces to armed conflict, or in deploying them outside of the United States and in conducting armed conflict already authorized by Congress, have arisen repeatedly through the Nation's history. The President has asserted and exercised at least three different varieties of authority under the power as Commander in Chief:

First, authority to commit military forces of the United States to armed conflict, at least in response to enemy attack or to protect the lives of American troops in the field.

Second, authority to deploy U.S. troops throughout the world, both to fulfill U.S. treaty obligations and to protect American interests; and

Third, authority to conduct or carry on armed conflict once it is instituted, by making and carrying out the necessary strategic and tactical decisions in connection with such conflict.

Congress has on some of these occasions acquiesced in the President's action without formal ratification; on others, it has ratified the President's action; and on still others, it has taken no action at all. On several occasions, individual Members of Congress have protested Presidential use of the Armed Forces. At the close of the Mexican War, the House of Representatives went so far as to pass an amendment to a pending resolution, labeling the war as unnecessary and unconstitutional. On final passage, the amendment was deleted. Although the President's actions, to which there was no opportunity for the Congress to effectively object, cannot establish a constitutional precedent in the same manner as it would be established by an authoritative judicial decision, a long continued practice on the part of the President, acquiesced in by the Congress, is itself some evidence of the existence of constitutional authority to support such a practice. *United States* v. *Midwest Oil Co.* 236 U.S. 459. As stated by Justice Frankfurter in his concurring opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343, U.S. 579, 610:

The Constitution is a framework for Government. Therefore, the way the framework has consistently operated fairly establishes that it has operated according to its true nature. Deeply embedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them.

COMMITMENT OF MILITARY FORCES TO ARMED CONFLICT WITHOUT CONGRESSIONAL AUTHORIZATION

President Jefferson in 1801 sent a small squadron of American naval vessels into the Mediterranean to protect U.S. commerce against threatened attack by the Barbary pirates of Tripoli. In his message to Congress discussing his action, Jefferson took the view that it would require congressional authorization for this squadron to assume an offensive, rather than a defensive, stance.

In May of 1845 President Polk ordered military forces to the coast of Mexico and to the western frontier of Texas—still at that time an independent Republic—in order to prevent an interference by Mexico with the proposed annexation of Texas to the United States. Following annexation, Polk ordered Gen. Zachary Taylor to march from the Nueces River, which Mexico claimed was the southern border of Texas, to the Rio Grande River, which Texas claimed was the southern boundary of Texas. While so engaged, Taylor's forces encountered Mexican troops, and hostilities between the two nations commenced on April 25, 1846. While Polk 2½ weeks later requested a declaration of war from Congress, there had been no prior authorization for Taylor's march south of the Nueces.

In 1854 President Pierce approved the action of a naval officer who bombarded Greytown, Nicaragua, in retaliation against a revolutionary government that refused to make reparation for damage and violence to U.S. citizens.

In April 1861 President Lincoln called for 75,000 volunteers to suppress the rebellion by the Southern States, and proclaimed a blockade of the Confederacy. The Supreme Court in the prize cases, 2 Black 635 (1863), upheld the actions taken by President Lincoln prior to their later ratification by Congress in July 1861, saying:

If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. 2 Black at 668.

In 1900 President McKinley sent an expedition of 5,000 U.S. troops as a component of an international force during the Boxer Rebellion in China. While Congress recognized the existence of the conflict by providing for combat pay, 31 Stat. 903, it neither declared war nor formally ratified the President's action. A Federal court, however, reiterated the early recognition of limited or undeclared war:

In the present case, at no time was there any formal declaration of war by the political department of this government against either the Government of China or the "Boxer" element of that Government. A formal declaration of war, however, is unnecessary to constitute a condition of war. *Hamilton* v. *McClaughry*, 136 F. 445, 449 (Cir. Ct. D. Kan. 1905).

Presidents Theodore Roosevelt, Taft, and Wilson on more than one occasion committed American troops abroad to protect American interests. In November 1903, President Roosevelt ordered the U.S. Navy to guard the Panama area and prevent Colombian troops from being landed to suppress the Panamanian insurrection against Colombia. In his annual report to Congress in 1912, President Taft reported sending some 2,000 Marines to Nicaragua—at the request of the President of Nicaragua—and the use of warships and troops in Cuba. He merely advised Congress of these actions without requesting any statutory authorization.

President Wilson on two separate occasions committed American Armed Forces to hostile actions in Mexican territory.

In April 1914, he directed a force of sailors and marines to occupy the city of Vera Cruz during the revolution in that country. The city was seized and occupied for 7 months without congressional authorization. In 1916, Wilson ordered General Pershing and more than 10,000 troops to pursue Pancho Villa into Mexican territory following the latter's raid on Columbus, N. Mex.

The most recent example of Presidential combat use of American Armed Forces without congressional declaration of war, prior to the Vietnam conflict, was President Truman's intervention in the Korean conflict. Following invasion of South Korea by North Koreans on June 25, 1950, and a request for aid by the U.N. Security Council, President Truman ordered U.S. air and sea forces to give South Korean troops cover and support. He ordered the 7th Fleet to guard Formosa. On June 30, the President announced that he had authorized the use of U.S. ground forces in the Korean war following the collapse of the South Korean Army. Ultimately, the number of troops engaged in the Korean conflict reached 250,000, and the conflict lasted more than 3 years. President Truman's action without congressional authorization precipitated the "great debate" in Congress which raged from January to April 1951.

While President Truman relied upon the U.N. Charter, as well as his power as Commander in Chief, his action stands as a precedent for Presidential action in committing U.S. Armed Forces to extensive hostilities without formal declaration of war by Congress.

The U.N. Charter, as a result of its ratification by the Senate, has the status of a treaty, but it does not by virtue of

this fact override any provisions of the Constitution. Though treaties made in pursuance of the Constitution may under the supremacy clause override specific constitutional limitations, *Geofroy* v. *Riggs*, 133 U.S. 258; *Reid* v. *Covert*, 351 U.S. 487. If a congressional declaration of war would be required in other circumstances to commit U.S. forces to hostilities similar in extent and nature to those undertaken in Korea, the ratification of the U.N. Charter would not obviate a like requirement in the case of the Korean conflict. While the issue of Presidential power which was the subject of the great debate in Congress was never authoritatively resolved, it is clear that Congress acquiesced in President Truman's intervention in Korea. See Rees, The Limited War—1964; Pusey, The Way We Go to War—1969.

DEPLOYMENT OF U.S. TROOPS THROUGHOUT THE WORLD

In February 1917, President Wilson requested congressional authority to arm American merchant vessels. When that authority failed of passage in Congress as a result of a filibuster or extended debate, Wilson proceeded to arm them without congressional authority, stating that he was relying on his authority as Commander in Chief.

Near the close of the First World War, President Wilson announced a decision to send American troops to Siberia. The troops so sent remained for over a year, their withdrawal beginning in January 1920. There was no congressional authorization of such disposition of troops, and the United States had not declared war on Russia.

In 1941, prior to Pearl Harbor, President Roosevelt utilized his power as Commander in Chief to undertake a series of actions short of war, designed to aid the allied forces in the Second World War. On April 9, 1941, he made an agreement with the Danish minister for the occupation of Greenland by American forces. In May 1941, Roosevelt issued a proclamation declaring unlimited national emergency, and he ordered American naval craft to sink on sight foreign submarines found in the defensive waters of the United States.

In July 1941, the President announced that U.S. forces would occupy Iceland in order to relieve British forces there, and that the Navy would perform convoy duty for supplies being sent to Great Britain under lend-lease. In September 1941, Roosevelt stated that he had given orders to the U.S. Army and Navy to strike first at any German or Italian vessels of war in American "defensive waters"; the following month, he decided to carry 20,000 British troops from Halifax to the Middle East in American transports.

President Truman's decision in 1951 to send four U.S. divisions to Europe in discharge of the Nation's NATO commitment occasioned prolonged debate in Congress over his powers to take such action without congressional approval. Congress ultimately acquiesed in the President's action without actually resolving the question, and all of President Truman's successors have asserted and exercised similar authority.

AUTHORITY TO CONDUCT OR CARRY ON ARMED CONFLICT ONCE IT HAS BEEN LAWFULLY INSTITUTED

It has never been doubted that the President's power as Commander in Chief authorizes him, and him alone, to conduct armed hostilities which have been lawfully instituted. Chief Justice Chase, concurring in ex parte Milligan, 4 Wall. 2, at 139, said:

> Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as Commander in Chief.

In the First World War, it was necessary to decide whether U.S. troops in France would fight as a separate command under General Pershing, or whether U.S. divisions should be incorporated in existing groups or armies commanded by French or British generals. President Wilson and his military advisers decided that U.S. forces would fight as a separate command.

In the Second World War, not only similar military decisions on a global scale were required but also decisions that partook as much of political strategy as they did of military strategy. Should the United States concentrate its military and material resources on either the Atlantic or Pacific fronts to the exclusion of the other, or should it pursue the war on both fronts simultaneously? Where should the reconquest of allied territories in Europe and Africa which had been captured by the Axis Powers begin? What should be the goal of the Allied Powers? Those who lived through the Second World War will recall without difficulty, and without the necessity of consulting works of history, that this sort of decision was reached by the allied commanders in chief, and chief executive officers of the allied nations, without—on the part of the United States—any formal congressional participation. The series of conferences attended by President Roosevelt around the world—at Quebec, Cairo, Casablanca, Tehran, Yalta, and by President Truman at Potsdam, ultimately established the allied goals in fighting the Second World War, including the demand for unconditional surrender on the part of the Axis nations.

Similar strategic and tactical decisions were involved in the undeclared Korean war under President Truman. Questions such as whether U.S. forces should not merely defend South Korean territory, but pursue North Korean forces by invading North Korea, and as to whether American Air Force planes should pursue North Korean and Chinese Communist planes north of the Yalu River, separating Red China from North Korea, were, of course, made by the President as Commander in Chief without any formal congressional participation.

It is clear that the President, under his power as Commander in Chief, is authorized to commit American forces in such a way as to seriously risk hostilities, and also to actually commit them to such hostilities, without prior congressional approval. However, if the contours of the divided war power contemplated by the framers of the Constitution are to remain, constitutional practice must include Presidential resort to Congress in order to obtain its sanction for the conduct of hostilities which reach a certain scale. Constitutional practice also indicates, however, that congressional sanction need not be in the form of a declaration of war.

In the case of the Mexican War, which was brought about, if not initiated, by President Polk, he requested and obtained a declaration of war. Congress, meeting in 1861 pursuant to the call of President Lincoln, ratified all of the actions he had taken on his own initiative, and apparently refrained from declaring war on the Confederate States only because it did not wish to recognize them as a sovereign nation.

However, the fifth Congress authorized President Adams to take certain military action against France without going so far as to declare war. More recently, in connection with President Eisenhower's landing of troops in Lebanon and with the Cuban missile crisis in 1962, Congress has given advance authorization for military action by the President without declaring war (71 Stat. 5; 76 Stat. 697).

The notion that such advance authorization by Congress for military operations constitutes some sort of an invalid delegation of congressional war power simply will not stand analysis. A declaration of war by Congress is, in effect, a blank check to the Executive to conduct military operations to bring about subjugation to the Nation against whom war has been declared. The idea that while Congress may do this, it may not delegate a lesser amount of authority to conduct military operations, as was done in the instances referred to above, is utterly illogical and unsupported by precedent. While cases such as *Schecter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935), hold that Congress in delegating powers to deal with domestic affairs must establish standards for administrative guidance, no such principle obtains in the field of foreign affairs. The Supreme Court in *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, made this distinction clear.

What must be regarded as the high-water mark of executive action without express congressional approval is, of course, the Korean war. Although Congress never expressly sanctioned the President's action in committing U.S. forces by the hundreds of thousands to the Korean conflict, it repeatedly voted authorizations and appropriations to arm and equip the American troops. This is not to say that such appropriations are invariably the equivalent of express congressional approval; the decision as to whether limited hostilities, commenced by the executive, should be sanctioned by Congress may be one quite different from the decision as to whether American troops already committed and engaged in such hostilities shall be equipped and supplied.

CONGRESSIONAL POWER TO RESTRICT THE PRESIDENT

While the President may commit Armed Forces of the United States to hostile conflict without congressional authorization under his constitutional power as Commander in Chief, his authority exercised in conformity with congressional authorization or ratification of his acts is obviously broader than if it stood alone. By the same token, Congress undoubtedly has the power in certain situations to restrict the President's power as Commander in Chief to a narrower scope than it would have had in the absence of legislation. Chief Justice Marshall strongly intimates in his opinion in *Little* v. *Barreme*, 2 Cranch. 1970 (1804), that the executive action directing the seizure of a ship on the high seas would have been valid had not Congress enacted legislation restricting the circumstances under which such a seizure was authorized. Congress, exercising its constitutional authority to "make rules concerning captures on land and water," may thus constrict the President's power to direct the manner of proceeding with such captures.

Congress has similarly sought to restrain the authority of the President in the exercise of its power to "raise and support armies." In the Selective Service and Training Act of 1940, it was provided that:

> Persons inducted into the land forces of the United States under this act shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands (54 Stat. 885).

In the year following enactment of this law, President Roosevelt determined to send U.S. troops, including draftees, to Iceland in order to relieve British troops garrisoned there. He chose to strain geography, rather than the law, and obtained the opinion of what was apparently a minority-view geographer that Iceland was actually in the western hemisphere.

On December 15, 1969, Congress adopted an amendment to the defense appropriations bill H.R. 15090 providing that U.S. forces shall not be dispatched to Laos or Thailand in connection with the Vietnam conflict. It supported this provision offered by the Senator from Idaho as a reasonable exercise of congressional authority.

This is not to say however that every conceivable condition or restriction which Congress may by legislation seek to impose on the use of American military forces would be free of constitutional doubt. Even in the area of domestic affairs where the relationship between Congress and the President is balanced differently than it is in the field of external affairs, virtually every President since Woodrow Wilson has had occasion to object to certain conditions in authorization legislation as being violative of the separation of powers between the executive and the legislative branch. The problem would be compounded should Congress attempt by detailed instructions as to the use of American forces already in the field to supersede the President as Commander in Chief of the Armed Forces. Surely this is the thrust of Chief Justice Chase's concurring opinion in ex parte Milligan, quoted earlier:

> [Congressional power] necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as Commander-in-Chief. 4 Wall. at 139.

THE VIETNAM CONFLICT

The duration of the Vietnam conflict and its requirements in terms of both men and materiel would have raised the most serious sort of constitutional question, had there been no congressional sanction of that conflict. However, as is well known, the conflict formally began following an attack on U.S. naval forces in the Gulf of Tonkin in August, 1964. At that time, President Johnson took direct air action against the North Vietnamese, and he also requested Congress "to join in affirming the national determination that all such attacks will be met" and asked for "a resolution expressing that support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty."

On August 10, 1964, Congress passed the so-called Gulf of Tonkin Resolution. I ask unanimous consent that the text of the resolution, 78 Stat. 384 (1964), be printed at this point in the RECORD.

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

SOUTHEAST ASIA RESOLUTION[1]

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. DOLE. Mr. President, in connection with this resolution, Congress noted that whatever the limits of the President's authority acting alone might be, whenever Congress and the President act together, "there can be no doubt" of the constitutional authority.

Since that time, Congress repeatedly adopted legislation recognizing the situation in Southeast Asia, providing the funds to carry out U.S. commitments there, and providing special benefits for troops stationed there. By virtue of these acts, and the Gulf of Tonkin resolution, there was long-standing congressional recognition of a continuing U.S. commitment in Southeast Asia. This recognition and ratification of the President's policies continued even after the Tonkin Gulf resolution was repealed in 1970.

While seeking a negotiated peace and furthering "Vietnamization," President Nixon continued to maintain U.S. troops in the field in South Vietnam. The legality of the maintenance of these troops in South Vietnam, and their use to render assistance to the South Vietnamese troops in repelling aggression from the Vietcong and the North Vietnamese, would have been subject to doubt only if congressional sanction of hostilities commenced on the initiative of the President could be manifested solely by a formal declaration of war. But the numerous historical precedents previously cited militate against such reasoning.

A requirement that congressional approval of presidential action in this field can come only through a declaration of war is not only contrary to historic constitutional usage, but as a practical matter would curtail effective congressional participation in the exercise of the shared war power. If Congress may sanction armed engagement of U.S. forces only by declaring war, the possibility of its retaining a larger degree of control through a more limited approval is foreclosed. While in terms of men and material the Vietnam conflict was one of large scale, the objectives for which the conflict is carried on were by no means as extensive or all-inclusive as would have resulted from a declaration of war by Congress. Conversely, however, there was not the slightest doubt from an examination of the language of the Gulf of Tonkin resolution that Congress expressly authorized extensive military involvement by the United States. To reason that if the caption "declaration of war" had appeared at the top of the resolution that involvement would have been permissible but that the identical language without such a caption did not give effective congressional sanction, would be to treat this most nebulous and ill-defined of all areas of the law as if it

[1] Text of Public Law 88-408 [H.J. Res. 1145], 78 Stat. 384, approved Aug. 10, 1964. Department of State Bulletin, Aug. 24, 1964, pp. 272-274.

were a problem in common law pleading, Mr. Justice Grier, more than a century ago, in the prize cases said.

This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprung forth suddenly from the parent brain, a Minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact.

If substance prevailed over form in establishing the right of the Federal Government to fight the Civil War in 1861, substance should equally prevail over form in recognizing congressional sanction for the Vietnam conflict by the Gulf of Tonkin resolution, even though it was not in name or by its terms a formal declaration of war.

SEPARATE AND SHARED AUTHORITY

Mr. President, I believe the foregoing discussion indicates that a significant body of practice, precedent and tradition has grown up surrounding the war powers of this country. It shows that the President is charged with real responsibilities in major areas where he and he alone must make decisions and choices. It also shows that the Congress, too, has a proper, legitimate role to play with its own unique and separate authority. There are some clear lines of demarcation and firm divisions of authority.

Of course, the Congress cannot and should not become involved in the tactics and strategy required to carry out national defense policy. And at the same time the President cannot and should not seek to determine that national defense policy solely on his own initiative.

But between these firm and clear areas there is room and a real need for shared decisionmaking and joint leadership. And in my view the war powers resolution before the Senate today is a responsible and necessary attempt to serve the national interest by harmonizing the roles of the legislative and executive branches in the exercise of the war power.

PREVIOUS SUPPORT FOR WAR POWERS ACT

When this measure was first introduced in the 91st Congress in 1970, I joined in sponsoring it. At that time I felt it was a proper and useful attempt by Congress to cast some light in a murky and misunderstood constitutional area. It was re-introduced in the 92d Congress in 1971; however, at that time, we were in the midst of the Vietnamization program, efforts were continuing to reach a negotiated settlement to the Vietnam conflict, and we were still unable to secure information about or the return of our prisoners of war and missing in action.

CONCERN FOR MISCONSTRUCTION OF CONGRESSIONAL ACTION

At that time I felt a genuine concern that an entirely appropriate and useful exercise of the Congress powers in attempting to define the lines of constitutional authority might be misconstrued by the opposite side at the Paris negotiations, and thus endanger the prospects for achieving a negotiated peace and the earliest possible end to the conflict in Southeast Asia. Therefore, I did not re-join my colleagues in sponsoring this legislation.

Happily, the Vietnam war is now behind us. American forces have been withdrawn. Our prisoners are home. The Paris agreements establish our rights to information on the missing, and there is hope that the Vietnamese parties will be able to arrive at a peaceful determination of their future course. Barring further congressional authorization, the bombing in Southeast Asia has been ended.

CONCLUSION

This is a unique moment in our history, and it is an appropriate interval for Congress to assert its authority in a proper, constructive and worthwhile manner.

The war powers resolution will establish a partnership between the Congress and the Presidency in exercising the awesome responsibility of employing this Nation's military might. It should serve to stimulate broader communication between the legislative and executive branches. And in so doing it will serve as a strong unifying influence in a nation which in recent years has too frequently by forces of division, discord and mistrust between the branches of government, between groups and among individuals.

I am pleased to support this legislation and believe its passage will mark a proud and hopeful day in the constitutional history of the United States.

Mr. JAVITS. Mr. President, I yield myself a half minute just to say that Senator DOLE was the first original cosponsor of my first war powers bill, for which I am very grateful. His heart has always been with this measure. I understood his inability to join again in 1972, as he has described it. I am very grateful for the fine, generous statement he has just made.

Mr. President, I have no further requests for time, so I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

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

The yeas and nays were ordered.

Mr. HUDDLESTON. Mr. President, as a cosponsor of S. 440, the war powers bill passed earlier this year by the Senate, I support the conference agreement on war powers, House Joint Resolution 542.

I must say at the outset that I prefer S. 440 to the legislation before us. I prefer its specificity on the constitutional powers of the President and I prefer the 30-day limitation on committing U.S. troops to hostilities abroad to the 60 day one. A doubling of the time allowed for an engagement is, I believe, more than a doubling of the likelihood that we could become involved in a situation that is neither desirable nor even intended.

Nevertheless, I appreciate the time and effort which have gone into the development of this resolution, and I find it significant that this is the first major piece of legislation on congressional prerogatives to emerge from conference. For the first time, we have an effort to establish a mechanism by which Congress can exercise powers which it has allowed to atrophy.

And, we have an effort to reassert congressional prerogatives in an all-important area. The war powers are, under the Constitution, shared powers. Both the Congress and the President have responsibilities and authorities in the use of U.S. armed services abroad. History, however, demonstrates that, largely by inaction, Congress has permitted its powers to be assumed to a large extent by the executive.

This legislation represents an attempt by the Congress to establish a mechanism—a means by which it can exercise the powers which the Founding Fathers granted to it and which the people of this Nation expect their representatives to exercise.

Under the conference resolution, the President would be required to report to Congress within 48 hours of committing forces to hostilities abroad in the absence of a declaration of war, and to specify: First, the constitutional and statutory authority under which the action was taken; Second, the circumstances which necessitated the action; and third, the expected scope and duration of the action. Furthermore, troops could be deployed no longer than 60 days unless Congress took action to authorize the continued involvement of the forces, and it could provide for an earlier termination of involvement.

Thus, the war powers legislation represents one method by which we can strengthen our democratic process—one means of bringing the collective judgment of the Congress and the executive branch to bear on the use of our Nation's Armed Forces outside our borders. It represents a means by which we may, hopefully, have decisions resulting from deliberations by two heads in our Government rather than one and from additional input from those elected officials closest to the people. It represents a means by which we may seek to restore a constitutional balance, as well as a balance among the views, opinions, and options.

In the long run, of course, the bill will be only as effective as we in Congress make it. It sets up a mechanism, but the mechanism will work only if we make it work—only if we use it. Thus, this resolution must be viewed as a first step—a first move toward a reassertion by Congress of its constitutional powers regarding the use of U.S. troops abroad.

It is, nevertheless, appropriate that we move on this measure at this time. The original war powers bills were, in ef-

fect, the outgrowth of our involvement in Vietnam—a little-understood involvement which continually lost support from the American people, causing not only discontent at home, but asking the young men of our Nation to serve in an untenable situation, risking their lives without the unified backing of their countrymen at home.

We do not want such a situation again, and although the memory of recent experience itself may be a hindrance to new involvement, it is, I believe far better to have a means for assuring against that involvement than to depend upon our recent disillusionment. While we cannot foresee all situations which might occur in the future, we can learn from the experiences of the past and, from those, build a framework which will help avoid in the future the misdirections of the past. That is what House Joint Reslution 542 does and that is why I am supporting it.

Mr. MATHIAS. Mr. President, I intend to vote for the War Powers Act as reported by the conference committee of the House and the Senate. The conferees are to be commended for the bill which is before us today. Senators JAVITS, EAGLETON, and STENNIS have performed a great service to the Nation in their 2-year effort to bring order to the procedures by which the country may go to war should that awful necessity be pressed upon the Nation

Under the Constitution the power to engage U.S. forces is reserved to the Congress. Unfortunately since World War II the practice has grown up by which the United States has been drawn by actions of Executive authority alone into small wars which by process of almost imperceptible accretion has resulted in great wars. As the experience of Vietnam has shown, it has been difficult for the legislature to terminate our involvement once U.S. forces are engaged requiring a two-thirds vote to overcome a Presidential veto.

As a result of this critical constitutional situation, the Senate and the House have been engaged in debate of several years duration concerning procedures on how the United States becomes involved in wars and how it can end involvement in wars.

The war powers bill before us today prescribes ways to prevent the United States from again backing into wars of the kind that have plagued us in the recent past. It is my hope that the experience of the past 20 years will prevent future Vietnams, but no legislative procedure can substitute for vigilance and the courage to act to prevent commitment in situations which could lead to an inextricable involvement. The vigilance I speak of requires far more foresight on the part of the Foreign Relations and Armed Services Committees of both Houses than has been the experience of the past. It will require, in my view, a restructuring of the committees, additional staff and access to better information if proper oversight is to be carried out.

It is my hope in the Senate, Senator FULBRIGHT and Senator STENNIS will make the changes necessary in their committee structures to meet what has become obvious need to improve the quality of the committee's oversight functions.

I have one reservation concerning the war powers bill: Section 5(b) speaks of "unavoidable military necessity." It is my view that introduction of this phrase only repeats an error which has bedevilled the proper functioning of our Government for the past 20 years. What is the essential difference between "unavoidable military necessity respecting the safety of U.S. Armed Forces" and other vagaries connected with powers of the Commander in Chief or the imperatives of national security?

I think it is a mistake to add to the constitutional and legal lexicon yet another grey area. It is true that the conferees have narrowed the circumstances under which the President could call upon the doctrine of "unavoidable military necessity," but I think it is necessary to point out the possible dangers implicit in this new area of Executive unaccountability. By legislation we are creating the license for what has previously been unlicensed.

With this sole reservation, I wish to commend again the conferees and particularly Senator JAVITS, Senator EAGLETON, and Senator STENNIS for the great work that they have done to restore the constitutional restraints that the Founding Fathers placed upon the ability of this Government to take the United States into war.

Mr. TAFT. Mr. President, I have been active for a number of years, both in this body and in the House of Representatives, in support of measures to return the warmaking power to the Congress. I wish now to express my renewed support of the "war powers resolution" as reported by the conference. It is not only a fair compromise between the views of the two Houses of Congress, but also a very satisfying culmination of the efforts of many of my colleagues and myself on this essential question.

The language of the framers of our Constitution was clear on this issue: "The Congress shall have power . . . to declare war." At times in our history it has been argued that this limits congressional authority to instances where a declaration of war is asked for, that the executive can act on its own authority to commit acts of war without a declaration. But the authors of the Constitution have given us strong indications that they would not have agreed with this argument. One common form of undeclared war in the 18th century was the issuance of letters of marque and reprisal. Governments would often issue such letters well before war was declared and sometimes in lieu of a declaration, as a type of limited war. The constitutional authors specifically gave this contemporary limited war power to Congress, along with the power of declaring war.

The events of the last 10 years in Southeast Asia have shown, furthermore, that the question of war powers is more than a legal and constitutional question, more than a question of the perennial struggle for power between the three branches of the Government: It is a question of whether, in times of crisis, our country will be united in the face of its enemies, or in a position to be divided against itself in bitter dispute.

All of us assembled here, and all of those for whom we speak, have felt with pain the conflict, the turmoil, the hate which split this Nation over the Vietnam war. We even saw some of our citizens seemingly as eager for the defeat of their country's Armed Forces by a foreign enemy. We saw the installations of our own military bombed by our own people, and students lying dead on a college campus, shot by the soldiers who had enlisted to defend them. We saw son set against father, brother against brother, with a rancor as great as any we have ever known.

The pain that this division caused was limited to no one group. Modern, conservative, liberal or radical, political or apolitical, soldier, student, artist or housewife, all felt deeply that something was drastically wrong. And all feel deeply now that such a division within our Nation must not occur again.

This is one real meaning of the bill before us today. It is not a question of party, nor of right or left. Through the process prescribed in this bill, we hope to assure that this Nation will not commit its Armed Forces to action on the word of one man, without a popular consensus as expressed by the elected Representatives of the people. This would answer the main concern of many Americans expressed during the Vietnam war. We would help to make certain that once we are involved in hostilities, the Nation will be united in its war efforts—thus insuring that we will not face the internal dissent which so disturbed the Nation in recent years. All parties and all persuasions are served by the clarification of the war power as being reserved to the people, by the assurance that any armed action by this Nation will be the result of open debate, public participation, and a true national consensus. Yet I believe we have still reserved to the Executive the proper and needed authority to act swiftly.

I would like to emphasize here that while this bill is unquestionably a product of the pain of our division over Vietnam, it in no way infers criticism of President Nixon's handling of that crisis. Had this bill been law during the present administration's tenure in office, the policies which our President adopted, and the manner in which he used our Armed Forces to bring about an honorable peace which maintains the freedom of the South Vietnamese people, would have received my full support in Congress.

The resolution, as I consponsored it and as it has emerged from committee does not impinge upon the Executive's necessary power to act decisively in event of an attack upon the territory of the United States or upon its Armed Forces. Nor does it interfere with the President's right to control and direct our Armed Forces, in his capacity of commander in chief, once hostilities have been authorized by the Nation speaking through Congress. The provisions that any long-term involvement of our military forces receive congressional authorization, and that Congress be consulted in every pos-

sible instance before troops are committed, can in no way be interpreted as an assault on the President's rightful prerogatives as Chief Executive or as commander in chief.

Constitutionally, we seek merely to return to the balance between the Congress and the Executive intended by the founders of our governmental system. We are attempting to restore the Executive to its role of executor of policy.

We intend no negative reflections upon President Nixon's conduct of the Vietnam conflict; I have supported and continue to support his decisions on that difficult affair.

We advocate that the people be given their proper role in any decision for war or peace, that any commitment of American troops to combat be a product of a genuine national consensus. We state the fact that there is no other way such an action can be taken, without paying the dangerous price of setting Americans against each other in strife and hate. Our argument is not based upon what should be, but on what has happened and what must not be allowed to happen again.

Mr. BROOKE. Mr. President, with a positive vote for the war powers conference report in both the House and the Senate, the Congress will present to the President and the American people a clear and unequivocal statement of its intent to participate in the decision of whether or not to commit American lives and fortunes to the uncertainties of war.

It is unnecessary to itemize the differences that existed in the two versions of the War Powers Act. They are well known to members of this body. The compromise reached in conference is acceptable. The bill, as agreed to in conference, provides the following guidelines for U.S. involvement in armed conflicts:

The President is barred from waging war for more than 60 days without congressional consent.

The President is allowed to continue hostile actions for as long as 30 more days if such action is an "unavoidable military necessity" to protect U.S. troops in the field.

Congress is authorized to demand a halt to military action at any time through a concurrent resolution. Such a resolution will not be subject to presidential veto.

Congressional understanding of the conditions under which a President might commit U.S. troops to combat is as follows:

A formal declaration of war;

Specific authorization by Congress;

National emergency created by an attack upon the United States, its territories, possessions, or Armed Forces.

These provisions do not tie the President's hands as is so often contended by opponents of war powers legislation. They provide sufficient latitude for the United States to act quickly and judiciously in coping with the dynamic nature of international relations. In fact, I believe that the war powers guidelines, as envisioned in this act, will strengthen a President's hand in dealing with conflict situations by insuring that the Congress and the Executive act in unison in any situation that threatens to involve the United States in a prolonged military engagement. The discord and contentions caused by the Vietnam war are ample proof of the importance of having this type of cohesion in times of actual or imminent war.

I have previously stated in this body that it is unwise to ignore the insights of our Founding Fathers who recognized that great dangers inhere in unitary authority to both declare and wage war. To allow the Executive almost unlimited freedom to determine when and under what conditions U.S. Armed Forces will engage in hostilities would be the very abrogation of the fundamental purposes of the checks and balances in our governmental system. Thomas Jefferson recognized this when he stated:

We have already given in example one effectual check to the Dog of War by transferring the powers of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

We are also recognizing this fact in passing the pending War Powers Act.

Favorable Senate and House action on this conference report will not represent victory. The President has stated his intent to veto any war powers legislation. Therefore, while we, as proponents of this bill, can take justified satisfaction in its passage through Congress, we must recognize that the most difficult struggle will be to override a veto should it occur. Our attention must be turned to this consideration even while we vote on the pending measure. The ultimate test of congressional intent to assert its rightful place in the decisionmaking process regarding war is not today, but in several weeks time.

Mr. PELL. Mr. President, current headlines sadly remind us that the world has not yet succeeded in rejecting war as an instrument of national policy. I earnestly hope that the day will arrive when war has been rejected once and for all. I solemnly fear for the consequences if this does not happen sooner rather than later and will devote my unremitting efforts to achieving that day.

Meanwhile, we must face up to the possibility of the future exercise of war powers by the U.S. Government. In the debate on this subject in July, I expressed the imperative need for action to redress the balance that over the years has shifted heavily to the executive branch at the expense of the legislative in arriving at decisions to engage the United States in hostilities abroad. I have always felt that much of the tragedy of our involvement in Indochina which have been avoided if the voice of Congress could have been heard louder and clearer in that decisionmaking process. Therefore, I supported passage of the war powers bill in the Senate and welcomed the action in the House, which approved legislation differing only in detail but not in purpose from Senate proposals.

As a result of the splendid efforts of the conferees, these differences have now been harmonized in House Joint Resolution 542. I find the resolution an eminently reasonable, objective piece of legislation deserving of swift passage.

The issues treated in the resolution are national issues going to the very heart of the role of government in an open democratic society. These issues demand unity of action by the Congress and by the President. The latter has indicated he would veto war power legislation as an invasion of his constitutional prerogatives. Such action would be a regrettable failure to achieve sorely needed national unity. Nor would a veto be justified on constitutional grounds.

As the President of the United States, it is assumed that Mr. Nixon is a reasonable man. I challenge a reasonable man to find grounds for claiming that Joint Resolution 542 goes any further than reestablishing the balance between the Congress and the President, called for by the Constitution, in the exercise of the powers to wage war, declared or undeclared. At this moment of bitter warfare in the Middle East, President Nixon can reassure the American people of his qualities as a leader and statesman by signing Joint Resolution 542 into law.

Mr. WILLIAMS. Mr. President, the conference report on House Resolution 542, the war powers resolution, is designed to delineate clearly the powers and responsibilities of the legislative and executive branches of our Government in regard to the commitment of American forces to combat. We are addressing today a subject of literally life or death importance for the members of our military services. In addition, this is an issue that goes to the very heart of our system of government. For, if the elected representatives of the people cannot express their will on this subject, then there is little substance to our claim to be a democratic country.

Since the end of the Second World War, American troops have fought in Korea and Vietnam for a total of almost 11 years without a declaration of war. During this period over 105,000 Americans have died and over 400,000 have been wounded as a result of their activities in the war zone. Hundreds of billions of dollars have been expended; however, during this 11 years Congress has not exercised its constitutional responsibility. Congress has not declared war. Yet, for those 105,000 men and their families there has been war. I do not wish this statement to be misconstrued as an attempt to fix blame on the executive branch of our Government. I am sure these actions were totally in keeping with sincere convictions. What I am saying is that Congress has not acted vigorously to discharge its own responsibilities.

Congress has the opportunity annually to determine the defensive posture for our military forces to meet threats to our national security. But, congressional responsibility in foreign policy should go far beyond decisions on military expenditures. The introduction of American troops into combat is an issue of our paramount national interest, and all Members of Congress should bear the responsibility that the Constitution places upon them to determine when this action is necessary. The debate today addresses what is needed to restore the balance in the constitutional relationship between the two political branches of the Government, so that Congress can make that determination.

The intent of the framers of our Constitution concerning responsibilities for conducting war could not have been more

clearly stated. Under article I, section 8 of the Constitution, Congress has the power to declare war and to make all the laws necessary and proper for carrying into execution its own and all other powers vested in the Government of the United States.

This resolution reasserts the principle that the President, as Commander in Chief, can introduce U.S. Armed Forces into hostilities only when there is a declaration of war, a specific statutory authorization, or a national emergency created by an attack upon the United States, its territories, possessions, or Armed Forces. Under the resolution, Congress exercises its constitutional authority to legislate in this area by requiring specific procedures for consulting with and reporting to Congress when U.S. Armed Forces are introduced or are likely to be introduced into hostile situations.

The most important provision of this legislation is one which requires affirmative congressional approval within 60 days after the President's initial report that hostilities exist or are imminent. Without such congressional approval, the President must terminate the use of U.S. Armed Forces in hostilities. In cases of unavoidable military necessity, the President is given the authority to use these forces in hostilities for an additional 30 days.

However, these forces could only be used for this additional time period in the course of bringing about their prompt removal.

When the President is obliged to come to Congress in order to continue the use of American forces, our constitutional system will function as it should. Before a decision is made to continue the involvement of U.S. forces, Congress should be given the opportunity to conduct a serious debate as to precisely whether the American interests at stake justify the use of our military forces. If the Congress is to have any role at all in the formulation of American foreign policy, it must exercise its right to define our national interests, and, most importantly, it must know that its definition of the national interest will be fully observed by the actions of the Executive.

The war powers resolution is designed to leave the President's hands free in those situations that are clearly emergencies. But, when the United States or its troops are not under attack, the President must come to Congress to receive authorization to use American forces. This limitation is one that the framers of our Constitution wisely made a part of our system of checks and balances. They deliberately made it difficult for the United States to enter war, and that difficulty should remain. If there remains some ambiguity concerning the powers of the Executive in this area, the war powers resolution is designed to remove it.

I believe that the war powers resolution is one of the most significant pieces of legislation considered by this Congress. I opened my remarks by noting that the issue at hand was one of life or death for American military men, and one that went to the very heart of our democratic system. I don't believe that I have exaggerated. I feel that the war powers resolution is a serious, well-reasoned attempt to restore the constitutional power of declaring war to Congress. It should be passed, and the executive branch should view it as a measure that will strengthen our constitutional system of government.

Mr. MONTOYA. Mr. President, article I, section 8, clause 11 of the Constitution gives the Congress both the power and the responsibility to declare war.

It has been popular recently to accuse the President of usurping Congress war making powers, and there is some justification for this accusation. Recent Presidents have exceeded the constitutional bounds. But they have done so with the tacit consent of Congress, for we have not been diligent, as we should have been, in insisting that the war making powers stay in Congress, where the Founding Fathers vested them.

We learned slowly through the years of the Vietnam war that we had allowed a situation to develop which demanded correction. That correction is now before us in the form of the compromise version of the war powers bill, and I support it.

In passing it, however, we must not forget recent history and assume that our troubles and responsibilities as Senators end at the moment this vote is announced. We ought to be able to recall only too well the Tonkin Gulf resolution. What Congress intended to do in passing that resolution and what two Presidents interpreted the resolution to mean were two separate realities. So we must assert forcefully today that, in passing this conference report, we are not, in any sense whatsoever, authorizing the President to engage at will in 60-day wars. We are not giving him carte blanche. What we are doing is establishing a means by which the peoples' direct representatives can end wars, can say no to well-intentioned but ill-founded military action by the Executive.

This understanding is vital to a correct interpretation of what we are doing today.

Mr. EAGLETON. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Nebraska (Mr. CURTIS).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 75, nays 20, as follows:

[No. 465 Leg.]

YEAS—75

Aiken	Hart	Nunn
Bartlett	Haskell	Packwood
Bayh	Hatfield	Pastore
Beall	Hathaway	Pearson
Bellmon	Hollings	Pell
Bentsen	Huddleston	Percy
Bible	Humphrey	Proxmire
Biden	Inouye	Randolph
Brock	Jackson	Ribicoff
Brooke	Javits	Roth
Burdick	Johnston	Schweiker
Byrd, Harry F., Jr.	Kennedy	Scott, Hugh
Byrd, Robert C.	Long	Scott, William L.
Cannon	Magnuson	Sparkman
Case	Mansfield	Stafford
Chiles	Mathias	Stennis
Church	McClellan	Stevens
Clark	McClure	Stevenson
Cook	McGee	Symington
Cranston	McGovern	Talmadge
Dole	McIntyre	Tunney
Domenici	Metcalf	Weicker
Fong	Mondale	Williams
Fulbright	Montoya	Young
Gravel	Moss	
	Muskie	

NAYS—20

Abourezk	Ervin	Hruska
Allen	Fannin	Hughes
Baker	Goldwater	Nelson
Buckley	Griffin	Saxbe
Cotton	Gurney	Thurmond
Dominick	Hansen	Tower
Eagleton	Helms	

NOT VOTING—5

Bennett	Eastland	Taft
Curtis	Hartke	

So the conference report was agreed to.

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

Mr. ROBERT C. BYRD. Mr President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 2556—AMENDMENT OF SECTION 14(b) OF THE FEDERAL RESERVE ACT, AS AMENDED

Mr. SPARKMAN. Mr. President, I send to the desk a bill and ask unanimous consent for its immediate consideration.

I have cleared this matter with the Democratic and the Republican leadership.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2556) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for eight months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill? The Chair hears none, and it is so ordered.

The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

The bill (S. 2556) was passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled. That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "November 1, 1973" and inserting in lieu thereof "July 1, 1974" and by striking out "October 31, 1973" and inserting in lieu thereof "June 30, 1974".

SHODDY SECRECY AND DELAY IN GIVING ADEQUATE AND PROPER INFORMATION ABOUT OUR NUCLEAR WEAPONS POSITION

Mr. SYMINGTON. Mr. President, last April 16, the Military Applications Subcommittee of the Joint Atomic Energy Committee, which subcommittee I chair, held the first of a series of hearings on the military applications of nuclear technology.

The first witness was Maj. Gen. Edward B. Giller, retired, Assistant General Manager for National Security, Atomic Energy Commission.

On May 1, the classified transcript of this hearing with General Giller was sent to the AEC for security review prior to publication. Said transcript was reviewed in an effort to release to the public as much information as possible about the true nuclear strength of the United States; and thereupon it was returned to the committee for printing last June 5.

Final page proofs went to the printer July 3; and the hearing was released to the public July 15.

Two additional hearings on this same subject were held, one in May, the other in June. Neither have yet been released, and this is the story:

On May 22 the subcommittee took testimony from Dr. Carl Walske, then chairman of the military liaison committee to the AEC in the Defense Department. Shortly thereafter Dr. Walske resigned.

The transcript of that hearing was sent to the Defense Department for classification review on June 7, and returned to the committee on June 25.

Nearly everything was deleted by Defense except the names of the witnesses.

Many facts classified by Defense had already been declassified in the Giller testimony. The Walske testimony was returned, and the Defense Department was asked to again review it, so at least as much data as was available in the Giller transcript would also become a matter of public knowledge.

On September 6, Mr. Don Cotter, nominee to replace Dr. Walske, brought the transcript of the Walske hearing to our office to review additional material that had been declassified. At that time Mr. Cotter advised that the Defense Department would consider staff suggestions for further declassification, "clean up" the transcript, and then return it at earliest opportunity.

Over a month from that conversation, and more than 4 months from the date of the original hearing, we have still not received a cleared transcript of the Walske testimony.

On June 29 we received testimony from Gen. Andrew Goodpaster, supreme allied commander, Europe. The transcript of that hearing was sent to Defense for declassification on July 1.

On September 7, more than 2 months after the hearing in question, having heard nothing, we called General Goodpaster requesting said transcript. Three days later General Goodpaster sent me a reply through the National Military Command Center here in Washington.

That telegram apparently was "lost." Apparently also we would never have received it if we had not followed the matter up with the joint committee.

Having done so, we received the general's message stating that he had returned the transcript of his testimony to the Defense Department; and just this morning—more than 3 months after the hearing—the transcript was returned for the first time to the joint committee, but we have not yet had an opportunity to review the declassification, and make requests accordingly about releasing more information in which the people would be interested.

Such deliberate avoidance of giving the facts to the proper joint committee of the Congress is inexcusable; nor is there any reason to continue to withhold properly declassified information on this vital subject from the American people.

Perhaps one of the reasons for this sad state of affairs lies in our conviction that many billions of dollars could be saved, and could have been saved, if the facts about the true nuclear strength of the United States had been a matter of public knowledge.

SENATE RESOLUTION 181—AUTHORIZATION FOR CHAIRMAN OF SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES TO APPEAR AND TESTIFY IN COURT

Mr. ERVIN. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

Resolution authorizing the chairman of the Senate Select Committee on Presidential Campaign Activities to testify and produce Committee records before the United States District Court for the Southern District of New York pursuant to Subpoenas issued in a criminal case pending in such court.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. ERVIN. Mr. President, this resolution is offered by the distinguished vice chairman of the committee, the Senator from Tennessee (Mr. BAKER) and myself on behalf of all members of the Senate Select Committee on Presidential Campaign Activities. As chairman of that committee, I have been subpenaed to appear in U.S. District Court for the Southern District of New York in the so-called Vesco matter and to produce certain documents assembled by the select committee and its staff.

All members of the select committee are desirous of cooperating to the fullest possible extent with the administration of justice in this and in all other cases. The purpose of the resolution is to authorize me as chairman of the committee to testify if my personal testimony is sought and also to allow the select committee to produce through me any evidence in its possession which may be relevant to the issues joined in the case in which the subpenas have been issued and to authorize the select committee to seek enlightenment as to which of the records in its possession are relevant to the issues joined in this case, either through attorneys for the defendants or by appropriate motions in U.S. District Court for the Southern District of New York.

Mr. President, I yield to the distinguished Senator from Tennessee at this point.

Mr. BAKER. Mr. President, I thank the distinguished chairman of the committee for yielding to me.

I think the resolution is entirely appropriate. I think it is in order and clearly protects the right of the Congress and of the Senate with respect to the disclosure of information developed by the congressional staff and the committee, while at the same time showing a spirit of cooperation and demonstrating that the committee desires to show whatever type of information is made available to all parties in the litigation.

I am happy to join with the distinguished Senator from North Carolina in sponsorship of the resolution, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the resolution. (Putting the question.)

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RESOLUTION

Whereas, the Senate finds:

1. That a criminal case entitled United States of America vs. John N. Mitchell, Maurice Stans, and others, which is numbered 73 Cr. 439 (LPG) and which involves a campaign contribution for $250,000 allegedly made by Robert Vesco, is pending in the United States District Court for the Southern District of New York;

2. That Senator Sam J. Ervin, Jr., (who is hereafter called Senator Ervin), Chairman of the Senate Select Committee on Presidential Campaign Activities (which is hereafter called the Select Committee), has been served with three subpoenas issued by a deputy clerk of said District Court upon the application of John N. Mitchell and Maurice Stans commanding him to appear before said District Court at Foley Square, Room 906, in the City of New York on October 23, 1973, at 10 o'clock A.M. to testify in the aforesaid criminal case and to bring with him various things allegedly in the possession of the Select Committee, which are described in the several subpoenas;

3. That the things mentioned in the first subpoena are described in it as follows: "All records, tape recordings, notes, memoranda of conversations, interviews or testimony in executive session of the Committee conducted by Committee members, counsel, or staff of John W. Dean, III, which relate in whole or in part, directly or indirectly to the following: (a) The $250,000 contribution from Robert Vesco; (b) That portion of the SEC investigation bearing on the $250,000 contribution; and (c) Dealings with the SEC, Department of Justice, United States Attorney—Southern District of New York."

4. That the things mentioned in the second subpoena are described in it as follows: "All records, tape recordings, notes, memoranda

of conversations, interviews or testimony in executive session of the Committee conducted by Committee members, counsel, or staff of Hugh Sloan which relate in whole or in part, directly or indirectly to the following: (a) The $250,000 contribution from Robert Vesco; (b) That portion of the SEC investigation bearing on the $250,000 contribution; and (c) Dealings with the SEC, Department of Justice, United States Attorney—Southern District of New York."

5. That the things mentioned in the third subpoena are described in it as follows: "All reports, files, records, notes, memoranda, and other tangible evidence of contributions, donations or gifts in excess of $1,000 made to all candidates in the 1972 Presidential Campaign of either the Republican or the Democratic Party, including but not limited to primaries, which specify or relate to the following: (a) The names and addresses of the contributors and recipients; (b) The dates of all such contributions; and (c) The manner of payment of such contributions, whether it be by a check, cash, security or some other form of payment."

6. That Senator Ervin believes it is the duty of all persons to cooperate with the courts in the administration of criminal justice, and for this reason asks the Senate for authority to appear and testify in person on the trial of said criminal case if the defendants, John N. Mitchell and Maurice Stans, so desire, despite the fact that he is not aware of any personal knowledge which would make him a competent witness on the trial;

7. That the Select Committee did not investigate the contribution of $250,000 allegedly made by Robert Vesco or collect any information relating to it because it understood that the defendants, John N. Mitchell and Maurice Stans, were indicted in the pending criminal case on some charge arising out of such contribution, and because it refrains from investigating matters covered by pending indictments;

8. That for this reason, the Select Committee does not have in its custody, control or possession any of the things described in the first and second subpoenas;

9. That the Select Committee is virtually without any original reports, records, or memoranda of any kind relating to campaign contributions but does have in its possession enormous quantities of the following: (a) Copies made by its investigators from original reports, records, and memoranda relating to campaign contributions now in the possession of others; (b) Notes of interviews of numerous persons conducted by committee investigators; and (c) notes made by committee investigators for the purpose of refreshing their recollection in respect to what their oral investigations revealed;

10. That since the third subpoena makes no distinction between the originals and copies of reports, records, and memoranda, the Select Committee believes that it may have in its possession copies of reports, records, and memoranda called for by the third subpoena; but the Select Committee is unable to determine without further enlightenment whether any of these copies of reports, records, or memoranda are relevant to any of the issues joined in the aforesaid criminal case;

11. That all members of the Select Committee believe that it is their duty to cooperate with the courts in their administration of criminal justice, and for this reason they are desirous of having the Select Committee and its Chairman make available to the defendants, John N. Mitchell and Maurice Stans, any of the copies of reports, records, and memoranda in the possession of the Select Committee which are relevant to the issues involved in the aforesaid criminal case;

12. That the Senate believes that the most appropriate method by which such relevancy can be ascertained is by consultation between the Select Committee and counsel for the defendants, John N. Mitchell and Maurice Stans, or by preliminary orders entered by the said District Court upon appropriate motions made by the Select Committee;

13. That all of the members of the Select Committee are desirous that the Senate adopt this resolution: Now, therefore, be it

Resolved, That the Senate hereby authorizes Senator Ervin to make return to the first person before the United States District Court for the Southern District of New York in the aforesaid criminal case in the event the defendants, John N. Mitchell and Maurice Stans, desire him to do so.

Section 2. That the Senate hereby authorizes Senator Ervin to make return to the first and second subpoenas stating that the Select Committee does not have in its possession any of the things described in them;

Section 3. That the Senate hereby authorizes Senator Ervin, as Chairman of the Select Committee to produce before the U.S. District Court for the Southern District of New York on the trial of the aforesaid criminal case the originals or copies of any reports, records, or memoranda mentioned in the third subpoena which may be relevant to the issues involved in the aforesaid criminal case;

Section 4. That the Senate authorizes the Select Committee to ascertain by consultation with counsel for the defendants, John N. Mitchell and Maurice Stans, or by motions in the U.S. District Court for the Southern District of New York the relevancy, if any, to the issues involved in the aforesaid criminal case of any of the things in the possession of the Select Committee which are described in the third subpoena.

PROPOSED SELECT COMMITTEE ON THE CONSIDERATION OF A VICE-PRESIDENTIAL NOMINEE

Mr. ABOUREZK. Mr. President, earlier today I sent to the desk a resolution which would establish a Select Committee on the Consideration of a Vice-Presidential Nominee. I submitted the resolution for the reason that I think the Senate and the Congress ought to carefully consider such a nominee.

This select committee would have a membership of 4 majority members and 3 minority members, and it would be adequately funded and staffed so that a thorough inquiry and investigation can be made of anyone suggested by the President as his nominee for Vice President.

I state that if anyone is interested in cosponsoring the resolution, he is welcome to do so.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, there may be other votes yet today. At the moment I cannot predict what may develop.

Mr. President, I am about to move that the Senate recess for 30 minutes unless a Senator wishes to get recognition.

LEGISLATIVE PROGRAM

Mr. JOHNSTON. Mr. President, I would like to ask the majority whip a question of interpretation on the latest whip notice. Is there any doubt that we will have a recess?

Mr. ROBERT C. BYRD. Mr. President, may I answer in this way. I think that we may have some days in which the Senate will not be in session. But in view of recent events, over which we have no control, I would rather think that we may proceed on a pro forma basis, from time to time recessing for 1 or 2 or 3 days, and not have a 2-week recess, as originally planned. That would be a matter for the majority leader to decide.

Mr. PASTORE. Mr. President, would the Senator yield on that point?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. Mr. President, there is not a Member of the Senate who does not realize the criticality of the moment. We have amended the Constitution almost prophetically to allow the President of the United States to appoint a Vice President. I think that there is not a Member of the Senate who would not be willing to return immediately if a call came from the majority leader and minority leader to assemble to consider the appointment of a Vice President. I do not think there would be any hesitation at all in that regard.

Mr. ROBERT C. BYRD. Mr. President, I agree and I thank the Senator.

Mr. JOHNSTON. Mr. President, I certainly echo that sentiment. However, on the other hand, some of us who have made plans to leave and who would be perfectly willing to cancel them would like to know as best we can whether any trips should be canceled in the judgment of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I think I have answered the question about as well as I can at this time.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats. This is a matter of interest to all concerned. Staff personnel will observe the usual decorum.

The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I realize the situation that Senators are in. However, I think that my previous response is about the best that I can make. That is that I would doubt that the Senate will recess for 2 weeks as was previously anticipated.

I should rather think that this is a matter in which the majority leader will have to speak for himself later. However, it is my judgment that the Senate will recess on a 3-day basis, or more often, so that the Senate can be ready to act on any matters which are of an emergency nature. Without going out for 2 weeks, either body under the Constitution can recess for as much as 3 days without the acquiescence of the other body.

I should think that that would be the way the Senate would want to proceed, under circumstances that have arisen both in this country and abroad.

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

Mr. ROBERT C. BYRD. I yield.

Mr. FULBRIGHT. Mr. President, I am prepared to take up the USIA conference report. I did not know whether the Sen-

ator from West Virginia knew that it was ready.

Mr. ROBERT C. BYRD. Mr. President, I did not realize that the able Senator was ready to proceed.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATIONS ACT OF 1973—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on S. 1317, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1317) to authorize appropriations for the United States Information Agency, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there any 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 October 1, 1973, at pp. 32067–68.)

Mr. ROBERT C. BYRD. Mr. President, the Senate is in session and business is being transacted. I ask the Chair to preserve order in the galleries and in the Chamber.

The PRESIDING OFFICER. The galleries will be in order. We welcome visitors to the galleries. However, we ask that all in the galleries be quiet so that the Senate can perform its duties.

We ask that Senators having conversations retire to the cloakroom so that we may have order in the Senate.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed in the quorum call not be charged against either side.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I am informed that a distinguished Member across the aisle from where I stand intends at the appropriate time to ask for the yeas and nays on the adoption of this conference report. So all Senators should be so alerted.

I suggest the absence of a quorum under the same conditions as prevailed in connection with the last quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to cal the roll.

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

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

Mr. FULBRIGHT. Mr. President, in conferring on the fiscal year 1974 USIA authorization bill, the House-Senate conferees had five differences to resolve.

The first was a $15 million difference in the "salaries and expenses" category. The House bill contained a $203 million authorization; the Senate bill, a $188 million authorization. The conferees compromised on a figure of $196 million.

The second difference arose in the "special international exhibitions" budget category. The Senate bill contained the full amount requested at the time of Senate action. The House bill granted that amount also, but added an additional $1 million for the Eighth Series of Exhibitions in the U.S.S.R., which were agreed upon by President Nixon and Secretary General Brezhnev in June after the Senate had acted. The Senate conferees were pleased to recede in order to support the funding of this activity.

The third difference was a technical one, and I will not take the Senate's time discussing it.

The fourth difference concerned the standing prohibition against domestic distribution or dissemination of USIA-produced materials. The House bill contained an amendment allowing copies of a USIA film about Little League baseball to be purchased and shown by Little League Baseball, Inc.—for purposes of recruitment but not fundraising. The Senate receded on this amendment, but only with the understanding that the making of exceptions to the domestic-use prohibition would not be favorably received by Senate conferees in the future. It would be only too easy for a few expectations to take on the standing of a precedent, and after that this important prohibition would lose any semblance of meaning.

I might say in this connection that we were influenced—unfavorably I think—by the precedent set by a film about the late President Kennedy. It had great appeal, dealing as it did with the story of the assassinated President, and we allowed its domestic use. But I reiterate that I hope we will not, by the erosion of this prohibition, gradually eliminate it. I think it is very important that the Government not finance internal propaganda and this prohibition is an important legal defense against that happening.

The fifth difference concerned a useful access-to-information amendment which was added in the House. This amendment has the effect of requiring USIA to be responsive to any legitimate request for information by the Foreign Affairs Committee of either House. The Senate conferees were pleased to accept this amendment.

Mr. President, I believe that this was a satisfactory conference and a reasonable reconciliation of the differences between the House and Senate bills, and I hope that the Senate will approve the conference report.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. How much time is allowed on this conference report?

The PRESIDING OFFICER. One hour, 30 minutes to a side.

Mr. FULBRIGHT. And on amendments?

The PRESIDING OFFICER. The Chair is advised that nothing was said about amendments.

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. FULBRIGHT. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that my staff assistant, Charles Morrison, be given the privilege of the floor during the debate and the vote on the conference report.

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

Mr. ROTH. Mr. President, I oppose adoption of the conference report and ask that the Senate defeat it. If the Senate does defeat it, I will then move for a further conference and ask that the conference be instructed not to concur in section 4 of the House version of S. 1317 relating to access to information.

This section of the bill is the same as the section which was recently in the foreign aid legislation. For the same reasons that I opposed the provision in that legislation, I oppose its being incorporated into this legislation authorizing funds for the USIA.

As I said last week, I am very much in sympathy with the objective of the legislation. I think it is important that Congress be given essential information to permit it to legislate intelligently, that it be given the information that it needs to enable it to oversee the operations of the Agency. But I greatly fear that the proposed solution of the problem is much worse or at least as bad as the problem we are trying to correct.

I should like to point out to the Senate that this is a problem being addressed by the Government Operations Committee. We do have a bill before the Government Operations Committee, to attempt to provide a basis that will insure that Congress does obtain the information it is entitled to, but in such a way that we do not create a new monster.

As I said last week in debating on this same provision, this is not a partisan matter. I agree that the current administration has not given us all the information we are entitled to. As I have also pointed out, the same was true in the administration before. As a matter of fact, in my first term on the House side, I spent the better part of those 2 years trying to identify and get basic information on the hundreds of Federal assistance programs that were developed to help the people back home.

At that time, I was told by the people in HEW that this was not public infor-

mation. As a practical matter, they never gave it to us. So I see this as a problem not of any particular administration but, frankly, a problem of the relationship of Congress, the legislative branch, with the executive branch.

I think it is extremely important we insure that there are means available to us to make certain we do get the information we need to legislate intelligently.

Why am I against this provision? First, it provides that if the Foreign Affairs Committees on either side of Congress request certain information and it is not provided within 35 days, then the funds for that agency are cut off.

That makes no sense to me. I say it makes no sense from two standpoints. First of all, it is a way for a committee to kill a program if it does not like it. If we follow this precedent in other bills, it would mean that any committee not happy with a program could make an unreasonable demand for information, and if the agency refused to give it, the funds would be cut off automatically and the end result would be that innocent people would suffer.

Federal employees who worked for that agency, and who are innocent of any wrongdoing, would have their salaries cut off. I cannot believe that this is the intent of Congress, to make innocent Federal employees suffer the consequences. We might say that we are really denying compensation without due process.

Furthermore, it should be pointed out that these are programs that have been adopted by Congress, not only by a single committee, not by the House alone, not by the Senate alone, but by the Congress

It seems to me unreasonable to give that authority to a single committee, the authority, in effect, really, to cut off or to kill a program.

Second, I would also point out that this is a power that can cut both ways. Not only does a committee have an arbitrary grant of power, but a President, if he so chose, could use this as a new means of impoundment. If he wants to kill a particular program, all he would have to do under this legislation would be to refuse to supply the information and the funds would be cut off.

I do not think that is a power or a way of impoundment that we want to give the President.

The thing that concerns me the most is that when we go back to the 1950's, there were problems with at least one controversial committee demanding information that, according to the New York Times and the Washington Post, practically brought the executive branch to a halt.

The same thing could happen again. A committee could ask for confidential information about employees. It could be alleged that they were Communists, Fascists, or indulging in other wrongdoing. Refusal to provide personnel records would be the basis for cutting off the funds.

This was a matter of grave concern not only to Congress in the 1950's, but also to the media. There were a number of editorials written on the subject.

For example, the New York Times, on March 18, 1954, criticized the Eisenhower administration for acting too late.

I read what the editorial said:

> The President has been late but not too late—in recognizing the deep significance of this issue and in standing up to it while the committee itself has, apparently, swallowed Mr. McCarthy's contention that he and it are entitled to know and pass judgment upon every word, every thought, that transpires within the executive departments.

Mr. President, what I am asking this afternoon is that we reject the House amendment to the USIA legislation which would give this really arbitrary power to a single committee, because I think there is a better way to solve it.

As I mentioned, the Senate Government Operations Committee, under Senator ERVIN, has S. 2432, a bill that is designed to deal with the problem of insuring adequate information all across the executive branch of the Government, not only involved with one or two departments, but with all agencies and all executive branches. It seems to me, as a matter of good sense and good government, that we should use exactly the same approach in dealing with this problem, irrespective of whether it is the Department of Defense, the USIA, the State Department, the OEO, or some other agency.

The chairman of the Committee on Government Operations, Senator ERVIN, joined me in my letter, which we sent to Members of the Senate, asking that the conference report be rejected so that we can, in turn, ask that the Senate ask for further conference meetings to be held, so that we could reject this aspect of the bill.

Mr. President, it is my intent to ask for the yeas and nays on this conference report. If it is rejected, I will then make a motion asking for further conference and that the conferees be instructed not to concur in section 4 of the House version of S. 1317, relating to access to information.

Mr. FULBRIGHT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 22 minutes, and the Senator from Delaware has 19 minutes.

Mr. FULBRIGHT. Mr. President, I hope the Senate will not reject the conference report.

I regret that the Senators have chosen to make an issue of this provision of the conference report. I had thought the Senate had settled this matter once and for all. Several times this year, even stronger provisions than this one have been approved by the Senate; and I thought that it was now clear that there was a strong consensus as to the need for unequivocal access-to-information legislation to insure that executive branch agencies dealing with foreign affairs are responsive to legitimate requests for information by the Congress. Let me remind the Senators of recent Senate votes relating to access-to-information:

First. On June 14 of this year, the Senate passed the State Department authorization bill, containing a Foreign Relations Committee amendment requiring the State Department, USIA, AID, ACDA, ACTION, and OPIC to be responsive within 35 days to legitimate requests for information from any congressional committee or the GAO, lest that agency's funds be cut off. The Senate had the opportunity to express its view on this amendment, because this provision was challenged on the Senate floor. The Senate rejected that challenge by a vote of 51 to 33, thus placing itself on record as being strongly in favor of this sensible access-to-information approach.

Second. Later, on June 26 of this year, the Senate reaffirmed its belief in this approach when it passed the military aid bill, leaving unchallenged a Foreign Relations Committee provision requiring that any executive branch agency administering foreign aid respond within 35 days to a legitimate request for information from any relevant congressional committee or the GAO, lest that agency's funds be cut off. This Senate bill now awaits conference with the House.

Third. Still later, on October 2 of this year, just a few days ago, the Senate passed the economic aid bill, containing the same provision. This bill also awaits conference.

These recent Senate votes, Mr. President, should make it clear that the Senate has had ample opportunity to consider this subject and that it has determined that there is a compelling need for legislation to insure that Congress is no longer the victim of executive branch arrogance in the denial of legitimate requests for information.

The matter now before the Senate is the USIA conference report. It contains an access-to-information provision requiring USIA to be responsive to congressional requests for information. As it happens, this provision is a House amendment, which was not in the USIA bill originally passed by the Senate. But this does not mean that the Senate has not already decided upon this question. It did decide, as I mentioned before, on June 26, when it voted on the access-to-information provision in the State Department authorization bill. That provision—which the Senate approved by a vote of 51 to 33—specifically cited USIA as one of the agencies to which this requirement would apply. I might point out that the Senator from North Carolina voted in favor of that provision. This matter now comes before the Senate again only for technical reasons.

I will describe briefly how this happened. At the time the Senate acted on the USIA authorization bill, the access-to-information question—for all foreign affairs agencies—appeared to have been taken care of by the Senate's amendment to the State Department authorization bill. Later, however, that entire provision was stricken from the State Department bill conference report on a point of order, not relating to the merits, but to its germaneness under the House rules. Because of this, Members of the House sponsored an amendment to the House USIA bill, which had not yet been passed by that body, adding the access-to-information provision to govern requests for information from that agency.

The House passed that amendment, and in the House-Senate conference on the USIA bill which followed, the Senate conferees were pleased to recede on the matter, because the Senate had already shown, by its earlier vote on the State Department bill, that it wanted the access-to-information requirement applied to all foreign affairs agencies, including USIA. Thus, the Senate conferees have returned to the Senate from the conference on USIA with a House amendment which does no more than embody the desire which the Senate expressed overwhelmingly in its June 14 vote—and also, indirectly, by other votes.

In addition, Mr. President, I would point out that the House amendment on access to information to which the Senators are now objecting is actually weaker than the amendment passed by the Senate on June 14. That amendment related to information requests from any congressional committee. The House amendment now in question applies only to requests directed to USIA by either the House Foreign Affairs Committee or the Senate Foreign Relations Committee—after such requests have been approved by a majority committee vote. By no reasonable view is this legislation conducive to irresponsible or unreasonable requests for information. It is the minimum legislation necessary to insure that the House and Senate committees which have jurisdiction over USIA are able to acquire the information necessary to carry out their constitutional responsibilities.

Only last year the Foreign Relations Committee found itself unable to obtain from USIA the so-called Country Plans, which are the very basis upon which USIA activities are designed in each of the countries where USIA operates. I ask unanimous consent to have printed at the end of my prepared remarks the Presidential directive which authorized the USIA Director to deny this reasonable request for information by the committee. In that directive, dated March 15, 1972, the President made the claim that he "has the responsibility not to make available any information and material which would impair the orderly function of the executive branch of Government, since to do so would not be in the public interest." Unfortunately, by this kind of reasoning, the executive branch has denied Congress any and all information it has not wanted Congress to have. The USIA Country Plans were necessary if the committee was to examine thoroughly the planned USIA activities for which the committee was being asked to approve funds. And yet those plans were denied, even after repeated requests, and the committee had no recourse. This, Mr. President, is but one example of the difficulties which this legislation would overcome.

I can sum up very simply, Mr. President: The Senate, by its earlier votes, has indicated its recognition that access-to-information provisions are necessary with regard to the various foreign affairs agencies of the executive branch. Such provisions will facilitate Congress doing the job it is supposed to do, and I hope the Senate will not now change its mind about the need to do that job.

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

U.S. INFORMATION AGENCY,
Washington, D.C., March 16, 1972.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

FRANK SHAKESPEARE.

MEMORANDUM FOR THE SECRETARY OF STATE, THE DIRECTOR, U.S. INFORMATION AGENCY

THE WHITE HOUSE,
Washington, D.C., March 15, 1972.

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971, and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information activities not inconsistent with this directive.

RICHARD NIXON.

Mr. FULBRIGHT. As I have said, this amendment was put in by the House and accepted by the committee on conference, primarily because the Senate has voted on this subject in the case of the State Department authorization bill and the military and economic assistance bills, which recently passed this body by large majorities. The Senate has already ap-

proved, on three separate votes, the principle of access to information.

I submit that the Senator is again raising questions about the role of the Senate—or Congress, if you please—in the legislative process. In the letter which was sent around, there was reference to the President's refusal to provide requested information, "whether this refusal was for sound reasons or not." I do not think there are any sound reasons why the President—when I say "the President," I mean the agency, which is the executive agency—should not supply information, with the sole exceptions which we dealt with in the legislation, by excluding personal Presidential communications. We are not trying to intrude into that very narrow area of executive privilege or into the President's personal communications with his aides. Other than that area, which we have provided for, there is no good reason I can think of why they should deny Congress information that is needed and is relative to our legislative duties.

The suggestion of the Senator from Delaware simply raises a question of no confidence in Congress. This particular provision in the bill is confined to the two committees which have jurisdiction over USIA programs—that is, the House Foreign Affairs Committee and the Senate Foreign Relations Committee. It requires a majority vote of both committees. I cannot, as chairman—nor can any other member—make a request. Whenever there is any doubt about this matter, before a request can be submitted under this provision, there would have to be a majority committee vote.

So I submit that it would be too bad for the Senate, after all that has been said about discharging our legislative duties, to now turn its back on a provision that it approved three times this year and which is designed to do nothing but to give some incentive to the agency to supply information.

I believe that the argument that this is a great hazard to the existence of the agency is without merit. These are executive agencies. The President, himself, has presented these programs to Congress. I cannot imagine the President being so adamant that he would cause this provision to be invoked over some matter of information. If he is against the program and wishes to use this as an excuse to end it, he has other ways, much more normal ways, to do that. All he has to do is to veto the bill, or not propose it in the first place. The Senator raises an imaginary problem, and I do not think there is any substance to it.

With regard to S. 2432, the bill before the Government Operations Committee, I have no objection. I would applaud their passing a good bill, and perhaps they could find a formula better than this. All we need do, in case they do that, is to revise this provision and to amend it to conform with that. There is no fight with the Committee on Government Operations. The fact is that they have not made progress, so far as I know. It is not before the Senate, and I do not know whether it will be 1, 2, or 3 years. It is an extremely busy committee.

I see no reason to put off this matter. We have been trying to develop better cooperation between the executive and the legislative branches for some years. The bill has passed the House. It cannot do any great harm that I can imagine. It is utterly fantastic to believe that the executive is going to stop the operations of the USIA over a request for information from that agency. This Agency does not deal in the kind of sensitive information in which the CIA deals. I think there might be validity to the argument of the Senator if we were dealing with the CIA, and there is always a difference of opinion as to that.

I believe that for the last 10 years, this Government has been absolutely obsessed with the idea of secrecy and the denial of access to information by Congress. I think many of our troubles in this country have arisen from this secrecy and the desire to keep Congress in the dark. It began with the war in Vietnam, and we have had many instances since then. I do not want to drag up the bombing in Cambodia, and so forth. There has been instance after instance in which the Executive has felt justified in denying information or withholding information or deceiving Congress.

I still insist that Congress is an important part of this Government, and I think it would be a backward step if the Senate rejected this conference report on the ground that we do not have a right to information from the agencies and that we do not have a right to provide for an effective sanction that will cause them to be responsive. In fact, they have not been responsive, and it is not just with respect to the Committee on Foreign Relations.

The Senator from North Carolina has stated to me—I have heard him complain in open session, in his own subcommittee—about the executive branch, particularly the Pentagon, denying him information which he desires. So it is not just one committee. It has become endemic throughout the Government.

I hope the Senate will not reject the conference report on grounds which I think are without foundation—that we would abuse this access-to-information provision and that this would cause an impoundment of funds or the dislocation or denial of an entire program. I do not believe that is a realistic prospect at all. If the President wishes to stop a program, he has many other ways to do it.

Mr. President, I am prepared to yield back the remainder of my time if no one else wishes to speak. I do not know what the Senator from Delaware wishes to do. Does he know if the Senator from North Carolina wishes to make a statement?

Mr. ROTH. We do have one or two Senators on the way over to the Chamber.

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

Mr. ROTH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I would like to answer two points made by the distinguished chairman of the Committee on Foreign Relations. While it is true this matter has come before the Senate on other bills, this is the first time this issue has been raised with respect to S. 1317, the USIA authorization act.

I think it is important to note that at this time, as I mentioned earlier, there is a committee that has responsibility for this problem, and that it is, in fact, dealing with it.

I pointed out that I have been joined by the distinguished senior Senator from North Carolina (SAM ERVIN), who is also chairman of the Committee on Government Operations, in asking that the Senate reject this conference report so that we can eliminate what we consider to be a dangerous precedent. I emphasize the words "dangerous precedent."

Mr. President, I have every confidence in Congress, Members of the House and Members of the Senate, but that does not mean that at some future time some aggressive, ambitious Member of this body or the other body might not use the authority in a way that is not sound. It happened in the fifties; there is no reason it cannot happen in the seventies, as well.

There is a great deal of talk going on today about trying to make this a responsible Government. It does not strike me that the Congress is acting responsibly in trying to correct what I agree is a weakness in the executive branch, in that they are not providing us the information we need. But we are not acting responsibly by opening a door that could create problems that already have occurred in the past.

It is absolutely essential that we deal with this problem in a way that we correct the problem of inadequate information from the executive branch; but as a responsible Congress, a responsible Senate, that we use self-restraint or self-discipline in such a manner that someone at some future time might not use this authority in an improper way.

I strongly agree with the Senator who heads the Committee on Government Operations that this is "must" legislation for the current year. I hope it is reported shortly after the recess. In the meantime, I think we are making a serious mistake if we put a committee in a position where it can embarrass members of the executive branch who are acting in good faith or acting in such a manner that innocent people will suffer through loss of income or the benefits of a program adopted by Congress.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. ROTH. I yield.

Mr. FULBRIGHT. With respect to the Senator's statement that Congress will not act responsibly, that a majority will not act responsiby, I do not know why the Senator is entitled to take that attitude. We can always find those who differ with us, but I do not think the Senator is justified in leaving the implication that the majority of the standing committees will not act in good faith.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ROTH. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware may proceed.

Mr. ROTH. I would answer the Senator in this fashion. Obviously I would hope that no committee would act in that way. The distinguished chairman of the Committee on Foreign Relations may be perfectly correct that the majority of his committee would not act in that way.

One of my concerns is that if we adopt this legislation here it could very well serve as a precedent in other legislation.

There are certain programs that are controversial, as I have pointed out. Perhaps a committee would ask for certain information from OEO or AID of a type that is questionable and should not be provided. This would have the effect of cutting off that whole program and denying the intended recipients the benefits which Congress has voted them.

I do not say that the Committee on Foreign Relations will misuse its power, but that is not really the point.

The point is that we should develop responsible legislation to correct the problem.

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

Mr. ROTH. Mr. President. I yield myself 1 minute more.

It is no answer to say that a committee will not use this power when there are better methods of correcting the problem that will not even make it possible for a committee to misuse its power. This is the responsible way to act and I believe it is what the Nation expects of us.

Mr. FULBRIGHT. This is a very narrow amendment applying only to USIA and the Committee of Foreign Relations and the Foreign Affairs Committee. If the Committee on Government Operations reports a bill, S. 2432, which is an improvement in the procedure I would be delighted to support the bill. In the meantime we need a legal access-to-information provision.

Mr. President, I yield to the Senator from Maryland. How much time does the Senator from Maryland desire?

Mr. MATHIAS. Three minutes.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am somewhat reluctant to enter this debate, but I feel compelled to do so. I have been the author of a provision which has been favorably reported by the Committee on Government Operations which really would have the same effect as the contested provision of the conference report, in that it makes it a statutory obligation of the executive branch or any branch of Government to supply Congress with the necessary information which it requires in order to conduct the public's legislative business.

It seems to me this really should not be a matter of legislative obligation because it is so clear. This information does not belong to USIA, the State Department, or the President. It belongs to the United States of America and the people of the United States of America. The taxpayers are the people who pay for it.

On what basis can it be withheld from Congress? It seems to me it is just that simple.

I am concerned, as is the Senator from Delaware, about the plight of employees who may be the innocent bystanders, who are adversely affected. Perhaps I, together with my colleague from Maryland, have a greater cause to be concerned with these people than anyone else because many of them are our constituents, and I am very tender in their regard; but I cannot believe that Congress would stand by and let the individual suffer under these circumstances.

The difficulty is that I do not see any other way to get around the difficult proposition with which Congress has been faced for all too many years in which the information necessary to legislate intelligently is required and is withheld.

I might be more reluctant to support the conference report if this were a case without precedent, but I would like to ask the distinguished chairman if it is not true that the Foreign Assistance Act of 1961 has nearly the same provision in it.

Mr. FULBRIGHT. It does, except there is an escape clause. Recently, the Senate acted to remove that loophole. The Senate's amendments now await conference on the aid bills.

Mr. MATHIAS. But the precedent is clear?

Mr. FULBRIGHT. Oh, yes. At that time we did not think the escape clause would be abused. There used to be mutual respect between the Legislative and Executive branches.

Mr. MATHIAS. Except in the broad, general sense that the entire payroll of the agency might be jeopardized by an arbitrary refusal to release to the Congress information that was bought and paid for with public moneys, does this militate against any official, any officer, or any employee of the agency as an individual?

The PRESIDING OFFICER (Mr. DOMENICI). The Senator's 3 minutes have expired.

Mr. FULBRIGHT. I yield the Senator 2 minutes.

It is against the agency as a whole, but the Senator knows very well the pressure upon the agency would be such that they would at least come and explain their reasons. I think the Senator has been around here long enough to have some confidence in the majority of a standing committee. One Senator might be arbitrary—for example, the late Senator from Wisconsin, in his actions in the early 1950's. But from that, it is not reasonable to infer that a majority of the committee is going to act so irresponsibly.

Mr. MATHIAS. Again I want to repeat that I am very tender of the financial security of the rank and file employees of any agency, but I would agree with the Senator that a majority of Congress are not going to be blind about that. As a matter of fact, my experience over the years is that we might be softheaded on it, and if they came down here with a good, hard case, perhaps against our interest and the public interest, we might give in too easily.

Mr. FULBRIGHT. It would be very difficult to have the majority of the committee take action of that kind. It would have to be a difficult case, like the case the USIA presented to us. The USIA precipitated it, as far as the Foreign Relations Committee is concerned, in their refusal, on very flimsy grounds. It was an arbitrary refusal in my opinion.

Mr. MATHIAS. It would seem to me worthy of a struggle on the conference report to have the establishment of the principle of the right of Congress to have information bought and paid for with public money.

Mr. FULBRIGHT. That is right.

Mr. MATHIAS. That is more important than the subsidiary issues involved.

Mr. FULBRIGHT. That is right. We adopted it. If an appropriate committee comes in with a better formula, I will be glad to say we will repeal it; but there is nothing now that is effective. I want that understood.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, what is the desire of the Senator from Delaware? Did the Senator wish to have the yeas and nays?

Mr. ROTH. I intend to ask for the yeas and nays.

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

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. On whose time?

Mr. FULBRIGHT. How much time do I have left?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. FULBRIGHT. On my time.

Mr. President, rather than suggest the absence of a quorum, I now ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, has the Senator completed his statement? I have been asked to request that the yeas and nays be ordered to take place at 5:10 p.m. I really do not know the reasons for it. I have been requested by the majority leader to ask unanimous consent that we vote on this conference report, up or down, at 5:10 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. Mr. President, reserving the right to object, will the Senator make it 5:15?

Mr. FULBRIGHT. Mr. President, I amend my request that the Senate vote at 5:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. FULBRIGHT. Mr. President, the yeas and nays have been agreed upon. I am willing to yield back my time if the

Senator does. Does he wish to yield back his time?

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

The PRESIDING OFFICER. On whose time?

Mr. ROTH. Take it from my time. How much time do I have?

The PRESIDING OFFICER. The Senator from Delaware has 20 minutes.

The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, reserving the time of the Senator from Delaware—I understand it is about 20 minutes—prior to the vote, and that we proceed to the consideration of the State Department authorization conference report. It is my understanding that is noncontroversial. We receded on the controversial issues. I believe that would be in the interest of time.

Mr. BEALL. Mr. President, reserving the right to object, will the Senator agree to a temporary roll call?

Mr. FULBRIGHT. Surely.

Mr. BEALL. 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. BEALL. 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. BEALL. Mr. President, reserving the right to object to the Senator's unanimous consent request, do I understand under the terms of the request being made that we will resume consideration of the pending business as of 10 minutes to 5?

Mr. FULBRIGHT. Five minutes to 5. That leaves 20 minutes.

Mr. BEALL. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered. The Senate will resume the consideration of the USIA conference report at 4:55 p.m. today.

STATE DEPARTMENT AUTHORIZATION—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on H.R. 7645, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DOMENICI). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

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

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 9, 1973, at pages, 33413–15.)

Mr. FULBRIGHT. Mr. President, I do not take any pleasure in presenting this conference report to the Senate. It is, in fact, the second conference agreement on this bill.

Under no circumstances could this agreement be called the product of a "full and free conference" as the traditional language of conference reports states. It represents just the opposite. The real product of the "full and free conference" between the House and the Senate, on which agreement was reached last June 29, fell victim to a far-reaching House rule. Every member of the conference committee signed the original agreement after what I considered to be one of the most satisfactory conferences in which I have participated in many years. Yet that unanimous report was rejected in the House, not on the merits, but on points of order raised against two Senate-initiated provisions on the grounds the sections would not have been germane if offered as amendments on the House floor to the original House bill.

One provision involved a means to insure proper congressional access to information from the foreign affairs agencies and the second required that foreign military base agreements be submitted to the Congress for approval. The Committee on Foreign Relations looked upon both as important elements in its efforts to restore a better balance between the executive and the legislative branches in the making of foreign policy. Both provisions have been given strong support by the Senate. The Senate has endorsed the principle of the military base agreements provision on several occasions in the last 2 years and, on June 14, it rejected an attempt to strike the access to information provision by a vote of 33 to 51. After considerable discussion the conferees on H.R. 7645 reached a reasonable compromise on both provisions which did not detract from the principles at stake.

Under the House rules, if the Chair rules that a Senate amendment in a conference report on a House bill would not be germane if offered to the bill in the House, a motion can be made to strike the offending provision. That is what happened to these two sections, the first time this rule has been applied to reject individual sections of a conference report.

I ask unanimous consent to have printed in the RECORD excerpts from the House debate of September 11 on the original conference report.

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

EXCERPTS FROM HOUSE DEBATE ON CONFERENCE REPORT ON H.R. 7645

Mr. GERALD R. FORD. . . . if a conference substitute contains language which, if originally offered in the House, would be nongermane under rule XVI, clause 7, a valid point of order lies against the conference report.

* * * * *

It is well established that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill (VIII, 2911).

* * * * *

Thus, it is clear that an amendment including the language of section 13 of the conference report which proposes to amend a statute not amended by the text of H.R. 7645 as reported to the House would be nongermane.

* * * * *

Third. Furthermore, any amendment must be germane to the portion of the bill to which it is offered.

* * * * *

The SPEAKER. The Chair notes that certain agencies made subject to this new provision include some—such as ACTION, the U.S. Information Agency, the Arms Control and Disarmament Agency which are not authorized in this bill. The three agencies just mentioned are authorized funds by other legislation.

The Chair concludes that the conference provision would not have been germane if offered to the House bill and the point of order against section 13 is therefore sustained.

* * * * *

Mr. MAILLIARD. . . . frankly, I am tired of being in conference with the Senate Committee on Foreign Relations with a whole basketful of nongermane amendments being attached. It seems to me, Mr. Speaker, that this is the opportunity to find out whether this new rule that we adopted is going to be effective in preventing the Senate from attaching nongermane material to House bills, as they have been doing from time immemorial. I think that is the basic issue we have here.

* * * * *

I do not know of my own knowledge, that the Senate Committee on Foreign Relations now has a request pending in the Department of State for all of the documents involved in producing the negotiating position of the United States in the SALT talks.

* * * * *

My answer to that is that the Foreign Affairs Committee does not need to have unlimited access to all kinds of highly classified information in order to perform our oversight functions adequately.

* * * * *

Mr. FRELINGHUYSEN. . . . we should not be allowed, nor should we seek, a blank check to classified information.

* * * * *

I would hope that the President also would be aware of the danger of this effort to obtain absolute freedom of access to information by certain committees of Congress. I hope he would veto such a proposal if necessary.

* * * * *

This provision would have the result of making the State Department a conduit for all sorts of sensitive information becoming public.

* * * * *

Mr. MCCLORY. . . . I am opposed to any provisions which seem to prefer one group or

committee of the Congress over other Members and other committees with respect to access to information affecting our Nation. If there are documents or other material of interest to the Representatives of the people, it seems to me they should be made accessible to all of the Representatives of the people elected to serve in this Congress.

* * * * *

Mr. GERALD R. FORD. . . . Second, we have been plagued over a period of time with nongermane amendments by the other body added to legislation the House has passed.

* * * * *

If we now accept a nongermane amendment, I think we are making a serious error as we try to straighten out the comity between the House on the one hand and the other body on the other hand.

* * * * *

Mr. HAYS. I have talked with the chairman. Members can bet that if we have to go back to the committee we will come right back with one applying to the State Department, and it will be germane, and Members can vote up or down the conference report.

* * * * *

Mr. SIKES. . . . Section 10 of the conference report is not germane to the "fundamental purpose" of H.R. 7645 (VIII, 2911), it amends various Defense Department laws not mentioned in H.R. 7645 as reported to the House—and thus it is "new subject" within the meaning of V, 5825—and finally, the language of section 10 is not germane to any portion of the original H.R. 7645 (VIII, 2927. 2931).

* * * * *

Second, two subjects are not necessarily germane because they are related.

* * * * *

Aside from this general contemporary approach, the germaneness of section 10 is challengeable in the following specific respects:

First. It purports to impose restrictions on funds other than those authorized by the subject conference report.

* * * * *

Second. It extends beyond the fundamental purpose of the original House bill committed to conference (secs. 2911 and 2997, Cannon's Precedents) and a 1966 ruling where. . . .

* * * * *

Third. It seeks to impose restrictions of a permanent nature, yet the legislative object of this conference report is applicable only to a fiscal year.

* * * * *

"If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which cannot be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment cannot be said to be germane."

* * * * *

The SPEAKER. . . . The Chair observes that the conference language prohibits not only the use of funds authorized by the pending act but all funds available to the executive branch which might be used to carry out such agreements.

The prohibition against the use of funds would apply not only to the Department of State and the programs funded in this bill but would also relate to all agreements which might be entered into, whether or not by the Department of State. It would go to the funds authorized in Military Construction Acts and thus to funds authorized by the Committee on Armed Services.

The Chair, therefore, concludes that the amendment would not have been germane if offered to the House bill and the point of order against section 10 of the conference report is, therefore, sustained.

Mr. SIKES. . . . This section would even prohibit without formal congressional approval the dispatch of disaster relief units, not just combat units. The United States has 100 agreements for military facilities in some 40 countries. These agreements are usually technical and administrative covering a wide range of routine things and involving no significant foreign policy consideration.

* * * * *

Mr. HÉBERT. . . . It would affect probably even going on dress parade, which is outside the jurisdiction of this particular commitment. It is a matter of certainly something that almost borders on the ridiculous.

* * * * *

Of course, I do not agree with them, but I think here is a time when the Congress now asserts its authority and expresses its ability and demonstrates its ability and should vote in favor of the opposition advanced by the gentleman from Florida.

Mr. GROSS. . . . I hope that a way can be found to make these amendments or a variation of them germane. In that event I will vote for them.

Mr. FULBRIGHT. The rejection of these two provisions is serious enough of itself. But the significance of what took place goes far beyond the fate of these two sections; it amounts to a rejection of the traditional concept of comity between the branches. If the House can reject individual components of conference reports on grounds that they do not meet the requirements of the House rules, it is no less than an effort to make the Senate comply with the House rules on germaneness, an extraterritorial application of the House rules, if you will.

The issue posed by the House's action is one which requires the attention of the entire Senate. This bill merely happened to be the first victim of the rule. Others will inevitably follow. This is a relatively minor bill and the House's action has attracted little attention. When the ax falls on a Senate amendment of interest to a large number of my colleagues, perhaps the Senate will act to protect its prerogatives. It is a problem which will grow more acute in the month ahead.

Now as to the provisions of the conference agreement. Technically, there were only two items in disagreement, those rejected after the invocation of the House germaneness rule and added again in modified form by the Senate.

As to the access to information provision, a similar requirement has been included in the USIA authorization, limited in its effect to that agency, and, for the foreign aid program, in both the economic and the military aid bills as passed by the Senate. The Senate conferees agreed to drop the provision applying to the State Department in order to give the new Secretary of State a fair chance to cary out his pledge to cooperate with Congress. The committee will review the Department's record on access to information in connection with the work on next year's State Department authorization bill.

The Senate conferees reluctantly agreed to recede on the military base agreements provision also. The House conferees argued that if the provision remained in the bill, the conference report faced certain defeat in the House. The House conferees did, however, pledge to work to find a legislative solution to the problem next session. I will certainly do everything I can to get this principle enacted into law.

I wish to pay my respects to the distinguished Senator from New Jersey (Mr. CASE), because he was the principal sponsor of this provision. It is a very good provision. It is one that tends to restore the Senate to its proper role in this area. I shall certainly do everything I can to cooperate with the Members of the House conference, who also support this provision in the legislation.

We faced a situation—we were endangered by a situation—that if this conference were rejected by the House, we might, on another try, be confronted with a continuing resolution, which is becoming so habitual in this Congress. We did not wish to do anything toward a prolongation of a procedure which completely bypasses all legislative committees. That was a very important consideration, so the Senate receded on these two very important amendments.

Mr. President, if no other Senator wishes to speak on the conference report, I move its adoption.

The PRESIDING OFFICER (Mr. DOMENICI). The question is on agreeing to the conference report.

The report was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that S. 2436, Calendar Order No. 372, be indefinitely postponed.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, anounced that the House insists upon its amendment to the bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers of the conference on the part of the House.

PARTICIPATION IN UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6768.

The PRESIDING OFFICER (Mr. DOMENICI) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. I move that the Senate insist upon its amendment and agree to the request of the House for a

conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PELL, Mr. MUSKIE, and Mr. CASE conferees on the part of the Senate.

ORDER OF BUSINESS—RECESS UNTIL 5:10 P.M.

Mr. FULBRIGHT. Mr. President, I should like to amend my previous unanimous-consent request by asking unanimous consent that the Senate take a recess until 5:10 p.m., reserving the 5 minutes from 5:10 to 5:15 to the distinguished Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in recess until 5:10 p.m.

At 4:48 p.m. the Senate took a recess until 5:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EAGLETON).

RESOLUTION TO CONTINUE EMPLOYEES OF THE VICE PRESIDENT ON THE PAYROLL OF THE SENATE FOR 30 DAYS

Mr. CANNON. Mr. President, on behalf of myself, Senator COOK, Senator MANSFIELD, and Senator SCOTT, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 184

Resolved, That the clerical and other assistants to the Vice President on the payroll of the Senate on the date of his resignation, October 10, 1973, shall be continued on such payroll at their respective salaries for a period of not to exceed thirty days, such sums to be paid from the contingent fund of the Senate: *Provided,* That any such assistants continued on the payroll, while so continued, shall perform their duties under the direction of the Secretary of the Senate, and the Secretary of the Senate is hereby authorized and directed to remove from such payroll any such assistants who are not attending to the duties for which their services are continued.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Would the resolution normally be referred to the Committee on Rules and Administration, of which I am chairman?

The PRESIDING OFFICER. That is correct.

Mr. CANNON. Mr. President, I ask unanimous consent that the matter not be referred to the Committee on Rules and Administration and that it be subject to immediate consideration.

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

Mr. CANNON. Mr. President, a brief explanation: In light of the unfortunate circumstances that have occurred, this resolution would provide that employees on the Vice President's staff who are paid by the Senate would be continued on the payroll for a period of 30 days, in order that they might be available to help in carrying out the winding up of the affairs of the Vice President in his present office.

This is the same procedure that would be followed if a Senator were to resign—that is, his employees would be kept on the payroll for a period of 30 days in order to wind up his affairs. It is no different from the treatment of a Senator.

I may say, Mr. President, that I have polled the members of the Committee on Rules and Administration, and all are in favor of the resolution and in favor of its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. McCLURE. Mr. President, reserving the right to object—and I shall not object—has this resolution been cleared with the minority leadership?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. The minority leader is a cosponsor.

Mr. McCLURE. I thank the Senator.

I would just comment that I expect that there will be no attempt on the part of anyone to work any kind of mischief in the control of the staff, but it does transfer control from one entity to another, which I think we should be aware of. I assume that there is no intention to exercise any control as a result of the resolution.

Mr. MANSFIELD. Absolutely not. Everything is on the table. If this were not done today, the payroll would be chopped off at the end of business today. What we are according to the former Vice President, who was an officer of this body, the Presiding Officer, is the same treatment that applies to Senators in similar circumstances; that is, resignation.

Mr. McCLURE. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 184) was agreed to.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATIONS ACT OF 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1317) to authorize appropriations for the U.S. Information Agency.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Delaware has the floor until 5:15.

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

Mr. ROTH. I yield.

Mr. MANSFIELD. Did the Chair say "until 5:15?"

The PRESIDING OFFICER. The vote is to occur at 5:15.

Mr. MANSFIELD. I ask unanimous consent that the time for the vote be extended to 5:20 because of the time the Senator from Delaware allowed us to dispose of the resolution.

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

Mr. ROTH. Mr. President, I oppose the adoption of the conference report, and I am asking that the Senate reject it.

As I explained earlier, if the Senate does reject the conference report, I will then move for further conference and that the conferees be instructed not to concur in section 4 of the House version of S. 1317 relating to access to information.

As I stated earlier, the senior Senator from North Carolina and I agree that legislation is needed to insure adequate information being supplied by the Executive branch to Congress. We feel, however, that the approach in 1317 is the wrong approach, that it sets a dangerous precedent, and for that reason we are asking the Senate to vote "nay" on the conference report, so that we can reject this aspect of the report.

Frankly, I am concerned that the cure is worse than the illness. While I believe we have a right to secure adequate information, it is important that we not put ourselves in such a position that we will make innocent people suffer if for any reason information is not supplied to Congress.

What the conference report provides is that if the USIA did not supply the information within 35 days, its funds would be automatically cut off. I think this is an unconscionable approach, because it means that the beneficiaries of the programs would suffer; and, more importantly, the salaries of the Federal employees in that agency would be cut off.

Senator ERVIN and I are asking that Senators vote "nay" on the conference report. We will then ask that it be referred for further conference, with instructions that it be reported back without this aspect of the report.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SAXBE (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Oregon (Mr. PACKWOOD). If he were present and voting he would vote "nay." I have already voted "aye." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. TAFT), and the Senator from Oregon (Mr. PACKWOOD), are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

The pair of the Senator from Oregon (Mr. PACKWOOD) has been previously announced.

The result was announced—yeas 62, nays 29, as follows:

[No. 466 Leg.]

YEAS—62

Abourezk	Haskell	Moss
Aiken	Hatfield	Muskie
Baker	Hathaway	Nelson
Bible	Hollings	Nunn
Brooke	Huddleston	Pastore
Burdick	Hughes	Pearson
Byrd, Robert C.	Humphrey	Pell
Cannon	Inouye	Proxmire
Case	Jackson	Randolph
Church	Javits	Ribicoff
Clark	Johnston	Schweiker
Cranston	Kennedy	Sparkman
Dole	Long	Stennis
Domenici	Magnuson	Stevens
Dominick	Mathias	Stevenson
Eagleton	McClellan	Symington
Fong	McGovern	Talmadge
Fulbright	McIntyre	Tunney
Gravel	Metcalf	Weicker
Hart	Mondale	Young
Hartke	Montoya	

NAYS—29

Allen	Cotton	McClure
Bartlett	Ervin	McGee
Beall	Fannin	Percy
Bellmon	Goldwater	Roth
Bentsen	Griffin	Scott, Hugh
Biden	Gurney	Scott,
Brock	Hansen	William L.
Buckley	Helms	Stafford
Chiles	Hruska	Thurmond
Cook	Mansfield	Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Saxbe, for.

NOT VOTING—8

Bayh	Curtis	Williams
Bennett	Eastland	
Byrd, Harry F., Jr.	Packwood	
	Taft	

So the conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

SENATE SESSIONS DURING NEXT 2 WEEKS

Mr. MANSFIELD. Mr. President, on my own responsibility, but in the hope that the distinguished Republican leader will concur and that the Senate will understand, I wish to announce that, because of developments in recent days, the 2-week recess which the Senate had planned will not occur. There may well be pro forma meetings during that period, and there will be legislation which we can attend to as well, but it is my belief that, because of the situations which have arisen overseas and at home, it is the better part of wisdom to make this announcement at this time. Hopefully, the Senate will understand.

Mr. GRIFFIN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Of course, I do not speak for the minority leader, but I think there is no question that the announcement made by the majority leader would meet with the agreement of the leadership on this side. I think the circumstances that have developed both abroad and at home are much different than earlier when the announcement was made concerning the possibility of a 2-week recess. I think personally that the majority leader is making the right decision.

Mr. MANSFIELD. I thank the distinguished acting Republican leader. I want to apologize personally to any Senator who may be embarrassed because of the change of plans—a change of plans which occurred because of the word given by the majority leader to the Senate as a whole.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MUTUAL DEVELOPMENT AND COOPERATION 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. 1443.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Mutual Development and Cooperation Act of 1973".

CHANGE OF TITLE OF ACT AND NAME OF AGENCY

SEC. 2. The Foreign Assistance Act of 1961 is amended as follows:

(a) In the first section, strike out "this Act may be cited as 'The Foreign Assistance Act of 1961'" and insert in lieu thereof "this Act may be cited as the 'Mutual Development and Cooperation Act'". The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with those countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development, and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs, and arrangements should be continually sought to provide stability and protection for such private investment.

"(8) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities.".

(c) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of

the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCE DEVELOPMENT.—In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $50,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more thatn 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

SEC. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to fiscal provisions, is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part VI of this Act".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 5. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended, as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance" insert the word "directly".

(b) In section 214, relating to authorization for American schools and hospitals abroad, strike out subsections (c) and (d) and insert in lieu thereof the following:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President for the fiscal year 1974, $20,000,000, and for the fiscal year 1975, $20,000,000, which amounts are authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1974, $7,000,000, and for the fiscal year 1975, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) Amounts appropriated under this section shall not be used to furnish assistance under this section in any fiscal year to more than four institutions in the same country, and not more than one such institution shall be a university and not more than one such institution shall be a hospital.".

HOUSING GUARANTIES

SEC. 6. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$305,000,000".

(b) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 235(a)(4), relating to issuing authority of the Overseas Private Investment Corportaion, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

(b) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975".

ALLIANCE FOR PROGRESS

SEC. 8. Section 252(b) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization of appropriations, is amended to read as follows:

"(b) There are hereby authorized to be appropriated to the President for the fiscal year 1974, $968,000, and for the fiscal year 1975, $968,000, for grants to the National Association of the Partners of the Alliance, Inc. in accordance with the purposes of this title.".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 9. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 10. Chapter 3 of part I of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended as follows:

(a) At the end of section 301, relating to general authority, add the following new subsection:

"(e)(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

"(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

"(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.".

(b) In section 302(a), strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $127,800,000 and for the fiscal year 1975, such sums as may be necessary".

(c) In section 302(b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000,".

(d) Section 302(d) is amended to read as follows:

"(d) Of the funds provided to carry out the provisions of this chapter for each of the fiscal years 1974 and 1975, $18,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund.".

(e) In section 302(e), strike out "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973" and insert in lieu thereof "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975".

CONTINGENCY FUND

SEC. 11. Subsection (a) of section 451 of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out the proviso contained in the first sentence of such subsection and at the end of such subsection add the following: "In addition to the amounts authorized to be appropriated by this subsection, there are authorized to be appropriated such additional amounts as may be required from time to time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 12. (a) Section 481 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by inserting "(a)" immediately after "INTERNATIONAL NARCOTICS CONTROL.—" and by adding at the end thereof the following new subsection:

"(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, per calendar quarter, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semianaual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, per calendar quarter, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.".

(b) Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000" and all that follows down through the period at the end of such section and inserting in lieu thereof "$50,000,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended.".

COOPERATIVE ECONOMIC EXPANSION

SEC. 13. Part I of the Foreign Assistance Act is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—COOPERATIVE ECONOMIC EXPANSION

SEC. 495. COOPERATIVE ECONOMIC EXPANSION.—The President is authorized to use up to $2,000,000 of the funds made available for the purposes of this part in each of the fiscal years 1974 and 1975 to assist friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under section 211, in the procurement of technical assistance from United States public or private agencies or individuals. Assistance under this chapter shall be for the purpose of (1) encouraging development of natural resources of interest to the United States, (2) encouragement of a climate favorable to mutually profitable trade and development, and (3) stimulation of markets for United States exports. Any funds used for purposes of this section may be provided on a loan or grant basis and may be used notwithstanding any other provision of this Act."

MILITARY ASSISTANCE

SEC. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "the fiscal year 1974".

(c) Section 513 is amended—

(1) by striking out "THAILAND.—" in the section heading and inserting in lieu thereof "THAILAND, LAOS, AND VIETNAM.—(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.".

(d) Section 514 is repealed.

SECURITY SUPPORTING ASSISTANCE

SEC. 15. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $125,000,000 of which not less than $50,000,000 shall be available solely for Israel".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 16. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. STATEMENT OF PURPOSE.—The purpose of this chapter is to establish an international military education and training program which will—

"(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries;

"(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress; and

"(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"SEC. 542. GENERAL AUTHORITY.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract, or otherwise, including—

"(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the Service Academies) and abroad;

"(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

"(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

"(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"SEC. 543. AUTHORIZATION.—To carry out the purposes of this chapter, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1974. Amounts appropriated under this section are authorized to remain available until expended.

"SEC. 544. ANNUAL REPORTS.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year in furtherance of the purposes of this chapter. Each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 503(d), relating to general authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a), relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510, relating to restrictions on training foreign military students, is repealed.

(4) Section 622, relating to coordination with foreign policy, is amended as follows:

(A) In subsection (b) immediately after the phrase "(including civic action)" insert the words "and military education and training".

(B) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(A) In subsection (a)(4), immediately after the word "military", insert the words "and related civilian".

(B) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b), and (e) immediately after the word "articles", wherever it appears, a comma and the words "military education and training".

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(A) In subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training,".

(B) In subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644, relating to definitions, is amended as follows:

(A) Subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II.".

(B) There is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes

PROHIBITIONS

SEC. 17. (a) Section 620(e) of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to expropriation, is amended by striking out paragraph (1), by striking out "(2)" at the beginning of paragraph (2), and by striking out "subsection: *Provided*, That this subparagraph" and inserting in lieu thereof "section (as in effect before the date of the enactment of the Mutual Development and Cooperation Act of 1973): *Provided*, That this subsection".

(b) Section 620(n) of such chapter, relating to equipment materials or commodities furnished to North Vietnam, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "unless the President finds and reports, within thirty days of such finding, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House that such assistance is in the national interest of the United States. The President's report shall contain assurances that the Government of North Vietnam is cooperating fully in providing for a full accounting of any remaining prisoners of war and all missing in action.".

(c) Section 620 of such chapter is amended by adding at the end thereof the following new subsection:

"(x) No assistance shall be furnished under this or any other Act to any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

EMPLOYMENT OF PERSONNEL

SEC. 18. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personenl, is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employes; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631(b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Therafter, compulsory contributions will be made with respect to each participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

'(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty: *Provided* that no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended.".

REPORTS AND INFORMATION

SEC. 19. (a) Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan, and each contract of guarantee or insurance, theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability: *Provided, however,* That this report shall report individually only those loans, contracts, sales, extensions of credit, or other transactions listed above in excess of $1,000,000.

"(g) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

"(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

"(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

"(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

"(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.".

(b) (1) The President of the United States shall, as soon practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African colonies of—

(A) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of the Mutual Development and Cooperation Act of 1973,

(B) defense articles or services furnished after such date under the Foreign Military Sales Act (whether for cash or by credit, guarantee or any other means), or

(C) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954.

(2) Any assistance or sales referred to in the preceding paragraph shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance or item so furnished after such date has been used in support of Portugal's military activities in its African colonies. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal.

ADMINISTRATIVE EXPENSES

SEC. 20. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000 and for the fiscal year 1975, $53,100,000".

FAMINE AND DISASTER RELIEF AND AFRICAN SAHEL DEVELOPMENT PROGRAM

SEC. 21. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 639 and inserting in lieu thereof the following new sections:

"SEC. 639. FAMINE AND DISASTER RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine.

"SEC. 639A. FAMINE AND DISASTER RELIEF TO THE AFRICAN SAHEL.—(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the Sahelian nations of Africa.

"(b) Notwithstanding any prohibitions or restrictions contained in this or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $30,000,000 to remain available until expended, for use by the President, under such terms and conditions as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken Sahelian nations of Africa.

"SEC. 639B. AFRICAN SAHEL DEVELOPMENT PROGRAM.—The Congress supports the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.".

ADMINISTRATIVE PROVISIONS

SEC. 22. Chapter 2 of part III of the Foreign Assistanct Act of 1961, relating to administrative provisions, is amended by adding at the end thereof the following new sections:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

"(b) The President shall prescribe appropriate procedures to assure coordination among the various departments and agencies of the United States Government having representatives in diplomatic missions abroad.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages and working conditions in the United States.

"SEC. 640C. SHIPPING DIFFERENTIAL.—For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of part VI may be used to make grants to recipients under this part to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible."

MISCELLANEOUS PROVISIONS

SEC. 23. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new sections:

"SEC. 659. ANNUAL NORTH ATLANTIC TREATY MILITARY ORGANIZATION REPORT.—(a) The Secretary of Defense and the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, on or before January 15 of each year a report of—

"(1) the direct, indirect, and unallocated costs to the United States of participation in the North Atlantic Treaty Organization (hereinafter in this section referred to as the 'Organization') for the last fiscal year preceding the fiscal year in which the report is submitted;

"(2) the estimated direct, indirect, and unallocated costs to the United States of participation in the Organization for the fiscal year in which the report is submitted;

"(3) the amounts requested from Congress (or estimated to be requested) for the direct, indirect, and unallocated costs to the United States of participation in the Organization for the first fiscal year following the fiscal year in which the report is submitted;

"(4) the estimated impact of expenditures related to United States participation in the Organization on the United States balance of payments including a detailed description of the offsets to such United States expenditures.

For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such cost and appropriating funds for such cost shall be listed next to such cost in the report.

"(b) For the purpcses of this section—

"(1) the term 'direct costs' includes funds the United States contributes directly to any budget of the Organization (including the infrastructure program);

"(2) the term 'indirect costs' includes funds the United States spends to assign and maintain United States civilian employees for the Organization, funds spent for Government research and development attributable to the Organization, contributions to the Organization sponsored organizations, and military assistance furnished under part II of this Act, and sales of defense articles or defense services under the Foreign Military Sales Act, to member nations of the Organization; and

"(3) the term 'unallocated costs' includes (i) funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for the Organization in Europe, the United States, or on the open seas, or to remove such Armed Forces from such commitment, and (ii) funds the United States spends on facilities constructed and maintained for such forces.

"(c) All information contained in any report transmitted under this section shall be public information, except information that the Secretary of Defense or the Secretary of State designates in such report as information required to be kept secret in the interest of the national defense or foreign policy.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 24. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY.—It is the purpose of this part to (1) authorize immediate high-priority humanitarian relief assistance to the people of South Vietnam, Cambodia, and Laos, particularly to refugees, orphans, widows, disabled persons, and other war victims, and (2) to assist the people of those countries to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring the Peace in Vietnam, the cease-fire agreement for Laos, and any cease-fire agreement that may be reached in Cambodia. In this effort United States bilateral assistance should focus on critical problems in those sectors which affect the lives of the majority of the people in Indochina: food, nutrition, health, population planning, education, and human resource development. United States assistance should be carried out to the maximum extent possible through the private sector, particularly those voluntary organizations which already have ties in that region.

"CHAPTER 2.—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

"SEC. 822. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"SEC. 823. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 822 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 824. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 822 for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 percent of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies.

"CHAPTER 3.—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. AUTHORITY.—All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

MEANING OF REFERENCES

SEC. 25. All references to the Foreign Assistance Act of 1961 and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development. All references to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961 and to the Agency for International Development, respectively.

FOREIGN MILITARY SALES

SEC. 26. The Foreign Military Sales Act is amended as follows:

(a) Add the following new subsection at the end of section 3 of chapter 1, relating to eligibility:

"(e) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on or after the date that the President determines that such country has violated any agreement it has made in accordance with paragraph (2) of subsection (a) of this section or section 505(a) of the Mutual Development and Cooperation Act or any other provision of law requiring similar agreements. The prohibition contained in the preceding sentence shall not apply on or after the date that the President determines that such violation has been corrected and such agreement complied with. Such country shall remain ineligible in accordance with this subsection until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not reoccur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned.".

(b) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(c) In section 24(a) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(d) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appaer.

(e) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$450,000,000 for the fiscal year 1974"

(f) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and of the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only".

(g) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(h) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expenditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(j) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, strike out subsection (a) and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

(k) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

SEC. 27. (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of

any future repayments or other accruals otherwise payable to such trust fund, to—

(A) the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

(B) the United States Department of State to be administered by the Mutual Development and Cooperation Agency for purposes of sections 1 and 2 of the Latin American Development Act; and or

(C) subject to the approval of the Department of State, to the United States Treasury for general uses of the Government; and or

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries.

(b) Any transfer of utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subparagraph (A) of subsection (a)(1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his designee shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section.

SEC. 28. Notwithstanding any other provision of law, no funds authorized by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an Act of Congress assistance to North Vietnam is specifically authorized.

And amend the title so as to read: "An Act to amend the Foreign Assistance Act of 1961, and for other purposes."

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1443 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. CHURCH, Mr. HUMPHREY, Mr. AIKEN, and Mr. CASE conferees on the part of the Senate.

FOREIGN ASSISTANCE 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. 2335.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendment of the House of Representatives to the bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Mutual Development and Cooperation Act of 1973".

CHANGE OF TITLE OF ACT AND NAME OF AGENCY

SEC. 2. The Foreign Assistance Act of 1961 is amended as follows:

(a) In the first section, strike out "this Act may be cited as 'The Foreign Assistance Act of 1961'" and insert in lieu thereof "this Act may be cited as the 'Mutual Development and Cooperation Act'". The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with those countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development, and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) The economic and social development programs to which the United States leads support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs, and arrangements should be continually sought to provide stability and protection for such private investment.

"(8) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities.".

(c) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCE DEVELOPMENT.—In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $50,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2

of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision or the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

SEC. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to fiscal provisions, is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part VI of this Act".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 5. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended, as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance" insert the word "directly".

(b) In section 214, relating to authorization for American schools and hospitals abroad, strike out subsections (c) and (d) and insert in lieu thereof the following:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President for the fiscal year 1974, $20,000,000, and for the fiscal year 1975, $20,000,000, which amounts are authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1974, $7,000,000, and for the fiscal year 1975, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) Amounts appropriated under this section shall not be used to furnish assistance under this section in any fiscal year to more than four institutions in the same country, and not more than one such institution shall be a university and not more than one such institution shall be a hospital.".

HOUSING GUARANTIES

SEC. 6. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$305,000,000".

(b) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 235(a)(4), relating to issuing authority of the Overseas Private Investment Corporation, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

(b) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975":

ALLIANCE FOR PROGRESS

SEC. 8. Section 252(b) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization of appropriations, is amended to read as follows:

"(b) There are hereby authorized to be appropriated to the President for the fiscal year 1974, $968,000, and for the fiscal year 1975, $968,000, for grants to the National Association of the Partners of the Alliance, Inc. in accordance with the purposes of this title.".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 9. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 10. Chapter 3 of part I of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended as follows:

(a) At the end of section 301, relating to general authority, add the following new subsection:

"(e)(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

"(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

"(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.".

(b) In section 302(a), strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $127,800,000 and for the fiscal year 1975, such sums as may be necessary".

(c) In section 302(b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000,".

(d) Section 302(d) is amended to read as follows:

"(d) Of the funds provided to carry out the provisions of this chapter for each of the fiscal years 1974 and 1975, $18,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund.".

(e) In section 302(e), strike out "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973" and insert in lieu thereof "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975".

CONTINGENCY FUND

SEC. 11. Subsection (a) of section 451 of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out the proviso contained in the first sentence of such subsection and at the end of such subsection add the following: "In addition to the amounts authorized to be appropriated by this subsection, there are authorized to be appropriated such additional amounts as may be required from time to time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 12. (a) Section 481 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by inserting "(a)" immediately after "INTERNATIONAL NARCOTICS CONTROL.—" and by adding at the end thereof the following new subsection:

"(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, per calendar quarter, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the

fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, per calendar quarter, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.".

(b) Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000" and all that follows down through the period at the end of such section and inserting in lieu thereof "$50,000,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended.".

COOPERATIVE ECONOMIC EXPANSION

SEC. 13. Part I of the Foreign Assistance Act is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—COOPERATIVE ECONOMIC EXPANSION

"SEC. 495. COOPERATIVE ECONOMIC EXPANSION.—The President is authorized to use up to $2,000,000 of the funds made available for the purposes of this part in each of the fiscal years 1974 and 1975 to assist friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under section 211, in the procurement of technical assistance from United States public or private agencies or individuals. Assistance under this chapter shall be for the purpose of (1) encouraging development of natural resources of interest to the United States, (2) encouragement of a climate favorable to mutually profitable trade and development, and (3) stimulation of markets for United States exports. Any funds used for purposes of this section may be provided on a loan or grant basis and may be used notwithstanding any other provision of this Act."

MILITARY ASSISTANCE

SEC. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "the fiscal year 1974".

(c) Section 513 is amended—

(1) by striking out "THAILAND.—" in the section heading and inserting in lieu thereof "THAILAND, LAOS, AND VIETNAM.—(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.".

(d) Section 514 is repealed.

SECURITY SUPPORTING ASSISTANCE

SEC. 15. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $125,000,000 of which not less than $50,000,000 shall be available solely for Israel".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 16. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. STATEMENT OF PURPOSE.—The purpose of this chapter is to establish an international military education and training program which will—

"(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries;

"(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress; and

"(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"SEC. 542. GENERAL AUTHORITY.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract, or otherwise, including—

"(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the Service Academies) and abroad;

"(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

"(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

"(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"SEC. 543. AUTHORIZATION.—To carry out the purposes of this chapter, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1974. Amounts appropriated under this section are authorized to remain available until expended.

"SEC. 544. ANNUAL REPORTS.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year in furtherance of the purposes of this chapter. Each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 503(d), relating to general authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a), relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510, relating to restrictions on training foreign military students, is repealed.

(4) Secion 622, relating to coordination with foreign policy, is amended as follows:

(A) In subsection (b) immediately after the phrase "(including civic action)" insert the words "and military education and training".

(B) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(A) In subsection (a)(4), immediately after the word "military", insert the words "and related civilian".

(B) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b), and (e) immediately after the word "articles", wherever it appears, a comma, and the words "military education and training".

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(A) In subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training,".

(B) In subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644, relating to definitions, is amended as follows:

(A) Subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II.".

(B) There is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

PROHIBITIONS

SEC. 17. (a) Section 620(e) of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to expropriation, is amended by striking out paragraph (1), by striking out "(2)" at the beginning of paragraph (2), and by striking out "subsection: *Provided*, That this subparagraph" and inserting in lieu thereof "section (as in effect before the date of the enactment of the Mutual Development and Cooperation Act of 1973): *Provided*, That this subsection".

(b) Section 620(n) of such chapter, relating to equipment materials or commodities furnished to North Vietnam, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "unless the President finds and reports, within thirty days of such finding, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House that such assistance is in the national interest of the United States. The President's report shall contain assurances that the Government of North Vietnam is cooperating fully in providing for a full accounting of any remaining prisoners of war and all missing in action.".

(c) Section 620 of such chapter is amended by adding at the end thereof the following new subsection:

"(x) No assistance shall be furnished under this or any other Act to any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

EMPLOYMENT OF PERSONNEL

SEC. 18. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personnel, is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631(b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an Officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two, during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty: Provided, That no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of section 633 and 634 of the Foreign Service Act of 1946, as amended.".

REPORTS AND INFORMATION

SEC. 19. (a) Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan, and each contract of guarantee or insurance, theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability: *Provided, however,* That this report shall report individually only those loans, contracts, sales, extensions of credit, or other transactions listed above in excess of $1,000,000.

"(g) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available showing—

"(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

"(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

"(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together

with a detailed statement of the effect of such debt relief with respect to each such country; and

"(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.".

(b) (1) The President of the United States shall, as soon as practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African colonies of—

(A) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of the Mutual Development and Cooperation Act of 1973,

(B) defense articles or services furnished after such date under the Foreign Military Sales Act (whether for cash or by credit, guarantee or any other means), or

(C) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954.

(2) Any assistance or sales referred to in the preceeding paragraph shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance or item so furnished after such date has been used in support of Portugal's military activities in its African colonies. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal.

ADMINISTRATIVE EXPENSES

SEC. 20. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000 and for the fiscal year 1975, $53,100,000".

FAMINE AND DISASTER RELIEF AND AFRICAN SAHEL DEVELOPMENT PROGRAM

SEC. 21. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 639 and inserting in lieu thereof the following new sections:

"SEC. 639. FAMINE AND DISASTER RELIEF.—Notwithstanding the provisions of this or any other act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine.

"SEC. 639A. FAMINE AND DISASTER RELIEF TO THE AFRICAN SAHEL.—(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the Sahelian nations of Africa.

"(b) Notwithstanding any prohibitions or restrictions contained in this or any other act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $30,000,000 to remain available until expended, for use by the President, under such terms and conditions as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken Sahelian nations of Africa.

"SEC. 639B. AFRICAN SAHEL DEVELOPMENT PROGRAM.—The Congress supports the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.".

ADMINISTRATIVE PROVISIONS

SEC. 22. Chapter 2 of part III of the Foreign Assistance Act of 1961, relating to administrative provisions, is amended by adding at the end thereof the following new sections:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

"(b) The President shall prescribe appropriate procedures to assure coordination among the various departments and agencies of the United States Government having representatives in diplomatic missions abroad.

"(c) Programs authorized by this Act shall be undertaken with the foriegn policy guidance of the Secretary of State.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages and working conditions in the United States.

"SEC. 640C. SHIPPING DIFFERENTIAL.—For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of part VI may be used to make grants to recipients under this part to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.".

MISCELLANEOUS PROVISIONS

SEC. 23. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new sections:

"SEC. 659. ANNUAL NORTH ATLANTIC TREATY MILITARY ORGANIZATION REPORT.—(a) The Secretary of Defense and the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, on or before January 15 of each year a report of—

"(1) the direct, indirect, and unallocated costs to the United States of participation in the North Atlantic Treaty Organization (hereinafter in this section referred to as the 'Organization') for the last fiscal year preceding the fiscal year in which the report is submitted;

"(2) the estimated direct, indirect, and unallocated costs to the United States of participation in the Organization for the fiscal year in which the report is submitted;

"(3) the amounts requested from Congress (or estimated to be requested) for the direct, indirect, and unallocated costs to the United States of participation in the Organization for the first fiscal year following the fiscal year in which the report is submitted;

"(4) the estimated impact of expenditures related to United States participation in the Organization on the United States balance of payments including a detailed description of the offsets to such United States expenditures.

For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such cost and appropriating funds for such cost shall be listed next to such cost in the report.

"(b) For the purposes of this section—

"(1) the term 'direct costs' includes funds the United States contributes directly to any budget of the Organization (including the infrastructure program);

"(2) the term 'indirect costs' includes funds the United States spends to assign and maintain United States civilian employees for the Organization, funds spent for Government research and development attributable to the Organization, contributions to the Organization sponsored organizations, and military assistance furnished under part II of this Act, and sales of defense articles or defense services under the Foreign Military Sales Act, to member nations of the Organization; and

"(3) the term 'unallocated costs' includes (i) funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for the Organization in Europe, the United States, or on the open seas, or to remove such Armed Forces from such commitment, and (ii) funds the United States spends on facilities constructed and maintained for such forces.

"(c) All information contained in any report transmitted under this section shall be public information, except information that the Secretary of Defense or the Secretary of State designates in such report as information required to be kept secret in the interest of the national defense or foreign policy.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 24. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY.—It is the purpose of this part to (1) authorize immediate high-priority humanitarian relief assistance to the people of South Vietnam, Cambodia, and Laos, particularly to refugees, orphans, widows, disabled persons, and other war victims, and (2) to assist the people of those countries to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring the Peace in Vietnam, the cease-fire agreement for Laos, and any cease-fire agreement that may be reached in Cambodia. In this effort United States bilateral assistance should focus on critical problems in those sectors which affect the lives of the majority of the people in Indochina: food, nutrition, health, population planning, education, and human resource development. United States assistance should be carried out to the maximum extent possible through the private sector, particularly those voluntary organizations which already have ties in that region.

"CHAPTER 2.—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local curren-

cies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

"SEC. 822. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"SEC. 823. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 822 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 824. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 822 for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 percent of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies.

"CHAPTER 3.—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. AUTHORITY.—All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

MEANING OF REFERENCES

SEC. 25. All references to the Foreign Assistance Act of 1961 and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development. All references to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961 and to the Agency for International Development, respectively.

FOREIGN MILITARY SALES

SEC. 26. The Foreign Military Sales Act is amended as follows:

(a) Add the following new subsection at the end of section 3 of chapter 1, relating to eligibility:

"(c) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on or after the date that the President determines that such country has violated any agreement it has made in accordance with paragraph (2) of subsection (a) of this section or section 505(a) of the Mutual Development and Cooperation Act or any other provision of law requiring similar agreements. The prohibition contained in the preceding sentence shall not apply on or after the date that the President determines that such violation has been corrected and such agreement complied with. Such country shall remain ineligible in accordance with this subsection until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not reoccur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned.".

(b) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(c) In section 24(c) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(d) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appear.

(e) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof $450,000,000 for the fiscal year 1974".

(f) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only".

(g) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(h) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expeditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(j) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, strike out subsection (a) and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

(k) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

SEC. 27. (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to—

(A) the Inter-American Foundations, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

(B) the United States Department of State to be administered by the Mutual Development and Cooperation Agency for purposes of sections 1 and 2 of the Latin American Development Act; and or

(C) subject to the approval of the Department of State, to the United States Treasury for general uses of the Government; and or

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries.

(b) Any transfer of utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subparagraph (A) of subsection (a) (1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his designee shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section.

SEC. 28. Notwithstanding any other provision of law, no funds authorized by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an Act of Congress assistance to North Vietnam is specifically authorized.

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2335; agree to the request of the House for a

conference on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. CHURCH, Mr. HUMPHREY, Mr. AIKEN, and Mr. CASE conferees on the part of the Senate.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of tne junior Senator from West Virginia on tomorrow, there be a period for the transaction of routine morning business not to exceed 15 minutes with statements limited therein to 3 minutes.

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

ORDER FOR CONSIDERATION OF S. 2491

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2491, dealing with crop failures, be made the pending business at the conclusion of the routine morning business tomorrow.

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

AUTHORIZATION FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service have until midnight tonight to file reports.

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

ORDER FOR CONSIDERATION OF TREASURY-POST OFFICE APPROPRIATIONS, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 1:30 p.m. tomorrow the distinguished Senator from New Mexico (Mr. MONTOYA) be recognized to call up the conference report on the Treasury and Post Office appropriation bill (H.R. 9590).

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

QUORUM CALL

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

The PRESIDING OFFICER The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow, the Senate will convene at the hour of 12 noon.

After the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

On tomorrow, it is anticipated that the Senate will take up S. 2491, a bill to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains.

Mr. President, it is possible—but not definite—that S. 2013, a bill to amend the act of June 14, 1926 (43 United States Code 869), pertaining to the sale of public lands to States and their political subdivisions, will be called up on tomorrow.

Conference reports, being privileged matters, may be called up at any time. And votes may occur thereon. Other measures cleared for action may also be called up.

In summation, Mr. President, yea-and-nay votes may occur on tomorrow.

ADJOURNMENT

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 12 o'clock noon tomorrow.

The motion was agreed to; and at 5:51 p.m. the Senate adjourned until tomorrow, Thursday, October 11, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, October 10, 1973:

OLD WEST REGIONAL COMMISSION

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission, vice Robert L. McCaughey, resigned.

SECURITIES INVESTOR PROTECTION CORPORATION

Glenn E. Anderson, of North Carolina, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1975. (Reappointment)

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 1973, vice Byron D. Woodside, resigning.

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1976. (Reappointment)

THE JUDICIARY

Walter Jay Skinner, of Massachusetts, to be a United States District Judge for the District of Massachusetts, vice Anthony Julian, retired.

DEPARTMENT OF JUSTICE

Thomas Arny Rhoden, of Mississippi, to be United States Marshal for the Southern District of Mississippi for a term of four years, vice Jack T. Stuart, resigned.

U.S. AIR FORCE

The following officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Ernest C. Hardin, Jr., [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE U.S. ARMY

The following-named officer for temporary appointment in the Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 3442 and 3447:

To be brigadier general

Col. Leonard F. Stegman, [redacted] U.S. Army.

IN THE NAVY

Reinhardt H. Bodenbender (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

James M. Geeslin, Jr.
Francis A. Mlynarczyk

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Daniel D. Broadhead	William D. Miller
Henry Cevallos	William F. Pettit, Jr.
Larry D. Cordell	Ronald T. E. Rizzolo
Robert G. Hartmann	George E. Scordalakes
James M. Mathers	

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Nicholas H. Baxter	Bruce K. Lloyd III
Donald C. Brennan	Gary E. Penner
Douglas R. Coombs	Daniel R. Peterson
Frank J. Criddle	John W. Sanders
Stephen R. Damm	Stephen W. Shewmake
Terrance S. Drake	James N. Shreck
Ralph B. Fillmore	Jerry D. Spencer
Roger A. Freeman, Jr.	Scott A. Splinter
James T. Hay	Otis V. Thomas, Jr.
William R. Huffman	Victoria M. Voge
James M. Hurst	Michael A. Watts
Steven E. Kammeyer	John F. Williams

Gary L. Isley (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and

temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Louis W. Kiemme
Lynn I. Nilson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subjected to the qualification therefor as provided by law:

James D. Arnold	William E. Larson
Richard A. Baker	Peter G. Lynch
Robert J. Beaudry	John M. McLaughlin
Peter K. Budnikas	Ernest W. Meharra
James C. Cecil III	Richard C. Miller
Gary W. Coatoam	Gordon J. Nolan
Steven G. Detsch	John M. Peacock
Robert M. Dunlap	James R. Ponsler
Paul S. Forsberg	Kenneth E. Pyle
David W. Foulk	Paul N. Ross
Joseph I. Frazier	Theodore Schneider
Marlin E. Gher, Jr.	Floyd T. Sekiya
Daniel P. Golden	John J. Simkovich, Jr.
Joseph B. Hansen	Charles E. Spann
Stephen R. Hoyem	Elwood R. Stultz, Jr.
Wayne L. King	Martin T. Tyler
John F. Kriz, Jr.	Lewis W. Williamson
Glenn A. Kurtz	Robert A. Witherspoon
Charles W. Lander	

The following-named U.S. Navy officers to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Randall L. Harrington	Russell Meyer
Oscar L. Majure, Jr.	Michael J. O'Sullivan, Jr.

Owen B. Klapperich, U.S. Navy officer to be a temporary commander in the Chaplain Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named U.S. officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

David S. Harrer	Roger A. Potter
Victor C. Heath	Harold D. West
Francis C. Johnson	Harold A. Westervelt
Lawrence A. Jones	David C. Ziegler
Thomas A. MacLean	

John H. Leonard, U.S. Navy officer to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Richard J. Blair, EX-LT, USNR to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Frederick E. Janney, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent rear admiral and a temporary rear admiral in the Navy, subject to the qualification therefor as provided by law.

Daniel J. Harrington, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the Navy, subject to the qualification therefor as provided by law.

Richard A. Weiss, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the Supply Corps of the Navy, subject to the qualification therefor as provided by law.

John D. Fauntleroy (civilian college graduate) to be a commander in the Judge Advocate General Corps in the Reserve of the U.S. Navy for temporary service, subject to the qualification therefor as provided by law.

Martin R. Plaut, U.S. Navy officer, to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Robert N. Conrad, U.S. Navy officer, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Berkley Rish, U.S. Navy officer, to be a captain in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

John R. Musser, U.S. Navy officer, to be a commander in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Joseph A. Adamo	Fred A. Clavelli
Louis J. Alfieri	Bruce N. Coburn
Charles M. Anderson	Robert D. Cole
Stephen P. Anderson	Walter B. Cole
William C. Asmussen	Marlyn N. Collins, Jr.
Roger V. Bartholomew	Michael P. Connors
Phillip G. Batten	Edwin R. Cox
Peter A. Bensch	Bobby J. Cranor
Clyde Berry, Jr.	Alan A. Davis
William F. Best	Richard W. Dean
James W. Bloomer II	Paul E. Desilets
William K. Bolinger	James F. Deucher
Procesco V. Borgueta	Kenny I. Dever III
James G. Brewer	William D. Dilmore, Jr
Alfred N. Briggs II	
John A. Brouse, Jr.	James R. Dixon
Budd C. Brown	Gerald A. Donato, Jr.
John E. Brown, Jr.	Gary R. Doty
Henry M. Caldwell	Steven G. Erick
Robert D. Callier	John D. Evanoff II
Wallace R. Cameron, Jr.	Dwight H. Everett
	Michael F. Farley
Richard C. Chandler	David E. Franks
Max C. Chapman	James W. Freeman, Jr.
Bill M. Christiansen	Donald H. Frisch
Theodore M. Gallo	Lynn R. Mather
Alan V. Gary	Ronald J. Matoushek
Jonathan P. Geer	John T. McComb
Bennie R. Green	Michael E. McDonald
John D. Griffith	Anthony R. McKibben
James R. Gross	Richard G. Merten
Michael J. Guertin	David D. Molsberry
Orrin "E" Haberman	Glenn D. Myers
Daniel P. Haddow	Frederick A. Nelson
Stephen A. Halsey	Randall G. Oliver
Lynn K. Hanna	Christopher D. Owens
Edward L. Hardeman	Thomas P. Pannell
Roy C. Harness	John C. Parry
Paul D. Harrison	Stephen R. Paulson
Robert F. Harrison, Jr.	John L. Pratt
Douglas R. Hart	Frederick L. Rickman
Charles R. Hilton	Keith A. Roberts
Gary Q. Hopper	Chesley B. Robison
Elmore M. Hudgens	Thomas R. Roesch
William E. Huebner	George F. Rowland
Gary A. Hughes	Robert W. Sanders
Joseph F. Hulsey	Clarence W. Schultz
Richard M. Hunt	Thomas B. Service
Gary R. Iversen	Ronald K. Shirley
Andrew E. Jackson	Alan M. Sipe
Jan P. Jarvis	Richard G. Slonim
Kenneth M. Jenison	Calvin T. Stafford
Michael E. Jenkins	Dale L. Sumner
Robert E. Jenkins	William D. Sweet
Michael W. Johnson	Scott A. Swenson
Warren H. Johnson	Robert C. Tannehill
*Charlie A. Jones, Jr.	John Thogerson II
Gary L. Karr	Ira F. Thompson, Jr.
James H. Kendall	Geoffrey L. Travers
Jack A. Kinnaird	William C. Troxell
Raymond L. Kinsaul, Jr.	John A. Turley
	James Valdivia, Jr.
Brian E. Koenig	William A. Vernier
Brady N. Kraft	Oran J. Viator, Jr.
Joseph Krenzel	Anthony J. Vinnola, Jr.
Pamala A. Kuhn	
William F. Lathers	David B. Walker
Conrad A. Laurvick	George T. Wasenius
Gary B. Linton III	Veron M. Watson
Stephen D. Lisse	Dale A. Weathers
David L. Londot	Steven L. Wesco
Randall K. Maroney	Robert C. West
William R. White	Laurent B. Wood
Vern F. Wing	Terry J. Zeiler

Billy C. Bradford, to be reappointed from the Temporary disability retired list as a permanent chief warrant officer W-2 and a temporary ensign in the Navy, limited duty (electronics) subject to the qualification therefor as provided by law.

Thomas A. Schultz (Naval Reserve Officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 10, 1973:

IN THE COAST GUARD

Coast Guard nominations beginning David M. Donaldson, to be lieutenant (j.g.), and ending Rudolph L. Carpenter, Jr., to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1973.

Coast Guard nominations beginning John G. Cwiek, to be lieutenant, and ending Michael J. Goodwin, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1973.

Coast Guard nominations beginning Peter A. Morrill, to be captain, and ending Daniel B. Charter, Jr., to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 1973.

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Joseph A. Sowers, to be lieutenant, and ending Thomas G. Russel, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on October 3, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, October 10, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In Him who strengthens me, I am able for anything. Philippians 4: 13 (Mofatt).

O Lord, our God, come richly into our hearts as we bow our heads in this circle of prayer. With Thee is love and when love lives in us we are free from fear and filled with faith. In our minds may there dwell the thoughts of peace for our world, enthusiasm for our country, and good will for Thy children.

Keep open the doors of our spirits to Thee and all of life will be brighter with each step we take into this new day. Sustain us with the light that never fades, the strength that never fails and the wisdom that never falters. Glory be to Thee, O Lord Most High. Amen.