By Mr. STARK (for himself, Mr. WHITE, Mr. WON PAT, Mr. RYAN, Mr. CLAY, Mr. WRIGHT, Mr. SYMMS, Mr. MORGAN, Mr. CHARLES WILSON of Texas, Ms. MINK, Mr. BREAUX, Mr. ROSENTHAL, Mr. FAUNTROY, Mr. STEELMAN, Mr. CONTE, Mr. PREYER, Mr. METCALFE, Mr. JONES of Oklahoma, Mr. SHOUP, Mr. HUBER, Mr. ROONEY of Pennsylvania, Mr. SEIBERLING, Mr. MCCORMACK, Mr. DIGGS, and Mr. TOWELL of Nevada):

H.R. 10906. 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; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.J. Res. 769. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. FULTON:

H.J. Res. 770. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 771. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. LEHMAN (for himself, Mr. BELL, Mr. HOWARD, Mr. MCKINNEY, Mr. STUDDS, Mr. VIGORITO, Mr. WILLIAMS, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WRIGHT, Mr. YATES, and Mr. YOUNG of Georgia):

H. Con. Res. 349. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. BADILLO:

H. Res. 595. Resolution concerning the protection of human rights in Chile, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H. Res. 596. Resolution to express the sense of the House that there will be no action on the nomination for Vice President until such time as the President has complied with the final decision of the court system as it relates to the White House tapes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. WALDIE, Mr. LEGGETT, Mr. YOUNG of Georgia, Mrs. SCHROEDER, Mrs. BURKE of California, and Mr. REES):

H. Res. 597. Resolution: It is the sense of the House that there be no action on confirmation of the Vice President nominee until such time as the President has complied with the final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

316. The SPEAKER presented a memorial of the Legislature of the State of California, relative to anadromous fish conservation; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

313. The SPEAKER presented a petition of Jack Ladbury, Valley City, N. Dak., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

SENATE—*Friday, October 12, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

PRAYER

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

They that wait upon the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40: 41.

Help us O Lord, to run when we can, to walk when we ought, to wait when we must. Give us the wisdom to leave undone that for which we are not ready. Open our minds to discern Thy will and make us ready to do it. In everything, do through us only what is best for the United States and the advancement of Thy kingdom.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 12, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Thursday, October 11, 1973, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, 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 amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations, for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 45 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes.

The message further announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. KENNEDY).

NOMINATION OF A VICE PRESIDENT

Mr. HUGH SCOTT. Mr. President, I am aware that a motion is about to be made for a brief recess. I have asked for this time in order to make an announcement.

The White House announced a few minutes ago that the President will appear on television at 9 o'clock tonight and will at that time announce his nomination for the post of Vice President of the United States.

I should like to express the hope that Members of both parties in their respective conferences today would give most serious consideration to an early agreement on the procedures to be adopted, in order that we may expedite those procedures so that the nominee will not be required to wait in limbo pending an examination of purely procedural matters, since the House has already agreed on its own position.

I express this hope on my own behalf. I am aware of the responsibilities on both sides of the aisle, and I hope that this matter can be worked out during the current day.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, am I still recognized under the standing order?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is so recognized.

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

RECESS UNTIL 12:35 P.M.

Mr. ROBERT C. BYRD. Mr. President, the Democratic conference is at present in session with reference to the subject matter just alluded to by the distinguished Republican leader.

I ask unanimous consent, in order that the Democratic conference may proceed uninterrupted, that the Senate stand in recess for a period of 30 minutes.

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

Accordingly at 12:05 p.m., the Senate took a recess until 12:35 p.m.; whereupon, the Senate was called to order by the Presiding Officer (Mr. DOLE).

RECESS UNTIL 1:05 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 30 minutes.

The motion was agreed to; and at 12:35 p.m., the Senate took a recess until 1:05 p.m.; whereupon the Presiding Officer (Mr. COOK) called the Senate to order.

QUORUM CALL

Mr. GRIFFIN. 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.

RECESS UNTIL 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:30 p.m. today.

The motion was agreed to; and at 1:06 p.m. the Senate took a recess until 1:30 p.m.; whereupon, the Presiding Officer (Mr. BIDEN) called the Senate to order.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIDEN). The hour of 2 o'clock having arrived, what is the will of the Senate?

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes.

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

INTEGRATED OIL OPERATIONS

Mr. HASKELL. Mr. President, the chairman of the Interior and Insular Affairs Committee, the distinguished Senator from Washington (Mr. JACKSON), has established a subcommittee known as the Special Subcommittee on Integrated Oil Operations. This special subcommittee will soon begin hearings and I would like to describe for the benefit of my colleagues a bit of the background and the purpose and direction of the subcommittee.

Senator JACKSON formed the subcommittee specifically to take testimony on my bill, S. 2260. I introduced this legislation as an alternative to an amendment I proposed to the Alaskan pipeline bill but did not call up. S. 2260 would make it illegal for oil companies to own new oil pipelines and provides that they must divest themselves of existing oil pipelines after 5 years.

The basic purpose of the subcommittee is to examine the structure and operations of the oil and gas industry to determine whether it operates, as now structured, in a competitive manner and thus in the best interests of the country. In all candor, Mr. President, I must say that the weight of the evidence I have been able to unearth regarding integrated pipeline ownership suggests this is, indeed, anticompetitive. It is that evidence which prompted my bill, S. 2260.

But pipeline ownership is only one aspect. I realize the issue is much broader, hence the purview of the subcommittee will be much broader.

This is a time of increased energy demands, real and threatened shortages and steadily rising prices. It is particularly important that the American consumer be supplied with petroleum products which are as cheap and abundant as possible. For the next few years, until alternate energy sources are developed, America's energy needs must, in large part, be furnished by natural gas and petroleum products. Furthermore, oil and gas companies are very active in the search for alternate energy forms.

In this context, it is crucial that the industry supplying most of our energy needs today—and which may expand that share tomorrow—is truly competitive.

I believe it is the prevailing opinion in this country—it is certainly mine—that economically all of us are best served by an industry which is regulated by the forces of free competition. There are some exceptions, of course, such as public utilities. In these cases, by virtue of special circumstances, monopolies exist and regulation becomes necessary.

But generally, an industry regulated by free competition serves us best. These forces compel producers to be innovative; consumers get the best products at the best prices as a result.

When regulation by competition fails, the alternative is regulation by Government fiat. I submit, Mr. President, that this is an unacceptable alternative. Government control of prices has a stultifying effect. It stifles initiative and its administration breeds endless inequities and red tape. If we should rely upon Government regulation, I believe we can look forward only to a shrinking industrial base, higher prices, and inferior products.

This is the alternative to regulation by free competition. For this reason, it is essential that the oil and gas industry be truly competitive.

Various proposals have been offered to make the industry more productive and thus better able to serve the American consumer. I consider some of these proposals extreme.

At one extreme are some industry recommendations—to lift environmental restrictions, restore oil import quotas, increase tax advantages which may already be excessive and to deregulate all natural gas.

At the other extreme there have been suggestions to put the entire industry under the regulation of the Federal Power Commission—equally disastrous.

Yet another proposal I must dismiss as extreme is one which would break up integrated oil companies not only by function at the production, transportation, refining, and marketing levels, but also geographically within those levels. It seems to me, Mr. President, that this is not a time to rush to extremes. Instead, we must first examine the industry to see if it is working well. If it is not or if it could work better, we must suggest solutions appropriate to the problem.

To the lease broker, the landman, and the contract driller in my part of the country a suggestion that the oil and gas industry might not be competitive would come as a complete surprise. For from personal observation it is clear that the most vigorous possible competition exists in this segment. But does the same spirit exist in the board rooms of the major oil companies? Or do they aline themselves philosophically with the editorial writer who wrote on August 13, 1973, in the Oil and Gas Journal, the voice of the industry:

> In the main, the oil companies are accused of being big, integrated, anti-competitive and profitable. None of these is a crime. . . .
>
> There are valid reasons why the companies act as they do . . .

Mr. President, there may, indeed, be reasons why oil companies act as they do. That is precisely what my subcommittee will seek to discover. But I would point out that the Oil and Gas Journal editorial errs seriously on one major point: It is unlawful to be anticompetitive.

And for over two decades certain analyses of the industry have concluded that,

in some respects, true competition is stifled. Among these are two reports from Mr. Rogers, Attorney General for President Eisenhower, dated September 1, 1958, and September 1, 1959, on the Interstate Compact To Conserve Oil and Gas. Mr. Clark, Attorney General for President Johnson, issued a report on the same compact in July 1967. All these, as well as reports from the Federal Trade Commission, charge that competition is stifled in the oil and gas industries.

The Attorneys General recommended legislative action to restore the competition they believed lacking. The FTC has filed suit against several major oil companies to the same end.

Whether or not these analyses are accurate, Mr. President, it seems to me that it is vitally important that we in Congress examine the industry.

Certainly the oil and gas industry is not nearly as highly concentrated as the automobile industry. Nor, probably, is it as concentrated as the steel, pharmaceutical, and aluminum industries, to name just a few. Obviously concentration of an industry in the hands of a few producers is not the sine qua non of noncompetition. Other questions must be asked.

Possibly in certain segments competition is not feasible—but what are those segments? What form must regulation take? Can the balance of the industry be competitive? And is it? As a corollary to this we must also ask whether new organizations enter into the industry at the various levels—production, transportation, refining, or marketing.

Mr. President, it is my intention as chairman of this special subcommittee to hold hearings for the purpose of delineating the structure and operations of this industry in order that a factual basis may be laid from which to draw conclusions.

Possibly the industry is truly competitive at all levels. Possibly in certain aspects it is noncompetitive. If this is the case, the subcommittee should determine what legislative steps, if any, are needed to guarantee true competition. When competition is not possible, the subcommittee should recommend the form regulation must take.

QUORUM CALL

Mr. HASKELL. 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. DOLE. 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. KENNEDY) laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXECUTIVE DINING ROOMS

A letter from the Assistant Secretary for Administration, Department of Commerce, reporting, pursuant to law, on executive dining rooms, for the fiscal year 1973. Referred to the Committee on Appropriations.

REPORT ON EXECUTIVE DINING ROOMS

A letter from the Comptroller General of the United States, reporting, pursuant to law, on executive dining rooms, for the fiscal year 1973. Referred to the Committee on Appropriations.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended June 30, 1973. Referred to the Committee on Armed Services.

REPORT RELATING TO REVISED DEPARTMENT OF THE NAVY SHORE ESTABLISHMENT REALINEMENT ACTION

A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting, pursuant to law, a report on the facts concerning a revised Department of the Navy Shore Establishment Realinement Action at the Naval Air Engineering Center, Philadelphia, Pa. (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report of the actions taken by the Export-Import Bank during the quarter ended December 31, 1972 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development transmitting a draft of proposed legislation to authorize insurance in connection with loans for the preservation of residential historic properties (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT BY THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report for the month of June 1973 relating to number of passengers and the on-time performance of schedules (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE U.S. TARIFF COMMISSION

A letter from the Chairman of the U.S. Tariff Commission transmitting, pursuant to law, its report on the operation of the trade agreements program (with an accompanying report). Referred to the Committee on Finance.

REPORT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

A letter from the President of the Overseas Private Investment Corporation transmitting, pursuant to law, its annual report for the fiscal year 1973 (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

Five letters from the Comptroller General of the United States transmitting, pursuant to law, reports entitled "Summary of U.S. Assistance To Jordan"; "Audit of Payments From Special Bank Account to Lockheed Aircraft Corp. for the C–5A Aircraft Program During the Quarter Ended June 30, 1973"; "Airmail Improvement Program Objectives Unrealized"; "Should Appropriated Funds Be Used for Transportation Procured Specifically for Armed Forces Exchange Goods?" and "Unclaimed Savings Bonds Should Be Returned to Veterans and Other Individuals" (with accompanying reports). Referred to the Committee on Government Operations.

REPORT OF THE COMMISSIONER OF EDUCATION

A letter from the Commissioner of Education transmitting, pursuant to law, his annual report for the fiscal year ending June 30, 1971 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

ALASKA NATIVE CLAIMS SETTLEMENT ACT

A letter from the Secretary of the Interior transmitting, pursuant to law, the annual report on implementation of the Alaska Native Claims Settlement Act (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

A letter from the Executive Director of the Commission on the Bankruptcy Laws of the United States transmitting, pursuant to law, part II of its report dated July 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CLARK, from the Committee on Public Works, without amendment:

S. 2178. A bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes (Rept. No. 93–464); and

S. 2503. A bill to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building" (Rept. No. 93–465).

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

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.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to report the bill (S. 1769) 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, and to file the written report on the bill by October 18, 1973.

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

Mr. MAGNUSON. Mr. President, it is appropriate that the Commerce Committee report the Fire Prevention and Control Act this week because this is National Fire Prevention Week. If enacted, this legislation would create the most comprehensive and vigorous program of fire prevention and control ever pursued by the Federal Government.

The legislation is designed to implement the 2-year study conducted by the National Commission on Fire Prevention and Control. I have reviewed the Commission's report carefully and I can only conclude that the fire problem in this Nation, as compared to other industrial nations, is a national outrage:

It is deplorable that during the next hour, there will be 300 destructive fires in the United States resulting in 1 death, 34 injuries, and $300,000 worth of property damage.

It is deplorable that annually, 12,000 lives are lost in fires; and 300,000 are injured. Of that number, one-sixth will spend anywhere from 6 weeks to 2 years in the hospital recuperating.

It is deplorable that the cost of fire to the Nation is $11.4 billion annually.

It is deplorable that the profession of firefighter is the most hazardous in the United States with an injury rate of 39.6 per 100 in 1971.

And it is equally deplorable that the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire.

The bill as reported by the committee would create the position of Assistant Secretary of Commerce for Fire Prevention and Control. The Assistant Secretary would oversee a fire research and control program composed of:

First. A fire academy: A Federal fire academy would be established for the purpose of providing training to local fire services. The Secretary would develop curricula, standards of admission, and performance for awarding degrees and certificates. In addition, he would develop model curricula and training programs for use by other educational institutions.

Second. Fire research: The Secretary would be authorized to expand the Department of Commerce's program of research to develop a sophisticated approach to fire prevention and fire suppression. The program would also include studies of operations and management techniques for the fire services.

Third. Fire data: The Secretary of Commerce would be authorized to collect, analyze, publish, and disseminate data on the prevention, occurrence, control, and results of fire.

Fourth. Fire education: Based on the theory that many fires can be prevented, the Secretary of Commerce would be authorized to undertake a public education campaign.

Fifth. Master plan demonstration projects: The Secretary of Commerce would be authorized and directed to fund five to eight State model demonstration projects. The goal of these projects would be to explore new ways of developing and implementing master plans for fire prevention and control for States and local jurisdictions.

Sixth. Burn centers: The Secretary of Health, Education, and Welfare would be authorized and directed to undertake an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims. It would include the establishment of 25 additional burn centers and burn units for the specialized treatment of injuries.

Seventh. Loan guarantees: The bill would authorize a loan guarantee program to nursing homes which install sprinkler systems and other fire prevention devices.

Mr. President, I thank my colleagues on the Committee on Commerce for their unified support of this legislation. I hope that the entire Senate will consider and approve this landmark legislation.

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

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

S. 1769

A bill to establish a United States 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

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

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90–259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations. The National Commission concluded that while fire prevention and control is and should remain a State and local responsibility, "the Federal Government must . . . help . . . if any significant reduction in fire losses is to be achieved."

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world (57.1 deaths per million versus only 29.7 deaths per million for the industrialized nation with the next to the worst record).

(3) Fire constitutes a major burden affecting interstate commerce. Fire kills twelve thousand and scars and injures three hundred thousand Americans each year, including fifty thousand individuals who must be hospitalized for periods lasting from six weeks to two years. Almost $3,000,000,000 worth of property is destroyed by fire annually, and the total economic cost of destructive fire has been conservatively estimated by the National Commission to be $11,400,000,000 per year. Firefighting is the Nation's most hazardous profession, with a death rate 15 per centum higher than that of the next most dangerous occupation.

(4) The National Commission concluded that the fire problem is exacerbated by—

(A) "the indifference with which Americans confront the subject";

(B) the Nation's failure to undertake significant amounts of scientific research and development into fire and fire-related problems;

(C) the inadequate facilities and resources available to train firefighters in fire prevention and control techniques;

(D) the scarcity of reliable data and information;

(E) the fact that designers and purchasers of building and products generally give only minimal attention to fire safety ("many communities are without adequate building and fire prevention codes");

(F) the fact that many local fire departments appear concerned only with fire suppression and rescuing victims rather than with being at least equally concerned with fire prevention, inspection, and code-enforcement programs ("about 95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts . . . to prevent fires from starting"); and

(G) the limited number of places in the United States that have burn centers which are properly equipped and staffed to save lives and rehabilitate the victims of fire.

(5) The unacceptably high death, injury, and property losses from fire can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(b) PURPOSES.—Therefore it is declared to be the purpose of Congress in this Act to—

(1) establish the office of Assistant Secretary of Commerce for Fire Prevention and Control;

(2) direct the Secretary of Commerce to establish a national Program for Fire Prevention and Control (FIREPAC) and to authorize him to initiate, support, and maintain programs and activities to reduce the Nation's fire problem;

(3) direct the National Institutes of Health to conduct an intensified program of research into the treatment of burn injuries and the rehabilitation of victims of fires; and

(4) authorize fire protection assistance.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Academy" means the National Academy for Fire Prevention and Control (FIREPAC Academy), authorized under section 6 of this Act.

(2) "Fire service" means a department, bureau, commission, board, or other agency established by a Federal, State, or local government or by a volunteer organization for the purpose of preventing or controlling fires or loss and damage from fire.

(3) "Local" means of or pertaining to any city, county, special purpose district, or other political subdivision of a State.

(4) "Program" means the Program for Fire Prevention and Control, establish pursuant to section 5 of this Act.

(5) "Secretary" means the Secretary of Commerce.

(6) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

ASSISTANT SECRETARY OF COMMERCE FOR FIRE PREVENTION AND CONTROL

SEC. 4. Section 42(a) of the Act of October 21, 1970 (84 Stat. 1038; 15 U.S.C. 1507a) is amended by adding at the end thereof the following new subsection:

"ASSISTANT SECRETARY FOR FIRE PREVENTION AND CONTROL

"There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Fire Prevention and Control. This Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Fire Prevention and Control shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, shall be responsible for carrying out the provisions of the Federal Fire Prevention and Control Act under the direction of the Secretary of Commerce, and shall perform such other duties as the Secretary of Commerce shall prescribe. In carrying out such responsibilities, the Assistant Secretary of Commerce for Fire Prevention

and Control shall consult, be guided by, and implement, so far as practicable, the recommendations of the National Commission on Fire Prevention and Control, to the extent not inconsistent with this Act."

FIRE PREVENTION AND CONTROL PROGRAM

SEC. 5. (a) ESTABLISHMENT.—The Secretary is authorized and directed to establish a national Program for Fire Prevention and Control (FIREPAC). The Program shall consist of all relevant programs and activities heretofore established in the Department of Commerce together with all programs and activities authorized or mandated to be established under this Act. The Program shall be administered, under the direction of the Secretary, by the Assistant Secretary of Commerce for Fire Prevent and Control.

(b) CONTENT.—The Program may consist of—

(1) the FIREPAC Academy, authorized to be established by the Secretary under section 6 of this Act;

(2) research and development programs, pursuant to section 7 of this Act;

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, pursuant to section 8 of this Act;

(4) a national data center on fire prevention and control, pursuant to section 9 of this Act;

(5) a fire services assistance program, pursuant to section 10 of this Act;

(6) State demonstration projects, pursuant to section 11 of this Act.

(7) citizens' participation programs, pursuant to section 12 of this Act;

(8) relevant studies, as directed by section 13 of this Act;

(9) an annual report, as directed by section 14 of this Act;

(10) an awards program as directed by section 16 of this Act; and

(11) such other programs and activities as in the judgment of the Secretary are likely to reduce the Nation's losses from fires.

FIREPAC ACADEMY

SEC. 6. (a) AUTHORIZATION.—The Secretary is authorized to establish a National Academy for Fire Prevention and Control (FIREPAC Academy). The Secretary is authorized, pursuant to this section, to develop and revise curricula, standards of admission and performance, and criteria for the awarding of degrees and certificates. He is further authorized to appoint a Director, faculty members, and consultants for the Academy without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) PURPOSE.—The Academy is authorized to conduct appropriate educational and research programs to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) reduce the Nation's fire problem.

(c) BOARD OF OVERSEERS.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Overseers for the Academy. Pursuant to such procedure, the Secretary shall select the members of the Board of Overseers. Each member of such Board shall each year independently inspect and evaluate the Academy and report his findings and recommendations to the Secretary. The Board of Overseers shall meet from time to time and shall advise the Secretary on all questions pertinent to the Academy.

(d) PLACEMENT SERVICE.—The Secretary shall maintain at the Academy a placement and promotion-opportunities program for firefighters in cooperation with fire services.

(e) CONSTRUCTION APPROVAL.—(1) No appropriation shall be made for the planning or construction of facilities for the Academy involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Interstate and Foreign Commerce of the House of Representatives and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

SEC. 7. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires in buildings and other structures, structural subsystems, and structural components and all other types of fires, including, but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and other structures and their contents, (including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials); and all other types of fires (including forest fires, fires underground, oil blowout fires, and waterborne fires);

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety consistent with habitability, comfort, and human impact, in buildings and other structures; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objectives of the fire research program;

(b) research into the biological, physiological, and psychological factors affecting human victims of fire and the performance of individual members of fire sevices and research to develop clothing and protective equipment to reduce the risk of injury to firefighters;

(c) studies of the operations and management aspects of fire services, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections; and

(d) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

ANNUAL CONFERENCE

SEC. 8. The Secretary is authorized to organize or participate in organizing an annual conference on fire prevention and control. He may pay in whole or in part the costs of such conference and the expenses of some or all of the participants. All the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

NATIONAL DATA CENTER

SEC. 9. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas, assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fires, including, but not limited, to forest fires, fires underground, oil blowout fires, and waterborne fires; and

(8) such other information and data as is judged useful and applicable;

(b) develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting fire-related information;

(c) make full use of existing data, data

gathering and analysis organizations, both public and private; and

(d) insure dissemination to the maximum possible extent of fire data collected and developed under this section.

FIRE SERVICES ASSISTANCE PROGRAM

SEC. 10. The Secretary is authorized to assist the Nation's fire services, directly or through grants, contracts, or other forms of assistance, to—

(a) advance the professional development of fire service personnel;

(b) assist in conducting or supplementing, at the request of a fire service, local and regional programs for the training of fire personnel;

(c) develop model fire training and educational programs, curricula, and information materials;

(d) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(e) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services;

(f) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel;

(g) measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or State-wide fire service; and

(h) sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

MASTER PLAN DEMONSTRATION PROJECTS

SEC. 11. (a) GENERAL.—The Secretary is authorized and directed to establish master plan demonstration projects which shall commence not later than eighteen months after the date of enactment of this Act. Not less than five nor more than eight demonstration projects may be assisted by the Secretary under this section. Any demonstration project under this section shall be conducted by, or under the supervision of, a State in accordance with the application of the State submitted under subsection (c) of this section. Whenever any such State includes a Standard Metropolitan Statistical Area, as defined by the Bureau of the Census, the geographical boundaries of which include two or more States, then such State shall include the entire such Standard Metropolitan Statistical Area in its master plan demonstration project.

(b) ELIGIBILITY FOR GRANTS.—The Secretary is authorized to establish criteria of eligibility for awarding master plan demonstration project grants. In awarding such project grants, the Secretary shall select projects which are unique in terms of—

(1) The characteristics of the State, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography and climate: per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the State; and socio-economic composition; and

(2) The approach to development and implementation of the master plan which is proposed to be developed with Federal assistance under this section. Such approaches may include central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency.

(c) PROCEDURE FOR AWARDING GRANTS.—A grant under this section may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary shall require. Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 80 per centum of the total cost of such project. Not more than 50 per centum of the amount of each grant shall be allocated to the planning and development of the master plan and the remainder to partial or total implementation. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(d) MASTER PLAN.—(1) Each demonstration project established pursuant to this section shall result in the planning and implementation of a comprehensive master plan for fire protection for each State funded thereunder. Each such master plan shall contain:

(A) a survey of the resources and personnel of existing fire services and an analysis of fire and building codes effectiveness in the State;

(B) an analysis of short- and long-term fire prevention and control needs in the State;

(C) a plan to meet the fire prevention and control needs of the State; and

(D) an estimate of costs and a realistic plan for financing implementation of the plan and operation on a continuing basis, and a summary of problems that are anticipated in implementing such plan.

(2) Forty-two months after the date of enactment of this Act, the Secretary shall submit to Congress a summary and evaluation of the master plans prepared pursuant to this section. Such report shall also assess the costs and benefits of the master plan program and recommend to Congress whether Federal financial assistance should be authorized in order that master plans can be developed in all States.

(e) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropriated to carry out the provisions of this section $10,000,000. Not more than 20 per centum of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

CITIZEN PARTICIPATION

SEC. 12. (a) GENERAL.—The Secretary is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. Such steps may include, but are not limited to, publications, audio-visual presentations, and demonstrations.

(b) FIRE SAFETY EFFECTIVENESS STATEMENTS.—The Secretary is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structure to prepare and submit to him for evaluation and certification a Fire Safety Effectiveness Statement pursuant to standards, formers, rules, and regulations to be developed and issued by the Secretary. A copy of such statement and evaluation shall be submitted to the applicable local fire service and, in the case of transportation structures, to the Secretary of Transportation. Any person who submits such a statement and receives certification may attach the following statement to any advertisement or notice which pertains to the structure as to which such statement has been submitted: "A Fire Safety Effectiveness Statement has been prepared regarding this structure and this structure has been certified as meeting the requirements of the United States Department of Commerce.".

(c) REVIEW.—The Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services. He shall annually submit to Congress a summary of such reviews, evaluations, and suggestions. In evaluating such a code or codes, the Secretary shall consider the human impact of all code requirements, standards, and provisions in terms of comfort and habitability for residents or employees as well as the fire prevention and control value or potential of each such requirement, standard, and provision.

(d) ASSISTANCE.—The Secretary shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(e) PUBLIC ACCESS TO INFORMATION.—(1) Copies of any document, report, statement, or informaiton received or sent by the Program for Fire Prevention and Control shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to paragraph (2) of this subsection. Nothing contained in this subsection shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) upon request, to other Federal Government departments and agencies for official use;

(B) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

STUDIES

SEC. 13. (a) FISCAL STUDY.—The Comptroller General of the United States is authorized and directed to study the financing of the Nation's fire services and to report to the Congress on whether the moneys available to the various fire services through State and local taxation and Federal-State revenue sharing is adequate to meet the Nation's need to minimize human and property losses from fire, or whether the Congress should authorize a grant-in-aid program to prevent and reduce fire losses. The results of such study shall be reported to the Congress not more than three years after the date of enactment of this Act and shall not be subject to prior review, clearance, or approval by any other officer or agency of the United States.

(b) FIREFIGHTER STUDY.—The Secretary is authorized and directed to prepare a comprehensive study of the organization and operation of the Nation's fire services as they affect individual firefighters, including, but not limited to, rates of pay; retirement benefits; working conditions; training requirements; entrance and promotional systems, standards, requirements, and opportunities; number of hours spent on active service; employment opportunities for women and members of minority groups; the impact on individual firefighters of coordinating and combining local fire services into regional, metropolitan, or statewide fire services; risk of injury or death during active service; and

recommendations for improvements. The results of such study shall be reported to the Congress not more than two years after the date of enactment of this Act; thereafter, such results shall be updated as part of the annual report of the Secretary required by section 14 of this Act.

ANNUAL REPORT

SEC. 14. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities of the Program for Fire Prevention and Control and all measures taken to implement and carry out this Act undertaken during the preceding calendar year. Such report shall include, but is not limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the National Academy for Fire Prevention and Control, for the preceding twelve months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist to the Nation's fire services, pursuant to section 10 of this Act;

(e) a summary of the citizens' participation programs undertaken during the preceding twelve months;

(f) an analysis of the extent of participation by owners of residential multiple-unit, commercial, industrial, and transportation structures in preparing and submitting a Fire Safety Effectiveness Statement pursuant to section 11 of this Act;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary to carry out the declaration of policy of this Act; and

(i) all other information required to be submitted to Congress pursuant to other provisions of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 15. (a) ASSISTANCE.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Secretary, upon written request, on a reimbursable basis or otherwise, such assistance as the Secretary deems necessary to carry out his functions and duties pursuant to this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(b) POWERS.—With respect to this Act, the Secretary is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this Act.

(c) COORDINATION.—To the extent possible and consistent with the declaration of policy of this Act, the Secretary shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies, and, where appropriate, existing private research organizations, centers, and universities. The Secretary shall provide liaison at an appropriate organization level to assure coordination of its activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to the Program for Fire Prevention and Control and with private and other Federal organizations and offices so concerned.

PUBLIC SAFETY AWARDS

SEC. 16. (a) ESTABLISHMENT.—There are established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award").

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to the field of public safety.

(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered. In performing this function, the Secretary and the Attorney General shall seek and review recommendations submitted to them by Federal, State, county, and local government officials. The Secretary and the Attorney General shall transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be awarded in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limit on the number of the Secretary's Awards presented.

(e) AWARD.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General, deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) REGULATIONS.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) DEFINITIONS.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter; or

(2) a law enforcement officer, including a corrections or a court officer.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to carry out the foregoing provisions of this Act, except Section 11 of this Act, such sums as are necessary, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

CONFORMING AMENDMENTS

SEC. 18. (a) Chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1511) is amended to read as follows:

"BUREAUS IN DEPARTMENT

"The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;

"(b) United States Travel Service;

"(c) Maritime Administration;

"(d) National Bureau of Standards;

"(e) Patent Office;

"(f) Bureau of the Census;

"(g) Program for Fire Prevention and Control; and

"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law."

(b) Paragraph 12 of section 5315 of title 5, United States Code, is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(c) Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278 f, g) is repealed.

VICTIMS OF FIRE

SEC. 19. The Secretary of Health, Education, and Welfare is authorized and directed to establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall—

(a) sponsor and encourage the establishment thoughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and, twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(b) provide training and continuing support of specialists to staff the new burn centers and burn units;

(c) sponsor and encourage the establishment in general hospitals of ninety burn programs, which comprise staffs of burn injury specialists;

(d) provide special training in emergency care for burn victims;

(e) augment sponsorship of research on burns and burn treatment;

(f) administer and support a systematic program of research concerning smoke inhalation injuries; and

(g) sponsor and support other research and training programs in the treatment and rehabilitation of burn injury victims.

For purposes of this section, there are authorized to be appropriated not to exceed $7,500,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

FIRE PROTECTION ASSISTANCE

SEC. 20. Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended by adding at the end thereof the following new subsection:

"(i) (1) The Secretary is authorized upon such terms and conditions as he may pre-

scribe to make commitments to insure loans made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary Life Safety Code of the National Fire Protecfor compliance with the latest edition of the tion Association, as modified in accordance with evaluation by the Secretary of Commerce under the Federal Fire Prevention and Control Act or which are recognized by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act, as modified in accordance with evaluations by the Secretary of Commerce under such Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) have a principal amount not to exceed $50,000;

"(B) bear interest at a rate not to exceed the rate prescribed by the Secretary;

"(C) have a maturity satisfactory to the Secretary, but not to exceed twelve years from the beginning of the amortization of the loan or three-quarters of the remaining economic life of the structure in which the equipment is to be installed, whichever is less; and

"(D) comply with other such terms, conditions, and restrictions as the Secretary, in consultation with the Secretary of Commerce, may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

REPORT OF THE SPECIAL COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL DOCUMENTS—(S. REPT. NO. 93-466)

Mr. SCOTT submitted a report of the Special Committee To Study Questions Related to Secret and Confidential Documents, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SYMINGTON, from the Joint Committee on Atomic Energy:

Donald R. Cotter, of New Mexico, to be chairman of the Military Liaison Committee to the Atomic Energy Commission.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HUGH SCOTT:

S. 2571. A bill for the relief of Sperling & Schwartz, Inc. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 2572. A bill for the relief of Mrs. Angelica Chumacero Gutierrez. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 2573. A bill to amend the Federal Property and Administrative Services Act of 1949 as amended to permit donations of surplus supplies and equipment to older Americans. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 2574. A bill for the relief of Mervin F. Starr. Referred to the Commtitee on the Judiciary.

By Mr. INOUYE:

S. 2575. A bill to provide for additional sanctions against shippers and consignees seeking carriage of their cargo at less than the published rates in the foreign and domestic commerce of the United States. Referred to the Committee on Commerce; and

S. 2576. A bill to provide for minimum rate provisions by nonnational carriers in the foreign commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. McGOVERN (for himself and Mr. MAGNUSON):

S. 2577. A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States. Referred to the Committee on Agriculture and Forestry.

By Mr. McGOVERN:

S. 2578. A bill to strengthen the regulation of commodity exchanges. Referred to the Committee on Agriculture and Forestry.

By Mr. BENNETT:

S. 2579. A bill for the relief of Alexander Choquette. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2580. A bill to amend chapter 402 of title 18, United States Code, relating to the sentencing of youthful offenders, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. MANSFIELD and Mr. HUGH SCOTT):

S.J. Res. 164. A joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 2573. A bill to amend the Federal Property and Administrative Services Act of 1949 as amended to permit donations of surplus supplies and equipment to older Americans. Referred to the Committee on Government Operations

Mr. DOLE. Mr. President, the legislation I am introducing today would amend the Federal Property and Administrative Services Act of 1949 as amended to permit donation of surplus supplies and equipment to older Americans. I believe the legislation reflects the national concern for older Americans and further develops a national policy on aging. Under the proposed legislation the Administrator of General Services Administration could donate surplus property to States which have entered into a cooperative agreement with the Federal Government. This would expand access for State and local groups to materials which previously were earmarked exclusively for education, health, and civil defense.

As more money is returned to the States under new Federal revenue sharing programs designed to aid aging Americans, a broader understanding, at community and State levels, of the needs of older people will emerge as will a greater commitment by government, voluntary agencies, and the private sector to serving older Americans * * * a commitment which could add needed meaning to the lives of older Americans while enhancing the serenity of the older years.

The proposed legislation will expand a portion of the Federal law dealing with the Federal Property and Administrative Services Act of 1949, as amended; 40 U.S.C. 484(j) contains the provisions allowing distribution of surplus property. Surplus property is excess property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator. This legislation expands the categories benefited within the definition of surplus property, which can be donated to State governments as designated within the provisions of 484(j). It would establish a new category within the three established categories named in 484(j). Eligible recipients of donated property are education, public health, or civil defense. To these three categories, I wish to add the category of older Americans.

Our Nation is constantly setting goals for itself in all areas of national concern. Indeed, the priorities which we as a nation set are most important. This amendment seeks to further implement the sense of Congress toward a national policy on aging by recognizing the increasing number of older Americans, and the inexhaustible resource of talents, skill, experience, and time they can continue to contribute to the country.

There are 20 million older Americans; by the year 2000 there will be 25 million. The latest census reveals that 1 of every 10 persons in the United States today has reached the age of 65. My own State now has 266,201 residents over the age of 65. This is 11.8 percent of the State's population. An additional 211,555 Kansans are between the ages of 55 and 64. Although this is not a large proportion, a look at the population figures over the last 10 years shows a significant trend. While the total population of the State was increasing at a 3.2-percent rate, the population between the ages of 60 and 70 increased by 10.8 percent nationwide, the over-65 population has increased at twice the rate of the under-65 population since the turn of the century. It therefore becomes obvious that older Americans are a growing force in America, a group whose needs should be anticipated, and a resource which if properly utilized, can add to the richness of all American life.

Not only is there an increasing number of older Americans, but they frequently are unable to spontaneously integrate with the community. Society decides their status and this decision is often made at the governmental level. Increasingly old age is becoming the object of a policy.

In planning, we must recognize the continuity of life and assure that older Americans can enjoy life, liberty, and the pursuit of happiness. We can all agree that adequate income, health care,

and livable housing are required for the simple survival of older people. Even with adequate income, certain needed services cannot always be purchased and must be provided. Between income and service programs a full range of options should be available for all aging Americans.

By the passage of S. 50, the Older Americans Comprehensive Amendments of 1973, we made available to our older citizens comprehensive health, educations, and social services programs through the expansion of existing programs and the coordination and development of new State and local systems of delivering these programs and services. During the next 5 years general revenue sharing will channel over $30 billion to State and local communities.

This amendment recognizes that both governmental and nongovernmental agencies must act as advocates for the elderly and be held accountable both for what they do and for what they do not do, to advance the interest of older people. It will also continue the general change of decentralizing decision making in Washington by distributing some of the wealth and resources of the Nation. The planning mechanisms that have been developed in communities and at the State and National levels should increase efforts to develop programs and services which are responsive to the concerns of older persons and more effective in meeting their needs.

If planning is to be more than an exercise in rhetoric, it is imperative that there be appropriate authority, responsibility, and accountability and that there be bridges linking planning at all levels of the public and private sectors.

The demand for supportive services has long exceeded the ability to meet them. This amendment concentrates on a means by which older American groups can secure supplies and equipment they need to further programs. The equitable expansion of this amendment is based upon the concept that society does not always look upon the aged as belonging to one clearly defined category. Society as a whole is made up of individual parts. But as separate members, we are united by the need for reciprocal relationships.

Clearly, older Americans have given much to this country. It is our responsibility to assure them a chance to continue their significant place in the Nation. The least debatable of all the phenomena of our day and the surest in its progress and consequences, and the easiest to foresee, is the aging of the population. It is time to elevate the need of older Americans in our thoughts and actions. Our treatment of older Americans reflects our soundness as a nation. If we can be indifferent toward the last years of life, then we also diminish the dreams of all our people.

Mr. President, I send a bill to the desk for appropriate reference, and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 203 (j) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484 (j)) is amended

(1) by inserting "older Americans," immediately before "or civil defense" in the first sentence of paragraph (1);

(2) by striking out "paragraph (2), (3), or (4)" in the first sentence of paragraph (1) and inserting in lieu thereof "paragraphs (2), (3), (4), or (5)";

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) Determination whether such surplus property (except surplus property allocated in conformity with paragraph (2) of this subsection) is usable and necessary for purposes of aiding older Americans, including research, in any State shall be made by the Secretary of Health, Education, and Welfare, who shall allocate such property on the basis of need and utilization for transfer by the Administrator of General Services to such State agency for distribution to older Americans organizations, programs, or institutions of such State, established pursuant to State law, or political subdivisions and instrumentalities thereof, which are established pursuant to State law. No such property shall be transferred until the Secretary of Health, Education, and Welfare has received from such State agency a certification that such property is usable and needed for aid to older American purposes in the State, and until the Secretary of Health, Education, and Welfare has determined that such State agency has conformed to minimum standards of operation prescribing by the Secretary of Health, Education, and Welfare for the disposal of surplus property.";

(4) by adding at the end of paragraph (6), as redesignated by paragraph (3) of this section, the following new sentence: "The Secretary of Health, Education, and Welfare may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of personal property donated under paragraph (5) of this subsection which has an acquisition cost of $2,500 or more."; and

(5) by adding at the end of paragraph (8), as redesignated by paragraph (3) of this section, the following new paragraph:

"(9) As used in this subsection, the term 'older American programs, organizations, or institutions' includes—

"(A) any program, organization or institution established pursuant to the Older Americans Act of 1967, as amended, or similar State legislation;

"(B) any tax-supported program, organization, or institution, the primary purpose of which is to aid older Americans; and

"(C) any organization the income of which is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code of 1954, the primary purpose of which is to aid older Americans."

(b) Section 203 (k) (4) is amended—

(1) by deleting the comma after "State law" in subparagraph (E) and substituting therefore a semicolon and by adding the following new subparagraph:

"(F) the Secretary of Health, Education, and Welfare, through such officers or employees of the Department of Health, Education, and Welfare as he may designate in the case of property transferred pursuant to this act to older Americans."

(c) Section 203 (n) is amended—

(1) by inserting "older Americans," after "for purposes of education, public health,"; and

(2) by striking "subsection (j) (3) or (j) (4)" and inserting in lieu thereof "subsection (j) (3), (j) (4), or (j) (5)".

By Mr. INOUYE:

S. 2575. A bill to provide for additional sanctions against shippers and consignees seeking carriage of their cargo at less than the published rates in the foreign and domestic commerce of the United States. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, in recent years the trans-Pacific liner trade has been steadily becoming overtonnaged. Experience shows that such overcapacity inevitably leads to rate wars and unlawful practices such as rebating. Indeed from time to time it has been alleged that certain carriers are engaging in these illegal practices through various techniques designed to shield these violations.

Insofar as rate cutting and rebating by carriers is concerned, the Federal Maritime Commission either already has appropriate powers or is studying needed legislation. However, the Commission does not have the power effectively to reach and to apply sanctions against shippers or consignees who—in a buyer's market such as currently exists—may solicit such rebates from carriers.

I am today introducing a bill which would require nonnational flag carriers to charge rates which are compensatory on a fully distributed commercial cost basis. This bill is designed to prevent the kind of situation in which certain carriers can engage in predatory cost-cutting. However, it would be a useless gesture for this Congress to pass that bill if rebates are paid back to shippers and consignees at their demand in a buyer's market. Accordingly, I am also introducing legislation today which will assist the Commission to assure that shippers and consignees who solicit rebates will be susceptible to both the jurisdictional reach of and application of meaningful sanctions by the Commission.

Mr. President, I fully appreciate the fact that this is a drastic bill with sweeping penalties for those shippers and consignees who induce carriers to violate the law. It will undoubtedly prove most controversial. However, in view of the severity of the problem, I do not believe that my proposed bill should be weaker. It may not be the sole solution, and I believe that it should also be viewed as a means to stimulate discussion about the situation which prevails in the trans-Pacific liner trade.

I have written to Mrs. Helen D. Bentley, Chairman of the Federal Maritime Commission, to inquire about this problem. I am enclosing a copy of my letter and her response for insertion in the Record. I ask unanimous consent that our correspondence and a copy of the bill be printed at this point in the RECORD.

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

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, that the Shipping Act of 1916, as amended (39 Stat. 728; 46 U.S.C. *et seq.*) and the Intercoastal Shipping Act of 1933, as amended (47 Stat. 1425; 46 U.S.C. 843 *et seq.*) shall be further amended as follows:

SEC. 2. Section 18(b)(3) of the Shipping Act of 1916 (39 Stat. 735, 46 U.S.C. 817) is amended to read as follows:

No common carrier by water in foreign commerce or conference of such carriers shall charge or demand or collect or receive, and no shipper, consignee or agent thereof shall demand or pay, a greater or less or different compensation for the transportation of property or for any service in connection therewith that the rates and charges which are specified in its tariffs on file with the Commission and duly published and in effect at the time; nor shall any such carrier rebate, refund, or remit, nor shall any such shipper, consignee or agent thereof solicit or receive such rebate, refund, or remittance, in any manner or by any device any portion of the rates or charges so specified, nor shall any such carrier extend or deny to any person any privilege or facility, except in accordance with such tariffs.

SEC. 3. The third paragraph of Section 2, the Intercoastal Shipping Act of 1933 (46 Stat. 1425; 46 U.S.C. 844) is amended as follows:

From and after ninety days following enactment thereof no person shall engage in transportation as a common carrier by water in intercoastal commerce unless and until its schedules as provided by this section have been duly and properly filed and posted; nor shall any common carrier by water in intercoastal commerce charge or demand or collect or receive, nor shall any shipper, consignee, or agent thereof demand or pay, a greater or less or different compensation for the transportation of passangers or property or for any service in connection therewith than the rates, fares, and/or charges which are specified in its schedules filed with the board and duly posted and in effect at the time; nor shall any such carrier refund or remit, nor shall any such shipper, consignee or agent thereof solicit or receive such rebate, refund, or remittance, in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend or deny to any person any privileges or facility, except in accordance with such schedules.

SEC. 4. Section 22 of the Shipping Act of 1916 (39 Stat. 736; 46 U.S.C. 821) is amended to read as follows:

That any person may file with the board a sworn complaint setting forth any violation of this Act by a common carrier by water, a shipper, consignee, or agent thereof, or other person subject to this Act, and asking reparation for the injury, if any caused thereby. The board shall furnish a copy of the complaint to such carrier, shipper, consignee, or agent thereof, or other person, who shall, within a reasonable time specified by the board satisfy the complaint or answer it in writing. If the complaint is not satisfied the board shall, except as otherwise provided in this Act, investigate it in such manner and by such means, and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers, investigate any violation of this Act.

SEC. 5. Section 14a of the Shipping Act of 1916 (39 Stat. 733; 46 U.S.C. 813) is amended to read as follows:

The board upon its own initiative may, or upon complaint shall, after due notice to all parties in interest and hearing, determine whether any person, not a citizen of the United States and engaged in transportation by water of passengers or property, or whether any person, not a citizen of the United States and a shipper, consignee or agent thereof using common carriage by water in the foreign commerce of the United States—

(1) Has violated any provision of section 14, or

(2) Is a party to any combination, agreement, or understanding, express or implied, that involves in respect to transportation of passengers or property between foreign ports, deferred rebates or any other unfair practice designated in section 812 of this title, and that excludes from admission upon equal terms with all other parties thereto, a common carrier by water which is a citizen of the United States and which has applied for such admission.

(3) Has, as a shipper, consignee or agent thereof either received a deferred rebate within the meaning of Section 14 First, or violated Section 18(b)(3).

If the board determines that any such person has either violated any such provision or is a party to any such combination, agreement, or understanding, or has willfully avoided the jurisdiction of the board so as to prevent the board from obtaining information necessary to find whether the basis for such a determination exists; then the board shall thereupon certify such fact to the Secretary of Commerce. If the violator is a common carrier by water or other person subject to the Act, then the Secretary shall thereafter refuse such person the right of entry for any ship owned or operated by him or by any carrier directly or indirectly controlled by him, into any port of the United States, or any Territory, District, or possession thereof, until the board certifies that the violation has ceased or such combination, agreement, or understanding has been terminated. If the violator is a shipper, consignee or agent thereof, then the Secretary shall thereafter refuse the right of entry or exit of the cargo of such shipper, consignee or agent thereof, as the case may be, into or out of any port of the United States, or any Territory, District or possession thereof, until the board certifies that the violation has ceased.

FOREIGN COMMERCE AND TOURISM SUBCOMMITTEE,
September 27, 1973.

HON. HELEN D. BENTLEY,
Chairman, Federal Maritime Commission, Washington, D.C.

DEAR MADAME CHAIRMAN: During hearings this year, it has been brought to my attention that there are several major problems affecting the shipping industry in the Trans-Pacific trade. This discovery has been particularly disturbing to me because Hawaii, as a non-contiguous state, needs a strong, stable maritime industry.

Apparently, one of the most serious problems confronting the industry is illegal rebating. Although the practice is illegal, it has been charged that many shippers are requesting and obtaining rebates from certain carriers. These rebates are allegedly hidden from government scrutiny through a number of devices.

Because of the adverse consequences to the public interest which might flow from these violations, I am considering the introduction of legislation to deal with this issue. Before doing so, however, I would like to solicit your opinion as to whether there is, in fact, a problem and whether you are of the opinion that additional legislation is needed in this area to deal with it.

I welcome any comments and observations you have relative to this issue.

Sincerely yours,

DANIEL K. INOUYE,
Chairman.

FEDERAL MARITIME COMMISSION,
Washington, D.C., October 9, 1973.

HON. DANIEL K. INOUYE,
Chairman, Foreign Commerce and Tourism Subcommittee, Committee on Commerce, Washington, D.C.

DEAR SENATOR INOUYE: This acknowledges your letter of September 27, 1973, concerning the existence in the Trans-Pacific trade of rebating by some carriers.

These and other unfair methods by which transportation by water is obtained by or furnished to a shipper at rates or charges less than would otherwise be applicable, are prohibited by the Shipping Act, 1916. Such practice, especially when indulged in on a continuing basis, inevitably leads to rate wars which drastically impair trade stability. When such a situation exists a carrier is under heavy pressure to fill his ships by whatever means are available, creating an atmosphere conducive to rebating and other forms of malpractices.

An excellent example of the devastation caused by such malpractices is the fairly recent outbreak of problems which erupted in the North Atlantic trades commencing in the late 60's. One of the principal factors was the introduction of containerships in the North Atlantic which led to over-tonnaging with a resultant mad scramble for the available cargo. As was to be expected widespread rumors of rebating and other malpractices spread through shipping circles, and for many months stability in the North Atlantic trade was lacking. In an effort to restore stability a pooling agreement was entered into—and is now before the Commission for approval—lines have joined or rejoined conferences and self-policing systems have been established—all of which contribute to improved conditions in the North Atlantic trade.

We are now faced with the distinct possibility of violent eruptions in our Trans-Pacific trades. Not only do we have an overabundance of cargo space available as a result of the continued increase in the number of container or similar type of ships, affording increased cargo capacity, but we are also faced with the entry into the trade of ships of countries with which we have only recently resumed trading, such as Russia. These new entrants into service have in many instances been at rates considerably less than those already prevailing. There have been and still are consistent rumors of rebating and other malpractices which may call for drastic action by the Commission. Certainly the scene is ripe for carrier and shipper both to resort to practices which could violently disrupt the Pacific trades.

Obviously it is difficult to obtain evidence and to prosecute this type of violation—pointing to the possible need for some further statutory authority to strengthen the Commission's hand in attempting to deal with these problems. Only recently the Commission's staff met with the Committee staff to discuss possible legislation in this area. This question is now being pursued with all possible dispatch to determine what additional authority is indicated.

Thank you for giving me the opportunity to express my views on this subject.

Sincerely,

HELEN DELICH BENTLEY, *Chairman.*

By Mr. INOUYE:

S. 2576. A bill to provide for minimum rate provisions by nonnational carriers in the foreign commerce of the United

States, and for other purposes. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, I am today introducing a bill which would provide for minimum rate provisions by nonnational carriers by water operating in the foreign trade of the United States.

The legislation being introduced today has as its objective the maintenance of a stable tariff situation in our Nation's foreign trade. During hearings on S. 1488, a bill to eliminate rate disparities in our foreign trade, I learned that American carriers are facing serious and unfair competition in the trans-Pacific trade from nonnational carriers which skim the cream of this trade by serving only the most profitable routes and carrying the most profitable items rather than offering a full range of services to shippers. Overtonnaging in the Pacific is further adding to the instability by encouraging predatory practices such as unjustified rate-cutting. Continuation of this will surely injure American and other foreign carriers which are attempting to provide American shippers with steady, responsible, and frequent service.

The bill would achieve this objective by requiring carriers which are not flag carriers of the United States or countries served in a given trade to show that their rates, if lower than the lowest flag carrier rates, are compensatory on a fully distributed commercial cost basis. The Commission, on its own order, or a national flag carrier may file a complaint. This filing would be sufficient to result in a rejection of the rate pending a determination by the Commission after a hearing whether the rate is compensatory. The Commission is fully empowered to dismiss frivolous complaints by national flag carriers which cannot be supported by evidence.

I should like to emphasize that this bill is not designed to eliminate nonnational flag carriers from the American trade nor to prop up artificially high rates in a given trade. Low rates filed by nonnational flag carriers would still be permitted if they meet the criterion of compensatoriness and, of course, there is nothing to prevent a national flag carrier from filing rates which might be lower than other rates in the trade. The bill would, however, prohibit the kind of situation we now see developing on certain routes in which American and other flag carriers are being victimized by nonnational flag carriers which have no interest in a stable rate situation or the quality of service in a particular trade.

As Americans we have a vital national interest in maintaining a healthy shipping industry. I believe that this bill is a step in the right direction, and I urge full and enthusiastic congressional support for it.

By Mr. McGOVERN (for himself and Mr. MAGNUSON):

S. 2577. A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States. Referred to the Committee on Agriculture and Forestry.

NATIONAL FOOD BANK ACT

Mr. McGOVERN. Mr. President, the National Food Bank Act is intended to fill a potential void that will exist in our disaster food relief capability due to the phasing out of the commodity distribution program next July 1—because of the provision in the farm bill which mandates a national food stamp program, and the provision in the Food Stamp Act which makes food stamps and commodities mutually exclusive, the commodity food program has effectively been eliminated as of next July 1—although this was a positive nutritional step for individual household recipients, we must make sure that in the transition the potential for emergency food relief for victims of a natural disaster is not impaired.

This potential exists because it is the food purchased and packaged for the family commodity program that is the greatest demand during a disaster. The "family food packages" contain food packaged in quantities that can be distributed quickly, and used efficiently by individual households. Food that is purchased for institutions and schools are usually packed in bulk quantities. In addition the family commodity program's "menu" contains some items such as liquid juices that are in great demand during natural disasters, but are not contained on menus of the other commodity programs.

The National Food Bank Act would authorize the USDA to use section 32 funds to continue purchasing these commodities, in the quantities the Secretary determines necessary, to be stored regionally for the relief of natural disaster victims. It should be noted that although the need to fill this void could be critical, the quantities of food and dollars involved is small. Information from USDA shows that an estimated average of only 3 million pounds of food is distributed annually to disaster victims at a cost of only $1 million. The total cost, including administration, is estimated at $3 to $5 million.

By Mr. McGOVERN:

S. 2578. A bill to strengthen the regulation of commodity exchanges. Referred to the Committee on Agriculture and Forestry.

COMMODITY EXCHANGE COMMISSION ACT OF 1973

Mr. McGOVERN. Mr. President, I introduce for appropriate reference the Commodity Exchange Commission Act of 1973, a bill to strengthen the regulation of commodity trading.

In essence, my bill would replace the existing and inadequate regulatory scheme with a fully independent five-member Commodity Exchange Commission, similar in many ways to the Securities and Exchange Commission, with substantially expanded authority over commodity futures trading. The Commission would have new, modern enforcement and research tools designed to prevent the unnecessary speculation and price fluctuations which we have seen in the past year.

My principal purpose is to protect consumers from unwarranted price increases and to insure that the producer, not the speculator, receives the benefit of reasonable price increases. In this sense, it is an anti-inflation bill, dealing with one of the major causes of inflation this year.

The new Commission's jurisdiction would be extended to all commodities traded on futures markets. It would have direct regulatory authority at all stages of trading. Among its powers would be to:

First, establish and enforce its own rules for commodity exchanges, such as designating more than one delivery point to permit sellers to settle contracts by delivering the physical commodity which is impossible in many instances today.

Second, eliminate potential conflicts of interest by prohibiting commodity brokers and floor traders from trading for their own accounts at the same time they are trading for customers' accounts.

Third, seek, at its discretion, injunctive orders in the courts to prevent violations of the act.

Fourth, issue cease-and-desist orders, without waiting to go to court, when it uncovers actual violations.

Fifth, impose substantially greater fines for violations, provide for civil penalties, and prohibit trading based on confidential government information.

Mr. President, the commodity exchange is a mystery to many laymen. It is an enormous and complex system in which contracts for future delivery of a wide range of commodities are bought and sold. Its billions of dollars of paper transactions bear directly on the cost of living and the income of millions of Americans.

The people's interest in commodity trading transcends the orderly functioning of those markets and the prevention of outright fraud. For every time a speculator turns an unreasonable profit by trading futures, the housewife and the consumer pay the price. And since it is the speculator, not the producer, who receives the windfall profit, the higher wholesale and retail prices do not act as a stimulant to production.

For as every American knows, food prices have increased steadily. But most do not know that the price received by the farmer, far from maintaining a steady gain, has bounced up and down from day to day.

While food inflation has resulted in a relative, and in my view overdue, increase in farm income, food producers have received only 40 percent of increased retail food prices.

I do not imply that all the inflation in food prices can be laid at the door of the speculator or manipulator. But just a few well-known examples show that the farmer and the consumer have paid too high a price for speculative windfalls.

Earlier this year, the price on the Chicago Board of Trade for contracts for July delivery of soybeans increased from $3.31 per bushel to $12.90 per bushel, and then settled below $7. No one doubts that part of the 400-percent increase was due to increased worldwide demand and reduced protein supply. But no less an authority than Harry H. Fortes, former

first vice chairman of the Chicago Mercantile Exchange, estimates that as much as two-thirds of the increase resulted from manipulative and unnecessary speculative practices.

Soybeans is a key component in feed for livestock, especially poultry and hogs. And increased costs of animal feed were a principal factor in the increase in retail meat prices this spring and summer. So, it can be fairly said, the speculative increase in soybean prices was in turn responsible for higher food prices.

But the farmer was hurt, rather than helped, by higher soybean prices. Livestock feeders were hampered, by the ceiling on retail food prices, from passing on these increased costs. And even the soybean grower did not benefit; in most cases, he had sold his crop months before the price began its upward march.

A second example is the price of cotton which shot up nearly 300 percent over the summer. As Senator TALMADGE has pointed out, this increase has been largely due to Japanese and other foreign purchases and very little, if any, will benefit the cotton grower. Once again, the windfall has been harvested by those who, many months ago, bought contracts for future delivery and the consumer will pay the price in the form of increased costs of clothing.

Still another example is the price of wheat. After the American taxpayer subsidized sales to the Soviet Union at $1.62 per bushel last year, the futures price rose this year to more than $5 per bushel. So in Moscow, families eat bread made with American wheat which our own poor cannot afford. And in Bangladesh, the Soviets distribute American wheat in Russian sacks.

Each of these dislocations in normal market patterns could have been prevented had provisions of my bill been in effect and properly utilized by regulatory officials. Some of the impact might have been avoided had present regulatory authority been skillfully employed.

The existing Commodity Exchange Act is not without important regulatory tools. But it was singularly ineffective in preventing abuses such as these.

As John Fialka of the Washington Star-News wrote in a perceptive series of articles on commodity trading:

> The huge speculative waves that have swept across the nation's food pricing system have caused heavy damage to a government-regulated mechanism (meaning the Commodity Exchange Authority) that is supposed to protect the food business and the public from the vagaries of price fluctuation.
>
> According to dozens of farmers, elevator operators and others in the business of raising and handling foodstuffs, the damage is likely to appear in the form of still higher prices to compensate them for greater business risks . . .
>
> Meanwhile, the exchanges themselves have had to wrestle with extremely volatile prices by raising margin requirements and constantly adjusting trading limits . . .
>
> For years, the nation's future markets have served as a kind of insurance company for the food business.
>
> The speculator, the man who buys a contract for the future delivery of a commodity makes a kind of bet that the price will increase. He has his counterpart in the hedger, the farmer, the elevator operator or the food processor who must keep stores of grain or other foodstuffs on hand as part of his business.
>
> The hedger sells contracts for future delivery of whatever he has on hand in a kind of bet that the price will go down. If it does, he will lose money on his grain, but make money on his future transaction, thus he hedges himself against loss from price fluctuation.
>
> In theory, the speculator takes the risk and the hedger buys peace of mind. Not so this Spring.

Before explaining how my bill would strengthen both the law and the ability of Federal machinery to enforce it, we should understand the present system.

The Commodity Exchange Act had its origin in the Grain Futures Act of 1922. It has been amended frequently since; in 1936, it was revised and renamed. It establishes a virtually inactive Commodity Exchange Commission of three members—the Secretary of Agriculture, the Attorney General and the Secretary of Commerce—but vests operating authority in an agency of the Department of Agriculture, the Commodity Exchange Authority—CEA.

Existing regulatory authority is generally limited to approval of applications for establishment of new commodity exchanges, approval or disapproval of rules established by the exchanges themselves, and recommendation of prosecution of violations after they have been discovered.

The thrust of regulation, however, has been left to the boards of directors of the commodity exchanges themselves. It is a self regulation, a system in which the public seldom enjoys protection. Self regulation is particularly troublesome in commodity exchanges, inasmuch as the boards of directors of the exchanges are largely those who have the biggest financial stakes in futures transactions on those exchanges—large grain companies and brokerage houses.

The existing Commission and the CEA have initial authority—the designation of legal commodity exchanges; they have ex post facto authority—recommendation that the Department of Justice prosecute violators. The weakness is in between those extremes—the authority to regulate day-to-day operations.

One loophole in present authority, for example, did not permit the CEA to suspend trading in July soybean futures in Chicago when it became apparent that prices were all out of relation to normal market conditions; the Board of Trade itself did, tardily, suspend trading on CEA's suggestion, but the Federal agency lacked power to enforce its suggestion.

Similarly, the CEA lacked authority to order changes in daily trading limits—the amount by which a contract price can increase or decrease in a single day. As a result, with prices in some commodities increasing the allowable limit almost immediately as the market opened, many would-be sellers were prevented from selling and getting out of the market with minimal losses. Traders in these circumstances were "locked in" for several days, and many suffered severe and unnecessary losses.

My own investigation and those of others who have been examining commodity futures trading have discovered another weakness—the lack of funds and manpower of the existing regulatory agency. The CEA has authority to hire 163 employees—soon to increase to 183—to regulate a business that did a volume of $268.3 billion during the last fiscal year. By contrast, the Securities and Exchange Commission has 1,660 employees—10 times as many—to regulate stock markets which handled a volume of business some $70 billion less during the same period.

The bill I introduce today will, I believe, correct many of the weaknesses I have cited.

The new Commission's authority for passing and enforcing its own rules and regulations is at the heart of strengthening this law. It could, for example, do much as the Securities and Exchange Commission has done to prevent speculators from unduly driving up market prices. SEC rules require that individuals who trade on exchange floors for their own accounts—not for customers—make a majority of their transactions against, rather than with, the movement of the market.

In other words, if there are more sellers than buyers, and the price of a particular stock—or commodity, in this instance—moves down, the speculator is obligated to buy rather than add to the pressure for downward movement. Conversely, if there are more buyers than sellers, moving the market upward, the majority of the independent agent's trades would have to be sales, rather than helping move the market up artificially. The SEC's experience in this field has dramatically reduced the ability of the speculator to arbitrarily influence the stock market.

It is neither prudent nor possible to attempt to lock into statute a series of complex regulations in a fluid market. But we can, and my bill seeks to, provide the mechanism by which dedicated public servants can make and enforce regulations to protect the public interest.

Another key feature is the creation of an Office of Market Research and Information within the Commission, with direction to monitor trading, market conditions, capital flows and government actions which bear on commodity trading, and to publish information which would facilitate orderly trading. The publications of this Office would, in a sense, serve as the "people's prospectus," and reduce the likelihood of manipulation and unreasonable speculative gains.

Yet another important change would be to expand regulatory authority to all commodities and services traded in futures markets. At the present time, more than 20 important commodities—including foreign currencies, tin, propane, and U.S. silver dollars—are not regulated.

Removing the regulatory authority from the Department of Agriculture to an independent agency would establish greater confidence in the system by removing the appearance of conflict of interest and would give the new Commission greater stature.

But such a movement will not, by itself, guarantee the appropriations and staff resources equal to the task of regulation. So the Congress must be prepared

to backup with appropriations what it legislates in terms of regulatory reform.

I recognize that this bill is a tough bill and that it marks a substantial departure from existing law. But I think the unique role commodities trading plays in our economy, and the impact it has on the prices consumers pay, requires new methods to deal with speculation and manipulation.

The bill I introduce today is the product of many minds and considerable experience and expertise. I want to acknowledge especially the contributions of members of the staff of the Committee on Agriculture and Forestry, and officials of the Commodity Exchange Authority who assisted generously in its preparation.

I also want to acknowledge the suggestions and ideas of several South Dakota farmers whose painful experiences in the commodities market are, in large measure, responsible for the initiation of this bill.

My bill is, by no means, the final answer to the many complex problems involved in the regulation of commodity trading. But it represents a good start.

I expect to offer amendments as our investigations continue throughout the winter and perhaps into the spring. Certainly other Members of Congress and the public will offer improvements and suggestions. Experts in the marketing, brokerage and commodities fields will doubtless have additional suggestions.

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

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

S. 2578

A bill to strengthen the regulation of commodity exchanges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF A NEW COMMODITY EXCHANGE COMMISSION

SECTION 1. Section 2(a) of the Commodity Exchange Act is amended (i) by inserting "(1)" after the subsection designation, (ii) by striking out the last sentence of that part which appears in 7 U.S.C. 2 and inserting the following in lieu thereof: "The word 'the commission' shall mean the commission established under paragraph (2) of this subsection.", and (iii) by adding at the end thereof the following:

"(2) There is hereby established a Commodity Exchange Commission to be composed of five commissioners, one of whom shall be designated as chairman, to be appointed by the President by and with the advice and consent of the Senate. Not more than three of such commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. No commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any contract market operations or transactions of a character subject to regulation by the commission. Each commissioner shall hold office for a term of five years and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except (1) any commissioner 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 (2) the terms of office of the commissioners first taking office after the enactment of this paragraph shall expire as designated by the President at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after such date of enactment. The commission shall be an independent agency in the executive branch of the Government. It shall be housed in the Department of Agriculture in the District of Columbia, and it may, with the consent of the Secretary of Agriculture, utilize the services and facilities of the Department of Agriculture."

TRANSFER OF AUTHORITY

SEC. 2. (a) The Commodity Exchange Act is amended by substituting "commission" for "Secretary of Agriculture" wherever the latter appears therein (except where it first appears in section 5(a) (7 U.S.C. 7), or where it would be stricken by subsection (b), (c), or (d) of this section).

(b) Such Act is further amended by striking out "the Secretary of Agriculture or" wherever it appears in the phrase "the Secretary of Agriculture or the commission".

(c) Section 6(a) of such Act (7 U.S.C. 8) is amended by striking out "the Secretary of Agriculture who shall thereupon notify the other members of".

(d) Section 6(b) of such Act (7 U.S.C. 15) is amended by striking out "the Secretary of Agriculture (or any person designated by him),".

(e) Such Act is further amended by striking out the words "he", "his", or He" wherever they are used therein to refer to the Secretary of Agriculture, and inserting "it", "its", and "It" respectively.

(f) Such Act is further amended by striking out "United States Department of Agriculture" wherever it appears therein and inserting "commission".

HOUSEKEEPING FUNCTIONS OF CHAIRMAN

SEC. 3. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by inserting "(a)" after the section designation, and adding the following new subsections at the end thereof:

"(b)(1) Subject to the provisions of paragraph (2) of this subsection, the executive and administrative functions of the commission, including functions of the commission with respect to (1) the appointment and supervision of personnel employed under the commission, (2) the distribution of business among such personnel and among administrative units of the commission, and (3) the use and expenditure of funds, shall be exercised solely by the chairman.

"(2)(A) In carrying out any of his functions under the provisions of this subsection the chairman shall be governed by general policies of the commission and by such regulatory decisions, findings, and determinations as the commission may by law be authorized to make.

"(B) The appointment by the chairman of the heads of major administrative units under the commission shall be subject to the approval of the commission.

"(C) Personnel employed regularly and full time in the immediate offices of commissioners other than the chairman shall not be affected by the provisions of this subsection.

"(D) There are hereby reserved to the commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.

"(c) The chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function of the chairman under subsection (b)."

TRANSFER OF PERSONNEL AND PROPERTY

SEC. 4. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with administration of the Commodity Exchange Act shall be transferred to the Commodity Exchange Commission established by this Act as the Director of the Office of Management and Budget shall determine to be necessary at such time or times as he may direct.

SALARIES OF MEMBERS

SEC. 5. (a) 5 U.S.C 5314 is amended by adding at the end thereof the following new paragraph:

"(60) Chairman, Commodity Exchange Commission."

(b) 5 U.S.C. 5315 is amended by adding at the end thereof the following new paragraph:

"(78) Members, Commodity Exchange Commission."

EMPLOYMENT OF CERTAIN EMPLOYEES WITHOUT REGARD TO CIVIL SERVICE LAWS

SEC. 6. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by striking out "to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and" and insert in lieu thereof the following: "to appoint and fix the compensation of such officers, attorneys, examiners, and other experts as may be necessary for carrying out its functions under this Act, without regard to the provisions of chapter 51 of title 5, United States Code, governing appointments in the competitive service, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and, subject to chapter 51 of title 5, United States Code, to appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with subchapter III of chapter 53 of such title 5; and shall have the power to".

EXTENSION OF ACT TO COVER FUTURES TRADING IN ALL COMMODITIES AND SERVICES

SEC. 7. Section 2(a) of the Commodity Exchange Act, as amended (7 U.S.C. 2), is amended by inserting before the period at the end of the third sentence the following: ", and all other goods and articles and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in; *Provided*, That nothing in this definition shall be construed to derogate from the jurisdiction of the Securities and Exchange Commission".

ALL RULES OF CONTRACT MARKETS TO BE ENFORCED

SEC. 8. Section 5a(8) of the Commodity Exchange Act (7 U.S.C. 7a(8)) is amended by striking all after the word "committee" the first time such word appears therein down to but not including the last semicolon therein.

CLAIMS SETTLEMENT PROCEDURE

SEC. 9. Section 5a(9) of the Commodity Exchange Act (7 U.S.C. 7a) is amended to read as follows:

"(9) provide a fair and equitable procedure for the settlement of customers' claims against any member or employee thereof arising from conduct inconsistent with the rules of such contract market or inconsistent with the just and equitable principles of trade."

RULES AGAINST INEQUITABLE CONDUCT

SEC. 10. Section 8a(5) (7 U.S.C. 12a) is amended by inserting before the semicolon at the end thereof the following: "or to eliminate conduct inconsistent with just and equitable principles of trade".

BROADER AUTHORITY OVER CONTRACT MARKET RULES

SEC. 11. Section 8a(7) of the Commodity Exchange Act (7 U.S.C. 12a(7)) is amended to read as follows:

"(7) if after making appropriate request in writing to a contract market that such contract market effect on its own behalf specified changes in its rules and practices, and after appropriate notice and opportunity for hearing, the commission determines that such contract market has not made the changes so required, and that such changes are necessary or appropriate for the protection of persons producing, handling, processing or consuming any commodity traded for future delivery on such contract market, or the product or byproduct thereof, or for the protection of traders or to insure fair dealing in commodities traded for future delivery on such contract market or to insure fair administration of such contract market, by rules or regulations or by order to alter or supplement the rules of such contract market insofar as necessary or appropriate to effect such changes in respect to such matters as—

(A) terms or conditions in contracts of sale to be executed on or subject to the rules of such contract market (including provision for sufficient delivery points to facilitate settlement of contracts),

(B) the form or manner of execution of purchases and sales for future delivery,

(C) other trading requirements (including margin requirements),

(D) safeguards in respect to the financial responsibility of members,

(E) the manner, method, and place of soliciting business,

(F) the form and manner of handling, recording, and accounting for customers' orders, transactions and accounts, or

(G) such other matters as the commission may determine to be in the public interest or necessary for the prevention of undue speculation:

Provided, however, that whenever the commission has reason to believe that the amount of deliverable supplies, the number of open contracts, the relative size of individual trader's positions, the amount and direction of price movement in cash and futures contracts, the impact of government edicts and regulations, the existence of a national emergency, or any other such market factor creates a condition which threatens orderly trading in, or liquidation of, any futures contract, the commisison may, without such request, notice, or hearing, direct the contract market to take such action as in its judgment is necessary to maintain or restore orderly trading in, or liquidation of, any futures contract. Such actions may include, but are not limited to, the following:

(a) limit trading to liquidation only;

(b) extend the expiration date of a futures contract;

(c) extend the time for making deliveries in fulfillment of a futures contract;

(d) order liquidation of all or part of any open contracts under such terms as the secretary deems necessary;

(e) suspend trading;

(f) order the fixing of a settlement price for the liquidation of a futures contract."

APPEALS FROM CLAIMS SETTLEMENT PROCEEDINGS

SEC. 12. Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is further amended by adding at the end thereof the following:

"(8) to review and to affirm, to set aside, or modify any decision rendered by or on behalf of any contract market in any proceeding held as required by section 5a(9) of this Act upon application by any person aggrieved thereby filed within 30 days after such decision has been rendered or within such longer period as the commission may determine. Application to the commission for review shall operate as a stay of such action until an order is issued upon such review."

CONTRACT MARKETS MUST SERVE ECONOMIC PURPOSE

SEC. 13. Section 5 of the Commodity Exchange Act, as amended (7 U.S.C. 7), is further amended by adding after subsection (*f*) thereof the following new subsection:

"(g) When such board of trade demonstrates that the prices involved in transactions for future delivery in the commodity for which designation as a 'contract' market is sought are, or reasonably can be expected to be, generally quoted and disseminated as a basis for determining prices to producers, merchants, or consumers of such commodity or the products or byproducts thereof or that such transactions are, or reasonably can be expected to be, utilized by producers, merchants, or consumers engaged in handling such commodity or the products or byproducts thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price."

ACCEPTANCE OF ORDERS BY UNREGISTERED ASSOCIATES OF FUTURES COMMISSION MERCHANTS PROHIBITED. REGISTRATION.

SEC. 14. (a) The Commodity Exchange Act, as amended is further amended by inserting after section 4i a new section 4j to read as follows:

"SEC. 4j. (1) It shall be unlawful for any person to be associated with any futures commission merchant or with any agent of a futures commission merchant as a partner, officer, or employee (or any person occupying a similar status or performing similar functions), in any capacity which involves (a) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (b) the supervision of any person or persons so engaged unless such person shall have registered, under this Act, with the commission and such registration shall not have expired nor been suspended (and the period of suspension has not expired) nor revoked, and it shall be unlawful for any futures commission merchant or any agent of a futures commission merchant to permit such a person to become or remain associated with him in any such capacity if such futures commission merchant or agent knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired) or revoked: *Provided,* That any individual who is registered as a floor broker or futures commission merchant (and such registration is not suspended or revoked) need not also register under these provisions.

"(2) Any person desiring to be so registered shall make application to the commission in the form and manner prescribed by the commission giving such information and facts as to his training, experience, and other qualifications as the commission may deem necessary concerning the applicant. Such person, when registered hereunder, shall likewise continue to report and furnish to the commission such information as the commission may require. Such registration shall expire two years after the effective date thereof and shall be renewed upon application therefor if the commission determines that the applicant is properly qualified unless the registration has been suspended (and the period of such suspension has not expired) or revoked after notice and hearing as prescribed in section 6(b) of this Act: *Provided,* That upon initial registration the effective period of such registration shall be set by the commission, not to exceed two years from the effective date thereof and not to be less than one year from the effective date thereof."

(b) Section 6(b) of the Commodity Exchange Act, as amended (7 U.S.C. 9), is further amended by inserting after the words "futures commission merchant" each time those words appear, the following: "or any person associated therewith as described in section 4j of this Act".

(c) Section 8a(1) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(1)), is amended by inserting after the words "futures commission merchants" the following: "and persons associated therewith as described in section 4j of this Act".

CONFLICTING INTERESTS

SEC. 15. The Commodity Exchange Act is further amended by inserting after section 4j, as added by section 14 of this Act, the following:

"SEC. 4k. (a) No member of a contract market shall execute any customer's order for any transaction for future delivery in any commodity and on the same business day, while on the floor of such contract market, intentionally enter into or otherwise initiate, directly or indirectly, any transaction for future delivery in such commodity for any account in which such member has trading discretion, except for the purpose of liquidating a position acquired as a result of error or in violation of this provision: *Provided, however,* That whenever, after due notice and opportunity for hearing, the commission finds that such prohibition on members acting on behalf of self and customers unduly restricts, or would unduly restrict, the liquidity of trading on any contract market, the commission may permit members of such contract market to act on behalf of themselves and customers in accordance with written rules of such contract market which adequately protect the interest of customers and which have been submitted to and approved by the commission.

"(b) No futures commission merchant shall intentionally enter into or otherwise handle any transaction for future delivery in any commodity for its own account or any account in which it has a proprietary interest, except for the purpose of liquidating a position acquired as a result of error or in violation of this provision: *Provided, however,* That whenever, after due notice and opportunity for hearing, the Commission finds that such prohibition unduly restricts or would unduly restrict the liquidity of trading on any contract market, the commission may permit futures commission merchants to enter into or otherwise handle transactions for future delivery in any commodity traded on such contract market on behalf of themselves, proprietary accounts, and customers in accordance with written rules of such contract market which adequately protect the interest of customers and which have been submitted to and approved by the commission."

CIVIL PENALTIES—MAXIMUM FINES

SEC. 16. (a) Section 6 of the Commodity Exchange Act, as amended (7 U.S.C. 8, 9, 13(b)), is further amended as follows:

(1) by inserting before the period at the end of the fourth sentence in paragraph (b) a comma and the following: "and may assess such person a civil penalty of not more than $100,000 for each such violation";

(2) by inserting in the sixth sentence in paragraph (b) after the word "petition" a comma and the following: "within fifteen days after the notice of such order is given to the offending person";

(3) by deleting from paragraph (c) the words "not less than $500 nor more than $10,000" and substituting therefor the words "not more than $100,000"; and

(4) by adding after paragraph (c) thereof the following new paragraph:

"(d) In determining the amount of the money penalty assessed under paragraph (b) of this section, the commission shall consider: In the case of a person whose primary business involves the use of commodity futures market—the appropriateness of such penalty to the size of the business of the person charged, the extent of such person's ability to continue in business, and the

gravity of the violation; and in the case of a person whose primary business does not involve the use of the commodity futures market—the appropriateness of such penalty to the net worth of the person charged, and the gravity of the violation. If the offending person upon whom such penalty is imposed, after the lapse of the period allowed for appeal or after the affirmance of such penalty, shall fail to pay such penalty, the commission shall recover such penalty by action in the appropriate United States District Court."

(b) Section 6b of the Commodity Exchange Act (7 U.S.C. 13a), is further amended to read as follows:

"SEC. 6b. If any contract market is not enforcing or has not enforced its rules of government made a condition of its designation as set forth in section 5 of this Act, or if any contract market, or any director, officer, agent, or employee of any contract market otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the commission thereunder, the commission may, upon notice and hearing and subject to appeal as in other cases provided for in paragraph (a) of section 6 of this Act, make and enter an order directing that such contract market, director, officer, agent, or employee shall cease and desist from such violation, and assess a civil penalty of not more than $100,000 for each such violation. If such contract market, director, officer, agent, or employee, after the entry of such a cease and desist order and the elapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such contract market, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100,000 or imprisoned for not less than six months nor more than one year, or both. Each day during which such failure or refusal to obey such cease and desist order continues shall be deemed a separate offense. If the offending contract market or other person upon whom such penalty is imposed, after the lapse of the period allowed for appeal or after the affirmance of such penalty, shall fail to pay such penalty, the commission shall recover such penalty by action in the appropriate United States District Court. In determining the amount of the money penalty assessed under this section, the commission shall consider the appropriateness of such penalty to the net worth of the offending person and the gravity of the offense, and in the case of a contract market shall further consider the effect of the amount of the penalty on the contract market's ability to continue in business.

(c) Section 9 of the Commodity Exchange Act, as amended (7 U.S.C. 13) is further amended as follows:

(1) subsection (a) is amended by deleting the figures "$10,000" and substituting therefor the figures "$100,000".

(2) subsection (b) is amended by deleting the figures "$10,000" and substituting therefor the figures "$100,000".

(3) subsection (c) is amended (i) by deleting the figures "$10,000" and substituting therefor the figures "$100,000", and (ii) by inserting after "section 4i" the following: "section 4j, section 4k".

INJUNCTIVE AUTHORITY

SEC. 17. The Commodity Exchange Act is amended by inserting the following section immediately after section 6b:

"SEC. 6c. Whenever it shall appear to the commission that any contract market or other person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this Act or any rule, regulation, or order thereunder, or is in a position to effectuate a squeeze or corner or otherwise restrain trading in any commodity for future delivery, the commission may in its discretion bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice, or to enjoin the continued maintenance of such a position, or to enforce compliance with this Act, or any rule, regulation, or order thereunder, and said courts shall have jurisdiction to entertain such actions. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the commission, the district courts of the United States and the United States courts of any territory or other place subject to the jurisdiction of the United States shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding any person to comply with the provisions of this Act or any rule, regulation, or order of the commission thereunder, including the requirement that such person take such action as is necessary to remove the danger of violation of this Act or any such rule, regulation, or order. Any action under this section may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or in the district where the act or practice occurred, is occurring, or is about to occur, or where such position is maintained, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found."

ONLY ANCILLARY REGULATION OF CASH MARKET

SEC. 18. (a) Secton 6(b) of the Commodity Exchange Act, as amended (7 U.S.C. 9), is amended by deleting the comma and the words "in interstate commerce, or" following the word "commodity" in the first sentence of the section and by inserting after the comma following the word "market" the third time that word appears in said sentence the following: "or, in connection with any transaction for future delivery, is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity in interstate commerce,".

(b) Section 6(c) of the Commodity Exchange Act, as amended (7 U.S.C. 13b), is amended by deleting the comma and the words "in interstate commerce, or" following the word "commodity" in the first sentence of the section and by inserting after the comma following the word "market" the third time that word appears in said sentence the following: "or, in connection with any transaction for future delivery, is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity in interstate commerce,".

(c) Section 9(b) of the Commodity Exchange Act, as amended (7 U.S.C. 13), is amended by deleting the words "in interstate commerce, or" following the word "commodity" the first time that word appears in the section, by inserting after the comma following the word "market" the first time that word appears in the section the following: "or, in connection with any transaction for future delivery, to manipulate or attempt to manipulate the market price of any commodity in interstate commerce," and by inserting before the comma at the end of the phrase "to corner any such commodity" the following: "in interstate commerce or for future delivery".

REPORTS

SEC. 19. Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended:

(1) By striking so much of the first sentence thereof as precedes the first proviso and inserting in lieu thereof the following:

"(a) For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the commission may make such investigations as it may deem necessary to ascertain the facts regarding the operations of boards of trade and other persons subject to any of the provisions of this Act, whether prior or subsequent to the enactment of this Act. The Comptroller General of the United States shall conduct reviews and audits of the commission and make reports thereon. For the purpose of conducting such reviews and audits the Comptroller General shall be furnished such information regarding the powers, duties, organizations, transactions, operations and activities of the commission as he may require and he and his duly authorized representatives shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of the commission except that in his reports the Comptroller General shall not include data and information which would separately disclose the business transactions of any person and trade secrets or names of customers. The commission may publish from time to time, in its discretion, the results of its investigations and such statistical information gathered therefrom as it may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers:"; and

(2) By adding at the end thereof the following:

"The commission shall submit to the Congress a written report within 120 days after the end of each fiscal year detailing the oprations of the commission during such fiscal year. The commission shall include in such report such information, data, and recommendations for further legislation as it may deem advisable with respect to the administration of this Act and its powers and functions under this Act. The commission shall promptly report to the President, Congress and the public any unusual transactions or actions in the futures markets which are developing or have developed that in the commission's judgment will have an unusual impact on the pricing or marketing of that commodity.

"(b) The Commission shall establish an Office of Market Research and Information which shall monitor, investigate and study commodities trading and publish on a periodic basis such information as in the judgment of the Commission will facilitate orderly trading, reflect the true state of supply and demand, reduce undue speculation, and be in the public interest. The Office shall have such duties and powers as are necessary to carry out the purposes of this subsection and as the Commission may prescribe including but not limited to obtaining information and data relevant to commodities trading from agencies of the Federal Government and private persons. The Office shall study and investigate market conditions, including supply and demand, capital flows, future production, projected consumption patterns, Government policy, foreign entrants into the market, and such other factors as the Commission deems relevant."

USE OF CONFIDENTIAL INFORMATION—TREBLE DAMAGES FOR VIOLATIONS

SEC. 20. Section 9 of the Commodity Exchange Act is amended by adding at the end thereof the following:

"(d) (1) It shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than five years, or both, together with the costs of prosecution, for any person to make any contract for the purchase or delivery of any commodity for future delivery on or subject to the rules of any contract market, without disclosing, in accordance with such regulations as may be

prescribed by the Commission as necessary and appropriate in the public interest and to assure fair and orderly trading in such contracts, information acquired by him directly or indirectly from any agency of the United States and not available on an equal basis to other members of the public. Any person violating such regulations shall be liable to the other party to such contract in the amount of treble the profit received by such person as a result of such contract.

"(2) It shall be a felony punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both, for any employee of the United States, contrary to such regulations as may be prescribed by the Commission as necessary and appropriate in the public interest and to assure fair and orderly trading on any contract market, to disclose to any person information acquired by him as a result of his position and not disclosed or available for disclosure on an equal basis to other members of the public.

"(3) Any person violating any provision of this Act or any regulation thereunder shall be liable to any person injured thereby for treble the amount of the damages sustained as a result of such violation."

SEPARABILITY

SEC. 21. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby, and the provisions of the section of the Commodity Exchange Act, as amended, which is amended by such provisions of this Act shall apply to such person or circumstances. Pending proceedings shall not be abated by reason of any provision of this Act but shall be disposed of pursuant to the provisions of the Commodity Exchange Act, as amended, in effect prior to the effective date of this Act.

EFFECTIVE DATE

SEC. 22. This Act shall become effective ninety days after enactment.

SHORT TITLE

SEC. 23. This Act may be cited as the Commodity Exchange Commission Act.

By Mr. THURMOND:

S. 2580. A bill to amend chapter 402 of title 18, United States Code, relating to the sentencing of youthful offenders, and for other purposes. Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today, I bring before the Senate a bill which would amend the Federal Youth Corrections Act to close what I believe is a glaring loophole through which youthful offenders who commit serious crimes are able to avoid serving a prison sentence.

Today, our Nation is experiencing a rapid growth in the occurrence of serious crimes. Given the tremendous frequency with which serious crimes are being committed, I believe, as representatives of our Nation's citizens, that we must do all within our powers to see that strong deterrents to crime are kept in our laws. Mr. President, I am one Senator who firmly believes that a stiff prison sentence is still a strong deterrent to serious crime.

When the forerunner of the present Youth Corrections Act was originally passed, the Senate report stated that the "purpose of the proposed legislation is to provide a new alternative sentencing and treatment procedure for persons under the age of 24." Since the date of enactment of the Youth Corrections Act, many juveniles have taken advantage of its provisions and have been afforded an opportunity for rehabilitation and a return to normal life.

Unfortunately, however, I believe that the courts in recent years have construed this statute in a much more liberal light than Congress originally intended. Under recent court decisions, if a finding is made that the offender will derive any benefit at all from being sentenced under the Youth Corrections Act, then the court must so sentence the offender under the act. As a practical matter, virtually every youthful offender convicted of a crime—no matter how serious—is sentenced under the act. Once sentenced under the act, the offender is eligible for almost immediate parole. Mr. President, in recent months there have been many newspaper articles which illustrate this very serious problem. Persons convicted of murder, rape, armed robbery, and other heinous crimes, become eligible for immediate parole, because of this act. I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks; and I urge my colleagues to read them very carefully.

The bill which I offer today, would correct this glaring loophole by providing that youthful offenders between the ages of 18 and 22 convicted of a crime of violence would not be eligible for treatment under the Youth Corrections Act. The term crime of violence includes any offense involving murder, manslaughter, robbery, rape, sodomy, kidnaping, burglary, maiming, section 902(1) of the Federal Aviation Act of 1958, mayhem, maliciously disfiguring another, abduction, any assault with intent to kill, commit rape, sodomy, or robbery or any attempt to commit any of the aforementioned. Upon conviction of a serious crime a youthful offender would, therefore, be sentenced as an adult.

Mr. President, we have got to stop coddling these criminals. The Youth Corrections Act may have a noble purpose when applied to crimes such as shoplifting or joyriding, but it is absurd, in my opinion, to apply it to crimes such as murder or rape. I invite my colleagues to join me in bipartisan support for this much needed legislation, and urge them to notify me if they wish to cosponsor it.

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

[From the Washington Post, May 3, 1973]

JUDGE ORDERS YOUTH ACT REPORT ON DISTRICT OF COLUMBIA RAPIST, 21

(By Timothy S. Robinson)

A federal judge here yesterday ordered a 21-year-old convicted rapist to undergo study for possible sentencing under the Youth Corrections Act, but indicated from the bench that he was reluctant to do so.

U.S. District Judge John H. Pratt said in court that it would be an "exercise in futility to do otherwise in light of recent decisions by the U.S. Court of Appeals."

He said he agreed with the federal prosecutor in the case who had said "a person who has gone this far astray" would not benefit by being sentenced under the act. A Youth Corrections Act sentence would allow the convicted man to be freed sooner than he would be, were he sentenced as an adult.

However, Judge Pratt said recent appellate court rulings indicate practically all convicted offenders under 22 should have the opportunity to be sentenced under the act, so he felt compelled to order the report. Judge Pratt would not be required to follow the recommendations made by the corrections department in the presentencing report.

The convicted man, James S. Perrin III, was convicted last month by a District Court jury on charges of rape, sodomy and assault with a dangerous weapon for attacks on six women in Rock Creek Park in 1971.

Perrin already is serving a 20-year sentence in Maryland after a Prince George's County jury convicted him of a rape and sodomy charge that occurred during the same period as the rapes in Rock Creek. He could have been sentenced yesterday to a maximum of consecutive life terms to begin after he finishes his Maryland sentence.

However, Attorney Dovey Roundtree said she was asking for the federal Youth Corrections Act sentence because Perrin had no record prior to his arrests for the rapes and his "entire past life was exemplary."

Before Judge Pratt yesterday, Perrin continued to claim innocence in the attacks.

According to testimony at his four-day trial, Perrin picked up his victims, ranging in age from 16 to 22 as they were hitchhiking in Northwest Washington and took them into Rock Creek Park.

[From the Washington Post, May 4, 1973]

MURDER CONVICT PAROLED; RELEASE SET MONTH AFTER SENTENCING

(By Raul Ramirez)

Rudolph (Rudy) Valentino Tate will be released on parole Tuesday, one month after he was sentenced in the killing of a Catholic University student during a holdup attempt nearly four years ago.

He was convicted of second-degree murder and sentenced last month to up to 10 years imprisonment by U.S. District Judge Aubrey E. Robinson Jr. However, Robinson sentenced him under the Federal Youth Corrections Act, which provides for immediate consideration for parole.

The D.C. parole board, said Tate will be under "intensive maximum supervision" after his parole.

He has shown good conduct while being detained for 3½ years awaiting sentencing, officials said.

Assistant U.S. Attorney Roger Adelman, who prosecuted Tate, had argued that the young man, now 21 should be sentenced as an adult.

A second-degree murder conviction as an adult would have carried a minimum sentence of 15 years imprisonment and would have required Tate to serve at least nine years before being considered for parole.

Tate and Wayne M. Allen, 21, had confessed to the slaying of John J. Carmody, 23, of East Hartford, Conn., who was found dead with a bullet wound in the head. The shooting occurred on June 4, 1969, in the 3600 block of 10th Street NE.

Allen, who was given an identical 10-year sentence by Robinson in February, 1971, is serving a concurrent four-year term on a burglary conviction as an adult and will not be eligible for parole until next Sept. 28.

Carmody, a magna cum laude graduate of Catholic University's engineering school, was to have received his master's degree four days after the killing. He had been studying space science and applied physics under a National Defense Foundation Fellowship Act scholarship.

According to trial records, Carmody was walking on a Wednesday night to a senior week party at a fraternity house near the school campus when he was approached by Allen and Tate, who demanded his money.

Carmody, laughing, turned and began to walk away and was shot once in the back of the head with a .22 caliber gun fired by Tate. His wallet was still in his pocket when his body was found at 11:20 p.m.

Allen and Tate were arrested seven days later after police traced a car with the aid of a CU student who habitually memorized license plate numbers. The student had spotted the red car, which belonged to Tate's grandmother, and memorized its number.

After spending several months at the D.C. Receiving Home for Children and the D.C. jail, Tate was assigned to a D.C. department of corrections halfway house.

Since January, 1971, he has participated in a work release program and worked as a gas station attendant and, later, as a general helper at the Forrestal Building Cafeteria, 1000 Indiana Ave. NW.

In testimony given last year, Ralph W. Green, Tate's counselor at the halfway house, said that Tate "has developed a better comprehension of right and wrong and improved his judgemental abilities. At the present time, Mr. Tate poses no threat to the community."

Since last year, Tate has been granted frequent weekend "social furloughs" to visit his family and fiancee. He has a 3-year-old daughter.

Corrections department officials declined to discuss his performance at the halfway house on the grounds that such information is confidential.

According to the parole board spokesman, Tate will be subject to "strict narcotic surveillance" and "intensive maximum supervision" that include regularly scheduled urine tests (to check for drug use) and weekly meetings with a probation officer.

Corrections department officials said Tate will participate in a work training program as a laboratory technician at a local hospital.

[From the Washington Post]

SUSPECT PLEADS GUILTY IN SHOOTING OF STENNIS

(By Timothy S. Robinson)

Tyrone Marshall, 19, pleaded guilty yesterday to the Jan. 30 robbery and shooting of Sen. John C. Stennis (D-Miss.).

The plea, entered under a 1971 Supreme Court ruling that permits Marshall to continue to maintain his innocence while asserting merely that the weight of the government's evidence against him is too strong, came after five days of testimony about Marshall's alleged participation in the crime.

Marshall's plea, made in open court but outside the presence of the jury, followed his being told that the government had granted complete immunity to a codefendant in the case, Derick Holloway, and that Holloway would be taking the stand against him.

Holloway, the alleged driver of the getaway car whose testimony the government felt was essential to convict Marshall, the alleged gunman, can no longer be prosecuted for the crime.

Holloway, according to government prosecutors, was prepared to tell the jury in detail how he, Marshall and Marshall's brother John drove around Northwest Washington for nearly an hour on Jan. 30 looking for a possible robbery victim.

Tyrone Marshall's guilty plea was accepted by U.S. District Judge Joseph C. Waddy over the objections of government attorneys, who contended that the judge had the option of having the trial continue for what they now felt would be a sure jury verdict of guilty.

However, Judge Waddy said he interpreted the law to mean that he had no discretion other than to accept the plea by Marshall. He then called in the jury and told the panel that the case had been disposed of.

The plea, known as an Alford plea, based on the Supreme Court case that allows it, has been used increasingly in criminal cases. In many instances, the plea is entered in an attempt to avoid long sentences, such as in the Alford case itself, in which the defendant entered a plea to second-degree murder rather than face a possible death penalty on a first-degree murder charge.

Prosecutors said they could see no advantage to Marshall's entering such a plea in this case, however, since he pleaded guilty to all eight counts charged in the indictment. Three of those counts carry life sentences, which could be imposed consecutively.

However, Marshall also is eligible for sentencing under the Youth Corrections Act. Under that act, which is available to anyone under 22 years old, Marshall could be released at any time the corrections department decides that he has been rehabilitated, providing the judge invokes the act.

John Marshall entered an Alford plea to the charges in the case five days before his 22d birthday this spring so the Youth Corrections Act could be considered in connection with his sentencing, which is scheduled for Wednesday.

Yesterday's surprising development followed a two-hour meeting in Judge Waddy's chambers attended by defense attorney R. Kenneth Mundy and prosecutors Roger Adelman and Stephen W. Grafman before testimony was resumed in the trial which began Oct. 1.

Mundy said he has discussed the matter with his client and his client's father and had advised them of Holloway's intention to testify, telling them that he had interviewed Holloway for more than two hours.

"I told them I was satisfied that with the testimony of Holloway, the defendant's chances of overcoming the evidence would be virtually nil . . ." Mundy told the court by way of explaining why he advised Marshall to enter a guilty plea. "The plea would not be entered without the testimony of Holloway."

Grafman objected to the equivocal nature of an Alford plea, saying Marshall "should acknowledge under oath his complicity and involvement" with the crime. At this point, as well, he argued to the judge that the plea did not have to be accepted.

But Judge Waddy disagreed, bringing Marshall to the front of the court for the formal procedure of accepting his plea.

Waddy read to Marshall the eight federal and local counts on which he was charged: attempt to kill a member of Congress, attempt to assault a member of Congress, armed robbery, assault with intent to kill while armed, assault with intent to kill, assault with a dangerous weapon and carrying a dangerous weapon.

He was advised that by entering the plea, he would be waiving such constitutional rights and his right to a full trial, and his right to an appeal.

When Marshall acknowledged that he knew his plea would have that result, Waddy asked prosecutor Grafman to tell the court what additional evidence Holloway would provide.

Grafman presented the following chronology of the night of Jan. 30 as he said Holloway would describe it on the witness stand:

About 6:15 p.m., Holloway left his home on South Dakota Avenue and went to the home of the Marshalls on 13th Street NE. He showed Marshall's brother John the gun that the government subsequently had placed in evidence earlier in the trial.

Tyrone Marshall came out of the house, saw them admiring the gun, and said, "Let's go riding," which the other two understood to mean that they should go out and commit a robbery, the court was told.

They left 13th Street in Holloway's mother's Dodge Dart Swinger, went along Sargent Road, South Dakota Avenue, Riggs Road, Missouri Avenue, Georgia Avenue and Military Road to Connecticut Avenue, where they began looking for a "hit," Grafman continued the account.

They drove around Chevy Chase Circle into Maryland, and came back down Connecticut Avenue, with Tyrone Marshall, it was said, continuing to look for a suitable subject for a robbery.

At the corner of Connecticut Avenue and Cumberland Street NW, Marshall saw an elderly woman about to enter an apartment building and told Holloway to turn onto Cumberland, Grafman continued.

By the time the car had changed course, however, the woman had already entered the apartment building.

About that time, a car being driven by an elderly white man—who turned out to be Stennis—passed them. Tyrone Marshall called out, "Let's get him. Let's get him," the court was told.

The robbery then ensued as Stennis had earlier described it on the witness stand, with Holloway prepared to testify that while waiting for Tyrone and John Marshall at the corner of Reno Road and Cumberland Street, he heard the two shots that wounded the senator, Grafman recounted.

When Tyrone Marshall returned to the car, by Holloway's account, he said, "The old man was making too much noise so we had to shoot him."

They showed Holloway a pocket watch, some change and a Phi Beta Kappa key—all of which Stennis had later reported stolen—that they had taken from the man, it was said.

After the robbery, the trio was said to have driven around downtown Washington and then attended a lecture at the Founding Church of Scientology, about which the government had previously presented testimony.

The next day, Holloway was at work at the U.S. Department of Transportation when he heard on a radio newscast that Stennis had been shot.

He called the Marshall residence and asked Tyrone, "Do you know that man you shot was a senator?" Tyrone replied, according to the account: "So what the . . ., he's just a white man."

After hearing the recitation by Grafman, Waddy asked Marshall why he was entering the plea. Marshall, stammering, said, "Because . . . they have . . . too much evidence . . . on the charge . . . on the conviction."

Jurors in the case would not comment after they were released and the U.S. attorney's office said it would have no official comment on the plea or the fact that Holloway had escaped prosecution.

However, a spokesman in the office said the immunity grant to Holloway was given "after careful consideration and deliberation . . . to assure, so far as reasonably possible, the conviction of the gunman" in the shooting. He said high Justice Department officials were aware of the prosecutors' decision to grant immunity to Holloway, and "did not disapprove it."

Stennis, who was being kept informed on the status of the trial by staff members who attended the daily sessions, would have no comment, a spokesman in his office said.

But his wife, when asked if she had heard about the verdict yesterday afternoon, replied, "Yes, we've heard. He's guilty as charged."

[From the Washington Sunday Star and News, Mar. 25, 1973]

THE ANDREW KENNEDY CASE: SENTENCED TO 9 YEARS, HE WAS SENT TO A HALFWAY HOUSE AFTER 40 DAYS—AND NOW, HE'S "ELOPED"

(By Barry Kalb)

Bruce Armstrong, a local lawyer, was surprised last month when he saw Andrew Kennedy, a client, walking along the street.

Armstrong was taken aback because three months earlier Kennedy had been sentenced

to nine years in prison after pleading guilty to armed robbery.

The U.S. District Court judge who sentenced him, Barrington D. Parker, was surprised and angry when he found out that only 40 days after sentence had been passed, Kennedy was released to a halfway house.

And the D.C. Department of Corrections was surprised and chagrined to find out that two months after Kennedy entered the halfway house, he left it, and hasn't been seen since. A bench warrant has been issued for his arrest.

Parker sentenced Kennedy, 21, under the federal Youth Corrections Act, which in general provides for liberal parole or part-way release for offenders who are between the ages of 18 and 22 at the time of sentencing, and who seem to be responding well to rehabilitation.

But Parker had sentenced Kennedy under Subsection C of the act, which—theoretically at least—dictates extra observation of the prisoner. As one judge puts it, a sentence under Subsection C is supposed to "wave a red flag" in front of correction officials to signal that this is a particularly serious case.

Judging by a letter of explanation Parker received in reply to his angry query, the department in this case failed to get the message.

The letter, dated March 1, was sent by Delbert C. Jackson, deputy director of corrections and the man rumored to be in line for the top job when Director Kenneth L. Hardy retires.

Kennedy was sentenced Nov. 10, after pleading guilty last summer to the armed robbery of a business office in Southeast Washington. At the same time, he pleaded guilty to an unrelated attempted robbery, and Parker sentenced him to six years for that, concurrent with the nine years in the armed robbery.

Jackson's letter, couched in exacting, bureaucratically correct language, says that on Dec. 20, 40 days after sentencing, "Mr. Kennedy was selected for participation in and was transferred to the Youth Crime Control Project, 1719 13th Street NW, Washington, D.C., a community based extension of Youth Center Complex, Lorton, Virginia."

It was while Kennedy was enrolled in this program and attending courses at Federal City College that Armstrong ran into him outside the very courthouse where he had been sentenced.

When Parker learned of the transfer last month he called the department for an explanation and learned that Kennedy had "eloped" on Feb. 22.

Jackson explained the halfway house program like this:

"Youth Crime Control Project, also referred to as Youth Progress House, is a demonstration and research project which represents an 'alternative approach to corrections.' Youth Progress House operates on the premise that involving community resources in rehabilitating the offender is the most effective, inexpensive and humane approach to corrections."

To be eligible for the program, Jackson wrote, offenders must be sentenced under the youth act, cannot have been charged with "forcible rape, murder or a notorious offense; i.e., a widely publicized crime or a willful mutilation of another person," and must score 75 or better "on either the Otis or Beta intelligence evaluation."

"It was the opinion of the selection team," Jackson wrote, "that Mr. Kennedy met these criteria."

The letter contains charts showing Kennedy's academic scores, a complete accounting of his daily schedule, an analysis of his "individual behavior" and an account of his expected progress through the various phases of the program. Some excerpts:

"Mr. Kennedy's major goal was academic. He appeared anxious to complete his high school equivalency degree and then to attend college. Toward this goal, he attended Project CREATE until the date of his abscondence.

"On Mondays and Fridays, from 6 p.m. to 7:30 p.m., Mr. Kennedy attended treatment team group meetings, where he communicated and interrelated with seven other students and from three to four treatment team staff members regarding individual problems and problems of his treatment team as an entity . . .

"On Tuesday and Thursday, from 6 p.m. to 7:30 p.m., Mr. Kennedy participated in therapeutic community meetings . . . In this setting, Mr. Kennedy excelled. He was anxious to make the student government a more viable group. However, his enthusiasm waned just prior to his abscondence.

"Although it was felt that Mr. Kennedy was making acceptable progress, unfortunately he failed to return from his training assignment at CREATE on February 22, 1973, and was subsequently placed in an escape status."

Jackson concludes the letter:

"In order to have successfully completed the Youth Progress House Program, Mr. Kennedy would have been required to participate in Phase Three status which would have entailed continuous participation in an educational-training and-or employment program, and the required attendance at group meetings.

"After successful completion of Phase Three, he would have been recommended for Phase Four. Phase Four progression requires the approval of the Parole Board. He would have been supervised on parole status by staff members of his treatment team. He would have been required to return to the Youth Progress House for urine surveillance and group meetings deemed necessary for his individual progress.

"Upon successful completion of Phase Four, recommendation would have been made for progression to Phase Five. Upon approval by the Parole Board, Mr. Kennedy would have been progressed to conditional release. At the time of Mr. Kennedy's abscondence, he could not have expected release from the control of the program in the very near future.

"Please contact this office if further information is required."

Parker has yet to respond.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1418

At the request of Mr. HATFIELD, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1418, a bill to offer a fitting memorial to the achievements and contributions of our 31st President, Herbert Hoover.

S. 2347

At the request of Mr. BEALL, the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. JAVITS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2347, the Historic Structures Tax Act of 1973.

S. 2525

At the request of Mr. TUNNEY, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2525, a bill to require the Secretary of Commerce to prepare and transmit to the Congress periodic reports on export levels, domestic supplies, domestic demand, and prices of certain commodities, and to require the Comptroller General of the United States to analyze and evaluate those reports.

S. 2528

At the request of Mr. PACKWOOD, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

SENATE JOINT RESOLUTION 159

At the request of Mr. PROXMIRE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 159, calling on the President to proclaim the last Sunday in May as "Walk a Mile for Your Health Day."

SENATE RESOLUTION 186—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. HUGH SCOTT submitted the following resolution:

S. RES. 186

Resolved, That the bill (S. 2571) entitled "A bill for the relief of Sperling and Schwartz Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 187—SUBMISSION OF A RESOLUTION RELATIVE TO THE REFERRAL OF THE NOMINATION OF A VICE PRESIDENT

(Ordered to lie over under the rule.)

Mr. MANSFIELD submitted the following resolution:

SENATE RESOLUTION 187

Resolved, That, the nomination by the President of the United States to fill the vacancy in the Office of the Vice Presidency be referred to the Committee on Rules and Administration.

Resolved further, That during the consideration of this nomination by that Committee, the membership of that Committee be increased by six additional members—three to be appointed by the Majority Leader, including himself, and three to be appointed by the Minority Leader. Any member appointed under the provisions of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

(The debate on the above resolution appears later in the RECORD.)

SENATE RESOLUTION 188—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON COPYRIGHT LAW REVISION

(Referred to the Committee on Rules and Administration.)

Mr. MCCLELLAN, from the Committee

on the Judiciary, reported the following resolution:

SENATE RESOLUTION 188

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the present session on Copyright Law Revision.

COMMUNITY DEVELOPMENT ASSISTANCE ACT OF 1973—AMENDMENT

AMENDMENT NO. 628

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

Mr. TAFT. Mr. President, today, I am submitting a revision of amendment No. 604, which I have previously submitted. I believe that the amendment would make an important addition to S. 1744, the Community Development Assistance Act of 1973. I ask unanimous consent that a summary of the amendment and the amendment itself, as revised, be printed in the RECORD at this point.

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

REVISED TAFT AMENDMENT

This amendment would allow the Secretary of HUD, beginning in the program's second year, to provide 2-year supplemental grants of up to 10% to communities whose present and proposed programs address national community development priorities in an exceptional manner. This judgment would be made primarily on the basis of:

(1) a program's outstanding demonstrated and potential ability to serve the housing, slum prevention and alleviation, and essential community service needs of the community's lower income citizens in particular;

(2) promising program innovations which could substantially improve communities' ability to carry out the bill's objectives;

(3) programs undertaken by appropriate consortiums of political subdivisions which effectively address the bill's objectives; and

(4) any combination of these three factors.

The desirability of promoting programs involving communities of various sizes and locations would also be taken into consideration. To minimize the red tape problem, the Secretary would review those additions to the application required from communities desiring to be considered for supplemental grants separately from the regular application approval process and in a manner which does not interfere with that process. Up to $150 million would be authorized for this purpose starting the second year after the bill's enactment. Funds authorized for other community development purposes would be reduced by this amount, but any of the $150 million not used for this purpose could be used for other community development purposes.

The purpose of this amendment is to encourage localities to concentrate their community development programs on the needs of their less fortunate citizens, to make innovations and to undertake programs crossing jurisdictional lines where appropriate. The amendment would also place the Federal government in its proper role as a catalyst for improved local community development initiatives, rather than allowing it to become simply a spectator or a disciplinarian for communities which fail to perform. The Federal government should not remain in the business of second-guessing each local program expenditure, but it can and must set priorities for the use of its community development funds and provide positive encouragement for the fulfillment of priority objectives.

AMENDMENT No. 628

On page 11, strike lines 1 through 3 and insert the following: "not to exceed an aggregate of $———————— prior to July 1, 1976. Not to exceed $150,000,000 of such amount may be utilized to carry out the provisions of section 8(d), except that funds may not be utilized to make supplemental grants pursuant to such provisions prior to July 1, 1975. Sums reserved by the Secretary for the purpose of carrying out such provisions shall not be considered available for obligation for the purposes of section 6. Sums appropriated pursuant to this subsection shall remain available until expended."

On page 21, between lines 15 and 16, insert the following:

"(d) (1) A community development agency may receive a supplemental grant to carry out a community development program which addresses national community development priorities in an exceptional manner, and which is approved for purposes of this subsection. The amount of any supplemental grant may not exceed 10 per centum of the amount the community development agency is eligible to receive under section 6. A community development agency may receive a supplemental grant only if (A) it has carried out community development activities for at least one year with assistance under this Act (other than under this subsection), and (B) it includes in an annual application a description of activities to be undertaken to meet community development needs during the two-year period commencing one year hence if a supplemental grant is received during such period. Such description shall also include a statement citing those aspects of past performance and proposed activities which, in the applicant's opinion, address national community development priorities in an exceptional manner based on the criteria listed in paragraph (4) of this subsection.

"(2) The Secretary is authorized to consult with and receive information from such individuals and organizations as he deems appropriate, in such manner as he deems appropriate, for the purpose of assisting in his review of applications for supplemental grants by increasing the diversity of perspective and expertise in the review process. Individuals and organizations which advise the Secretary pursuant to this paragraph may include individuals and organizations located in or near the communities which have submitted applications for supplemental grants. Such review of applications for supplemental grants shall be made separately from the regular application approval process required pursuant to section 7 and shall be scheduled so that it does not interfere in any way with such regular application approval process.

"(3) Final selections for supplemental grants shall be made by the Secretary. The Secretary shall publish the reasons for his determination that each selection addresses national community development priorities in an exceptional manner. The Secretary shall also establish the total amount of the supplemental grant for each final selection. Such total amount shall be payable over the two-year period covered by the description of activities.

"(4) Selections by the Secretary shall be based primarily upon—

"(A) outstanding demonstrated and potential ability of community development activities to meet urgent needs of lower-income families who may reasonably be expected to seek housing in the community, including the need for housing for lower-income families; the need to preserve and upgrade neighborhoods and to prevent and eliminate slums, with minimum displacement of residents; and the need to improve community services and facilities of make them more adequate and accessible to those segments of the community for which such types of services and facilities are presently least adequate;

"(B) outstanding innovations in community development which could substantially improve communities' ability to carry out the purposes of this Act, and particularly those activities specified in section 7(a)(1)(A), (B), and (C);

"(C) effective community development efforts, particularly with respect to those activities specified in section 7 (A), (B), and (C) undertaken by appropriate consortiums of political subdivisions; or

"(D) any combination of (A), (B), and (C).

For the purpose of making selections, the Secretary shall also consider the desirability of promoting programs which are diverse in terms of population and geographic location.

"(5) Any sums allotted for purposes of this section but not obligated shall be available to the Secretary for—

"(A) the study and evaluation of activities undertaken by communities receiving supplemental grants; and

"(B) the dissemination of information on particularly successful or innovative community development programs or aspects thereof, including programs aided by supplemental grants.".

THE OIL AND GAS REGULATORY REFORM ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 629, 630, AND 631

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

Mr. MOSS. Mr. President, I introduce for approprite reference a set of amendments to S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

Mr. President, the energy problems which we face in this land weigh heavily upon our shoulders. Instead of shirking our responsibility, we must roll up our sleeves and develop those legislative initiatives which will provide us with long-term solutions to our energy shortages.

On Wednesday, the Committee on Commerce began hearings on a variety of proposals affecting natural gas and oil regulation. These bills fall into the two broad categories—those calling for deregulation of producer controls, and those calling for regulatory reforms. I am pleased to be a sponsor of one of the regulatory reform proposals and a cosponsor of another. It is imperative that we explore the alternatives which will protect the public and develop sufficient supplies of these important resources.

After the first 2 days of hearings, however, I believe that the amendments which I submit will provide a better "working paper" for the committee's consideration. Admittedly some of these amendments may take more consideration than we can possibly give to them at this time. But on the other hand, there are some which have been considered on a number of previous occasions, and should be considered again in light of existing conditions.

Mr. President, I would like to review

for my colleagues the amendments which I propose to S. 2506. Title III, which would be the Oil Economic Regulation Act, provides that oil be regulated in a manner similar to natural gas under the Natural Gas Act. The title of the Natural Gas Act would also be changed to the Oil and Gas Act. The regulation of oil is based upon these premises. Natural gas and oil are located, developed, and produced by the application of similar techniques and technologies. Both are used for many of the same purposes. And our current demand for energy is far greater than our domestic reserves and production capability. To a large extent, oil and gas are located, developed, and produced by the same persons with investment capital derived from interchangeable sources. Under these circumstances, there is no reason that we do not regulate oil as we would regulate natural gas under the Natural Gas Act as amended by S. 2506.

The second title of my amendment is the "Competition and Fair Marketing Act." This title has several sections, the first of which proposes to separate the marketing, production, refining, and transportation functions of the petroleum and petroleum products industry. There is a provision in the act, however, to permit vertical integration for those small operators who do not deal in more than 10 million mcf of gas or 10 million barrels of oil per calendar year. Acquisitions in the oil industry among the dominant companies have increased the concentration of power into a relative handful. Major oil companies have split up the retail market of this country along with several regional companies and thus pose a significant impact on competition. The elimination of price competition has a severe effect on consumer cost and the potential for misallocation of the refined product has been demonstrated with the price increases and shortages that have developed during the spring, summer, and early fall months.

In the long run, the best method of restoring competition and enhancing the free market system would not be control of the market, but decontrol of the market and elimination of the economic control exercised by a few. However, until such time as true competition takes place, vigorous regulation is necessary.

The next provision of this title is the Fair Marketing of Petroleum Products Act which is virtually identical to amendment No. 159 which was adopted by the Senate on June 1, 1973. The section on fair marketing provides that supplies of petroleum products be equitably distributed among all dealers in petroleum products, branded, and independent alike. The amendment provides that petroleum refiners and petroleum distributors may not deliver or offer for delivery a smaller percentage quantity of petroleum products than the quantity which they delivered in any quarter of a base period which is set forth in the legislation. If it is necessary for a petroleum distributor or a petroleum refiner to curtail deliveries due to the unavailability of petroleum products, then he must curtail deliveries by the same percentage to each distributor or retailer. In a time of constraint, all marketers would face the problem equally and none would have an unfair advantage. Additionally consumer access to products would be widespread, even though the quantity from each customary source might be somewhat reduced.

The second also provides that during periods of constraint, all sales of fuels must be kept on an even pricing level for franchised and nonfranchised dealers alike. However, those who do not have the protection of the good will, trademark, and other benefits which accrue to franchised dealers, may be sold their supplies at a small reduction, the differential being equal to the value of the protection afforded to the franchised dealer by trademark and other rights.

Additionally the section provides protection for branded dealers from arbitrary termination, cancellation, or failure to renew leases or franchise agreements. Similar protection was provided to automobile dealers more than 16 years ago with the passage by the Congress of Automobile Dealers Day in Court legislation.

The language provides that distributors and refiners may not arbitrarily cancel, fail to renew, or terminate a franchise unless several conditions are met. These are: First, that the franchisee failed to comply substantially with the essential and reasonable requirements of the franchise; second, that the franchisee failed to act in good faith in carrying out the terms of the franchise; and third, that the franchisor no longer is engaged in the sale of the products in question. The language is not designed, however, to insulate franchises in perpetuity. There are set forth appropriate defenses which will permit the franchisor to terminate the agreement when there is just cause.

An additional provision of the amendment is to cure a curious and anomalous development in the administration of the Robinson-Patman Act. That statute prohibits discrimination in prices which lessen competition, tend to create a monopoly, or injure and destroy competition. It was originally passed in 1914 to prevent predatory primary line price discrimination and it was amended in 1936 to cover secondary line price discrimination and limit the buying power of integrated chains in competition with small local independent businesses.

Some courts have begun to interpret the commerce standards of the Robinson-Patman Act in restrictive terms, rather than the realities of modern day commerce.

In States like Utah, the court decisions lead to unfortunate results. We have oil refiners in Utah but local retailers do not enjoy the protection of the Robinson-Patman Act if their supply comes from those refineries. Retailers in sister States without refineries and supplied by refineries outside the State are protected by the act.

The retailers rights under the Robinson-Patman Act should not be made to depend upon the accident of where his supply comes from. Nor should the practical uniform application of Federal law be destroyed by artificially created limitations having the effect of making Federal law applicable in one State and not in another. That is the effect of recent court readings of section 2(a) of the Robinson-Patman Act. The act was designed to protect the small independent businessmen from the economic clout of integrated national marketers, yet the recent interpretation creates an umbrella where lawless price discrimination may be used to destroy the very business Congress sought to protect.

Lastly, my amendment provides a title V, "Federal Power Commission Improvements." On a number of occasions the Senate has passed measures which would strengthen the independence of the various regulatory agencies. With the additional responsibilities granted to the Federal Power Commission under S. 2506, it is necessary that we similarly strengthen the ability of the Federal Power Commission to react to present day considerations. Therefore, the Federal Power Commission improvement section of the legislation provides that Commission budgets and legislative recommendations or testimony be submitted simultaneosly to the Office of Management and Budget and the Congress and that OMB clearance would be not required. Similarly, the Commission would be granted permission to obtain information without prior review by the Office of Management and Budget.

Mr. President, the reforms which I propose today will give us the opportunity to investigate realistic and viable solutions to our energy needs. I hope that the Committee on Commerce will scrutinize these amendments closely and select for reporting those titles which can be implemented immediately. It may well be that additional hearings will be necessary to develop some of the issues in these amendments, but I am confident that the committee will give the amendments their proper attention.

Mr. President, I ask unanimous consent that the text of the amendments be printed in the RECORD at the conclusion of my remarks.

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

AMENDMENT NO. 629

On page 33, after line 11, insert the following new title:

TITLE III—OIL REGULATION

SEC. 301. This title may be cited as the "Oil Economic Regulation Act".

SEC. 302. Section 1 of the Natural Gas Act (15 U.S.C. 717), as amended by this Act, is further amended by:

(1) redesignating subsections (b) and (c) thereof as subsections (d) and (e); and

(2) inserting therein the following two new subsections:

"(b) Congress further finds and declares that natural gas and oil are—

"(1) located, developed, and produced by the application of similar techniques;

"(2) used for the same purposes;

"(3) in great demand to meet the Nation's growing energy needs while proved domestic reserves and production of both are inadequate to meet such needs;

"(4) located, developed, and produced to a large extent by the same persons (75 per centum of the natural gas produced in the United States is produced by the Nation's twenty-five largest oil companies);

"(5) developed with funds drawn from

interchangeable investment capital sources (investment capital has allegedly been diverted from development of natural gas to oil since there has been no prohibition against oil companies earning excessive rates of return whereas natural-gas companies have been limited to a reasonable rate of return); and

"(6) located, developed, and produced by industries which, according to recent Federal Trade Commission studies and investigations, suffer from similar structural imperfections and patterns of anticompetitive behavior. In view of such imperfections and patterns, the free market cannot be relied upon to assure adequate supplies of either natural gas or oil to the consumer at reasonable prices.

"(c) Therefore, it is declared to be the policy of Congress to apply uniform economic regulation to both natural ability at reasonable prices.".

SEC. 303. (a) The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is further amended by striking out 'natural gas' wherever the same shall appear and inserting in lieu thereof 'natural gas or oil' and by striking out 'natural-gas' wherever the same shall appear and inserting in lieu thereof 'natural-gas or oil'.

(b) The provisions of subsection (a) of this section shall not apply to section 1, section 2, or section 7 of the Natural Gas Act (15 U.S.C. 717, 717a, 717f).

AMENDMENT NO. 630

On page 33, line 11, and after amendments to S. 2506 insert the following new title:

TITLE IV—COMPETITION AND FAIR MARKETING

SEC. 401. This title may be cited as the "Competition and Fair Marketing Act of 1973."

COMPETITION IN THE OIL AND GAS INDUSTRY

SEC. 402. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by of this Act, is amended by adding at the end thereof the following new section:

"SEC. 31. (a) The United States needs adequate and reliable supplies of energy resource products available to consumers at the lowest possible cost to meet the present and future needs of commerce and national security. The Congress finds and declares that proper government regulation of natural-gas and oil companies can satisfy such need to a certain extent, but that the need will never be met completely unless—

"(1) barriers to competition presently existing in the energy industry are removed;

"(2) restrictions are imposed on further expansion of persons engaged in commerce in the business of producing, transporting, refining, or marketing energy resource products;

"(3) competition, equal access to supplies for all, and nondiscriminatory practices become the rule in the energy industry; and

"(4) divestiture of assets is directed to promote the public interest in competition and freedom of enterprise, and to protect the consuming public from monopoly, oligopoly, and bigness.

"(b) As used in this section—

"(1) 'Affiliate' means a person controlled by or controlling or under or subject to common control with respect to any other person.

"(2) 'Asset' means any property (tangible or intangible; real, personal, or mixed) and includes stock in any corporation which is engaged (directly or through a subsidiary or affiliate) in the business of producing, transporting, refining, or marketing energy resource products.

"(3) 'Control' means actual or legal power or influence over another person, directly or indirectly, arising through direct, indirect, or interlocking ownership of capital stock, interlocking directorates or officers, contractual relations, agency agreements, or leasing arrangements where the result or consequence is used to affect or influence persons engaged in the marketing of energy resource products.

"(4) 'Energy resource product extraction asset' means any asset used for the exploration or development of natural gas or oil deposits or used for the gathering or extraction thereof from the ground, including with respect to oil shale, any asset used in crushing, loading, or retorting.

"(5) 'Energy resource product' means natural gas or oil.

"(6) 'Marketing' means the sale and distribution of energy resource products. The term does not include the initial sale with transfer of ownership of finished or unfinished products to customers at the refinery.

"(7) 'Energy marketing asset' means any asset used in the marketing or retail distribution of energy resource products including retail outlets for the sale of gasoline, motor oil, number 2 fuel oil, or home heating oil.

"(8) 'Energy pipeline asset' means any asset used in the transportation by pipeline of energy resource products from the site of gathering, extraction, or importation to any other place, directly or via a refinery, storage facility, or other place at which such transportation is stopped temporarily.

"(9) 'Energy refinery asset' means any asset used in the refining of energy reosurce products.

"(10) 'Production' means the exploration or development of lands within any State for natural gas or oil, the gathering or extraction of natural gas or oil from such lands, and the storage of crude natural gas or oil thereon.

"(11) 'Refining' means the refining, processing, or converting of energy resource products into finished or semifinished products. The term includes the initial sale with transfer of ownership of finished or semifinished products to customers at the refinery.

"(12) 'Transportation' means the transportation of energy resource products by means of pipelines, railroads, or tankers.

"(c) Notwithstanding any other provision of law, it shall be unlawful after the date of enactment of this section for any person engaged in commerce—

"(1) in the business of extracting energy resource products to acquire, directly or through an affiliate, any energy pipeline asset, energy refinery asset, or energy marketing asset;

"(2) in the business of transporting energy resource products by pipeline to acquire, directly or through an affiliate, any energy resource product extraction asset, energy refinery asset, or energy marketing asset;

"(3) in the business of refining energy resource products to acquire, directly or through an affiliate, any energy resource product extraction asset, energy pipeline asset, or energy marketing asset;

"(4) in the business of marketing energy resource products to acquire, directly or through an affiliate, any energy resource product extraction asset, energy pipeline asset, or energy refinery asset; or

"(5) to own or control, more than three years after the date of enactment of this section, any asset which such person is prohibited from acquiring under paragraphs (1), (2), (3), or (4) of this subsection.

"(d) Each person engaged in commerce owning or controlling, on the date of enactment of this section, any asset which such person is prohibited from acquiring or retaining under subsection (c) of this section shall, within one hundred eighty days after such date, file with the Commission, the Attorney General of the United States, and the Federal Trade Commission such reports relating to such assets and, from time to time, such additional reports relating to such assets, as the Commission, the Attorney General, or the Federal Trade Commission may require or request.

"(e)(1) The Commission, the Attorney General of the United States, and the Federal Trade Commission shall, simultaneously and independently, examine the relationship of persons now engaged in one or more branches of the energy resource product industry. The Commission, the Attorney General, and the Federal Trade Commission shall institute suits in the district courts of the United States, without regard to amount in controversy, requesting the issuance of such relief as is appropriate to prevent, terminate, or correct conduct which is unlawful under subsection (c) of this section, including orders of divestiture, declaratory judgments, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

"(2) The Commission, the Attorney General of the United States, and the Federal Trade Commission shall take all steps necessary to effect appropriate divestiture of assets of persons engaged in commerce. An order of divestiture is appropriate if such divestiture—

"(A) will remedy, through termination, any conduct which is unlawful under subsection (c) of this section; or

"(B) may, as a natural and probable consequence of an increase in the number of competitors, increase the amount of real competition with respect to the production, refining, transportation, or marketing of energy resource products in commerce in each section of the country.

"(f) Any person who knowingly and willfully violates any provision of this section shall, upon conviction, be punished, in the case of an individual, by a fine of not to exceed $500,000 or by imprisonment for a period not to exceed ten years, or both, or in the case of a corporation, by a fine of not to exceed $5,000,000 or by suspension of the right to do business in interstate commerce for a period not to exceed ten years, or both. A violation by a corporation shall be deemed to be also a violation by the individual directors, officers, receivers, trustees, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting the violation in whole or in part, or who shall have failed to authorize, order, or do any acts which would terminate, prevent, or correct conduct violative of this section. Failure to obey any order of the court pursuant to this section shall be punishable by such court as a contempt of court.

"(g) Any person engaged in commerce in the business of either extracting, transporting, refining, or marketing energy resource products shall be exempt from the requirements of this section if such person's total sales in commerce do not exceed 10,000,000 M.c.f. of natural gas or 10,000,000 barrels of oil during the preceding calendar year and such person is neither directly nor indirectly controlled by or affiliated with a natural—gas or oil company; and such person is neither directly nor indirectly controlled by or affiliated with another company engaged in commerce in the business of extracting, transporting, refining, or marketing energy resource products such that the aggregate extraction, transportation, refining, or marketing of all such related or affiliated entities exceeds 10,000,000 M.c.f. or the equivalent amount of energy in another fuel per calendar year: *Provided*, That this exemption shall not be effective as to any such person engaged in commerce in the business of extracting, transporting, refining, or marketing energy resource products unless such person expended not less than 5 per centum of his total gross revenues during the proceding calendar year in exploration, research, and development.

FAIR MARKETING

SEC. 403. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is amended by adding at the end thereof the following new section:

"SEC. 32. (a) As used in this section—

"(1) 'Base period' means the period from October 1, 1971 to September 30, 1972.

"(2) 'Distributor' means an oil company engaged in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

"(3) 'Franchise' means any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or distributor, or any agreement or contract between such parties under which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract, for the purpose of engaging in the distribution or sale of petroleum products for purposes other than resale.

"(4) 'Market area' means any State or any area so defined by the Commission.

"(5) 'Notice of intent' means a written statement of the alleged facts which, if true, constitute a violation of subsection (b) of this section.

"(6) 'Petroleum product' means any liquid refined from oil and usable as a fuel.

"(7) 'Refiner' means an oil company engaged in the refining or importing of petroleum products.

"(8) 'Retailer' means an oil company engaged in the sale of any petroleum product for purposes other than resale within any State, either under a franchise or independent of any franchise, or who was so engaged at any time after the start of the base period.

"(b) Except as otherwise provided pursuant to this section, the following conduct is prohibited:

"(1) A refiner or distributor shall not deliver or tender for delivery in any quarter to any distributor or retailer a smaller quantity of petroleum products than the quantity of such products delivered by him or his predecessors during the corresponding period in the base period, unless he delivers to each distributor or retailer doing business in commerce the same percentage of the total amount as is delivered to all such distributors or retailers in the market area who are supplied by such refiner or distributor.

"(2) A refiner or distributor shall not sell petroleum products to a nonfranchised distributor or retailer at a price, during any calendar month, which is greater than the price at which such petroleum products are sold to a franchised distributor or retailer in the market area, except that a reasonable differential which equals the value of the goodwill trademark, and other protections and benefits which accrue to franchised distributors or retailers is not pronibited.

"(3) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer affected thereby. Such notification shall be in writing and sent to such distributor or retailer by certified mail not less than ninety days prior to the date on which such franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy or remedies available to such distributor or retailer under this section together with a summary of the applicable provisions of this section.

"(4) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless the retailer or distributor whose franchise is terminated failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdraws entirely from the sale of petroleum products in commerce for sale other than resale in the United States.

"(c)(1) If a refiner or distributor engages in conduct prohibited under subsection (b) of this section, a retailer or a distributor may maintain a suit against such refiner or distributor. A retailer may maintain such suit against a distributor or a refiner whose actions affect commerce and whose products—

"(A) with respect to conduct prohibited under paragraphs (1) or (2) of subsection (b) of this section, he purchases or has purchased, directly or indirectly; and

"(B) with respect to conduct prohibited under paragraphs (3) and (4) of subsection (b) of this section, he sells or has sold, directly or indirectly, under a franchise.

A distributor may maintain such suit against a refiner whose actions affect commerce and whose products he purchases or has purchased or whose products he distributes or has distributed to retailers.

"(2) The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under subsection (b) of this section which it finds to exist, including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and punitive damages where indicated, in suits under this section, and may, unless such suit is frivolous, direct that costs, including reasonable attorney and expect witness fees, be paid by the defendant. With respect to conduct prohibited under paragraphs (3) or (4) of subsection (b) of this section, the court may grant an award for actual damages resulting from the cancellation, failure to renew, or termination of a franchise.

"(3) A suit under this section may be brought in the district court of the United States for any judicial district in which the distributor or the refiner against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. With respect to conduct prohibited under paragraphs (1) or (2) of subsection (b) of this section, no such suit shall be brought by any person unless he has furnished notice of intent to file such suit by certified mail at least 10 days prior thereto with (A) each intended defandant, (B) the attorney general of the State in which the prohibited conduct allegedly occurred, and (C) the Commission. With respect to conduct prohibited under paragraphs (3) or (4) of subsection (b) of this section, no such suit shall be maintained unless commenced within three years after the cancellation, failure to renew, or termination of such franchise or the modification thereof.".

PRICE DISCRIMINATION

SEC. 404. Section 2 of the Clayton Act (38 Stat. 730, as amended, 49 Stat. 1526; 15 U.S.C. 13), is amended—

(a) by striking out in section 2(a) thereof the words "in the course of such commerce" wherever they appear, and the words "are in commerce" after the words "where either or any of the purchases involved in such discrimination" and by inserting in lieu thereof the words "affect commerce"; and

(b) by striking out the words "in commerce" in the third proviso after the words "or merchandise" and by inserting the words "interstate commerce and" after the words "engaged in".

AMENDMENT NO. 631

On page 33, line 11, and after amendments to S. 2506 insert the following new title:

TITLE V—FEDERAL POWER COMMISSION IMPROVEMENTS

SEC. 501. This title may be cited as the "Federal Power Commission Improvements Act of 1973".

SEC. 502. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. 33. (a) The provisions of this section are applicable to this Act, the Federal Power Act (16 U.S.C. 791a et seq.), and any other Federal law under which the Congress directs the Federal Power Commission to exercise any independent regulatory function. The Congress hereby reaffirms that the Federal Power Commission is an independent regulatory agency of the Federal Government which is not part of the executive, legislative, or judicial branches and which functions as an arm of Congress with such quasi-legislative, quasi-judicial, and administrative powers as are authorized by law.

"(b) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(c) Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(d) Any determination to collect information, any plan or form to be used in the collection of information, and the collection of information by the Commission shall not be subject to the approval of or review by the Office of Management and Budget or any other authority, officer, or agency of the United States: *Provided*, That the Commission may not conduct or sponsor the collection of information upon identical items from ten or more persons, other than Federal employees, unless in advance of adoption or revision of any forms to be used in such collection the Commission invites and gives the Director of the Office of Management and Budget 30 days in which to comment on such forms.

"(e) Notwithstanding any other provision of law (1) in any civil action, the Commission is authorized to act in its own name and through its own attorneys; and (2) attorneys for the Commission shall supervise, and may, in the discretion of the Commission, conduct litigation in any civil action to which the Commission is a party.

"(f) Notwithstanding any other provision of law, whenever a committee of the Congress which has or shares responsibility for the authorization of appropriations for the Commission (or any subcommittee or member thereof under the authority of such committee) makes a written request for documents in the possession of or under the control of the Commission, the Commission shall, within two days after the receipt of such request submit to such committee (or subcommittee or member thereof) such documents or copies thereof. If the Commission transfers any document in its possession or under its control to any other agency or to any person, it shall condition the transfer on the transferree's returning such document to the Commission for purposes of complying with the first sentence of this subsection. As used herein, "docu-

ment" means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing. This subsection shall not be deemed to restrict any other authority of either House of Congress or any committee or subcommittee thereof to obtain documents.

"(g) For fiscal years after the fiscal year ending June 30, 1976 the Congress may appropriate for the use of the Commission such sums as the Congress may authorize by law: *Provided*, That no authorization of appropriations for the Commission shall (1) be acted upon until either the Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives or the Chairman of the Committee on Commerce of the Senate certifies that a comprehensive oversight investigation and hearing into and evaluation of the operations and effectiveness of the Commission has been conducted by a committee, subcommittee, or Member of Congress and a report thereon prepared copies of which are available, or until the aforementioned Chairmen certify that such investigation and hearing are not necessary at such time; and (2) be enacted unless the period of each such authorization of appropriations is not longer than three years.

"(h) The district courts of the United States shall have jurisdiction to prevent and restrain any violation of this Act, the Federal Power Act (16 U.S.C. 791a et seq.), or any other Federal law under which the Congress directs the Commission to exercise any independant regulatory function; any violation of any rule issued under any such law; or any violation of any condition of any certificate of public convenience and necessity issued by the Commission thereunder. The Commission shall have power to petition any court of appeals of the United States, in which venue is appropriate under section 1391 of title 28, United States Code, for appropriate mandatory or prohibitive injunctive relief. Before final decree, the court may at any time grant interim equitable relief.

"(i) (1) Except as provided in paragraph (2) of this subsection, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case of controversy against any person, partnership, or corporation who commits any violation over which the district courts of the United States are granted jurisdiction under subsection (h) of this section. In any such action, the Commission, by any of its attorneys designated by it for such purpose, may intervene as a matter of right.

"(2) No civil action may be commenced (A) prior to 60 days after the plaintiff has given notice of the alleged violation to the Commission and to any alleged violator; or (B) if the Commission has commenced and is diligently prosecuting proceedings with respect to such alleged violation.

"(3) The court, in issuing any final order in any action brought pursuant to this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate, and, without regard to amount in controversy, compensatory and punitive damages, whenever the court determines that such an award is necessary or appropriate to deter future violations. Nothing in this subsection shall be construed to restrict any right which any person (or class of persons) may have under any other statute or at common law to seek enforcement or other relief.".

SEC. 503. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is amended by—

(a) striking out section 24 thereof;

(b) redesignating sections 1 through 23 thereof as sections "2" through "24" thereof; and

(c) inserting therein a new section 1 as follows:

"SEC. 1. This Act may be cited as the 'Oil and Gas Act'.".

NOTICE OF HEARINGS ON SPACE SHUTTLE PAYLOADS

Mr. MOSS. Mr. President, I announce for the information of the Senate that on October 30 and 31, the Committee on Aeronautical and Space Sciences will hold hearings on Space Shuttle payloads in room 231 of the Russell Office Building beginning at 9:30 a.m. each morning.

The witnesses are as follows:

October 30—Dr. James C. Fletcher, Administrator, National Aeronautics and Space Administration.

October 31—Dr. John W. Findlay, Space Science Board, National Academy of Sciences; Dr. Peter E. Glaser, Arthur D. Little, Inc.; Dr. Krafft Ehricke, Rockwell International; and Mr. David Keller, General Electric Co.

NOTICE OF HEARINGS ON WORLD FOOD SITUATION

Mr. HUMPHREY. Mr. President, skyrocketing commodity prices and food shortages here at home provide more than ample evidence that our world food system is under strain.

The widespread starvation and malnutrition suffered in regions of Africa and Asia over the past year make the call for a system designed to provide for a minimum level of food security even more timely.

We can no longer allow a large part of the population of the world to have their food supply subject to the capricious whims of weather. We just cannot responsibly permit the disruption of world agricultural markets and commodity prices by unforeseeable natural disasters. And it would be unconscionable to let millions of people of the world suffer the ravages of hunger and malnutrition, because we could not sit down and design contingencies for the inevitable periods of shortages we have and will continue to face over the coming years.

What we are facing is an increasing uncertainty created by rapidly growing demands on world food supplies and unless we can find ways to insulate farm production from the unforeseeable effects of weather and climate or unless we come up with a system which insures the availability of stored food reserves to offset production swings the consequences for the consumers of the world will become increasingly disastrous.

It is only prudent that we begin planning now for a system which provides at least a minimum level of food security for the consumers of the world.

A first step in this direction is a review of the entire world food situation to explore all aspects which go into supporting and maintaining the system which provides food to the consumers of the world.

Certainly at a time when so many issues are emerging in regard to world food policy, it would seem crucial that the Congress seek to understand as much as possible about the complex world agricultural system.

Given these facts, I feel that it is timely that the Congress conduct hearings on these issues.

Therefore, the Subcommittees on Foreign Agricultural Policy and on Agricultural Production, Marketing and Stabilization of Prices, chaired by Senator HUDDLESTON and myself, will begin a comprehensive series of hearings on the world food situation on October 17 and 18.

I emphasize world food production as a system. This is the perspective from which we wish to take a look at world agriculture. We are interested in exploring what the various constraints on world food production are and what we can do.

Our subcommittees will initiate this series of hearings on October 17 and 18 by presenting an overview of the world food situation. The hearings are scheduled to begin at 10 a.m. on both days in room 1318, DSOB.

The witnesses expected to address these timely issues include: The Honorable Earl L. Butz, Secretary of Agriculture; Dr. Lester Brown, Overseas Development Council; and Dr. Norman Borlaug, Nobel Laureate on food and nutrition.

It is our hope that through these hearings we can provide a perspective for the Committee on Agriculture and Forestry and the Congress on these major issues regarding world food policy.

RURAL DEVELOPMENT HEARING SET FOR OCTOBER 31

Mr. CLARK. Mr. President, on Wednesday, October 31, 1973, at 10 a.m., in room 324 of the Russell Office Building, the Rural Development Subcommittee of the Committee on Agriculture and Forestry will hold the third of its series of quarterly oversight hearings on the implementation of the Rural Development Act of 1972.

Essentially, we plan to call for the following witnesses:

First, we will ask that the Secretary of Agriculture, Mr. Butz, report to the subcommittee specifically on the plans for implementation of title I and section 603 of the act. While we are concerned about the implementation of the total act, given the funding circumstances we face this year and the fact that the manner of implementation has not been made altogether clear by the Executive, we plan to concentrate our attention on these two important areas of the law.

Most particularly, we will be anxious to question the Secretary not only on the goals for rural development, promised but not delivered to the committee on September 1, but also in regard to the research called for in section 603.

Second, we expect to hear from the Administrator of the Environmental Protection Agency, Mr. Train, regarding the recent Supreme Court decision on air quality and the pending EPA regulations on water quality and their effect on agriculture and nonfarm development. We will also be interested in learning about the formula the EPA plans to use to assure that rural communities receive their fair share of the sewer program moneys now under the Agency's control. In the past when some Federal programs have been located in agencies without a rural orientation, such as HUD, funds have tended to be concentrated in areas of heavy urban population density, and we intend to see that this does not happen in this case.

Finally, I have asked the Congressional Research Service of the Library of Congress to provide the subcommittee with an up-to-date report on the total progress toward implementation of the Rural Development Act, which will become an important part of the hearing record.

Of course, the Committee on Agriculture and Forestry always has had an open policy toward public witnesses. Any public witnesses who may wish to testify on any aspect of rural development will be welcome. Oral testimony of public witnesses will be limited to 10 minutes. However, pertinent statements of any length may be submitted for the record.

ADDITIONAL STATEMENTS

S. 425—SURFACE MINING RECLAMATION ACT

Mr. MANSFIELD. Mr. President, I wish to take a few minutes today to explain the intent of my amendment which was added to the provisions of S. 425—Surface Mining Reclamation Act of 1973. As my colleagues know, the amendment would remove from surface mining all minerals held by the Federal Government when surface rights are held by individual parties. This amendment does not apply to State lands. It does not apply when all parties are private owners, and it does not apply when the Federal Government controls both the surface and subsuface. I do not believe this amendment will have any serious effect on efforts underway to utilize the vast deposits of low sulfur coal in the western part of the United States in the current effort to develop new sources of energy during the so-called crisis.

In Montana there are 38 million acres of Federal minerals. There are approximately 10 million acres of this surface held by private individuals. These statistics were obtained from the Bureau of Land Management for all minerals, not just coal. Apparently the Bureau of Land Management does not have any statistical information on the surface and subsurface ownership patterns for coal in the Northern Great Plains region.

In Wyoming there are 43 million acres of Federal minerals with 13 million acres of the surface under private control. In North Dakota there are 4.8 million acres of Federal minerals with a little more than half of the surface held by private interests. Of the approximately 86 million acres of Federal minerals in the three-State area of Montana, North Dakota, and Wyoming, 26 million acres of the surface of such minerals are owned by someone other than the Federal Government. This leaves 60 million acres of Federal minerals and Federal surface that the Mansfield amendment would not affect.

In addition, I am greatly concerned about the surface mine process. I am specifically interested in protecting the rights of the surface owner who does not wish to sell the rights to the coal mining companies and also removing them from outside pressures and temptations. I refer to the farmers and ranchers who have contributed immeasurably to the agricultural economy of Montana and neighboring States for a great many years. They should be given an opportunity to continue to do so. I am speaking in behalf of the folks living in the Fort Union Basin and the Powder River Basin which join with our neighboring States of North Dakota and Wyoming.

As a woman from Sheridan, Wyo., wired me, the amendment would "at last relieve private citizens of industrial and political pressure while retaining choice of deep mining alternatives."

I have received a number of reports about excessive payments being offered by the coal companies for surface rights. I do not believe that the Federal Government should be associated with these negotiations when the Government is not retrieving any monetary benefit above and beyond the current payment of 17.5 cents per ton for coal.

I understand that some surface owners may be upset with this amendment which permits the checkerboard acquisition of surface rights and continues to place the rancher and farmer who do not wish to sell in a difficult position.

Mr. President, in conclusion I ask unanimous consent to have printed a copy of the letter I addressed to the chairman of the House Committee on Interior and Insular Affairs on October 10, 1973, which explains my amendment in fuller detail.

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

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., October 10, 1973.

Hon. JAMES A. HALEY,
Chairman, Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On Tuesday, October 9th, the Senate passed S. 425, a surface mine reclamation bill. I believe this legislation is a major step forward in bringing about some realistic controls over surface mining and other aspects of coal development in the United States. It is my sincere hope that the Congress will be able to complete action on this legislation prior to the adjournment of this First Session of the 93rd Congress.

S. 425 as passed by the Senate includes my amendment which I hope will be favorably considered by the House Interior and Insular Affairs Committee now marking up a companion proposal. My amendment, which was added to Section 511, is as follows:

"(b) All coal deposits, title to which is in the United States, in land with respect to which the United States is not the surface owner thereof are hereby withdrawn from all forms of surface mining operations and open pit mining, except surface operations incident to an underground coal mine."

I introduced this amendment for several reasons. First of all, I am convinced that the surface owner is in need of additional protection. Historically, the development of minerals has not created any serious problem for the surface owners. At the time when the United States allowed a severance of the mineral estate from the land estate in its patents to the public domain, surface mining which could utterly destroy the surface per set was not within the contemplation of the parties. Land restoration is still a matter of considerable debate. The situation we face today is considerably different than when our laws were applying to deep, hard rock mining.

The question of requiring absolute surface owner consent raises a number of Constitutional questions and, therefore, I offered this amendment which would provide for Federal legislative action affecting its own domain. This amendment would not allow those who wish to sell their surface rights for coal development to do so. This may appear harsh but it does disassociate the Federal Government from negotiations which involve excessively high financial considerations for surface rights.

My amendment would also give the Western States more time to prepare and adjust to problems which are being created by surface mining now underway. I am concerned about problems which come after surface mining of coal even with appropriate reclamation. The installation of large gasification plants will create massive problems—air and site pollution, excessive water consumption and influxes of new population centers which will dislocate and, in some instances, completely destroy social patterns and ways of life. How many communities are prepared to absorb economic and social conditions of this magnitude?

I am aware that the Federal Government has already entered into coal leases which could be adversely affected by this amendment. Under the existing coal lease contracts, the Federal Government would not necessarily be voiding the terms of the lease, but stipulating the procedures by which the coal can be developed. It might already have this authority under present regulations of the Geological Survey. I am informed that the present coal lease contract forms do not specify the means by which the coal should be developed. My amendment in no way would affect the deep mining process of coal, a matter which is being given far too little consideration by the industry.

In conclusion, I wish to reaffirm my previous statement that the stripping of coal in the West is not the answer to our current energy crisis. It may be the easiest but this shortsighted solution gives no consideration to the future of a large part of the Great Plains. This Administration and the Congress have neglected the expansion of existing power generating facilities, accelerated research and development, and conservation of energy. Some attention must be given to these matters and to the development of an overall long term national energy policy before we proceed to allow destruction of states like Montana, North Dakota, and Wyoming. My amendment is one means of forcing all interested parties to stop and take a look at what is happening.

At the conclusion of the Senate debate on S. 425, Senator Sparkman raised a question as to the applicability of my amendment to the Tennessee Valley Authority and its activities because TVA does operate in the name of the United States of America in exercising its right of eminent domain and in holding real property. It would appear that a modification is in order to exclude Federally chartered corporations of this nature. The intent of my amendment was to include only those lands which are subject to lease under applicable land and mineral laws governing public domain.

It is my hope that the Committee will give serious attention to Senate Bill, S. 425, as amended.

With best personal wishes, I am
Sincerely yours,

MIKE MANSFIELD.

RENEGOTIATION BOARD SAVES MILLIONS OF DOLLARS FOR THE GOVERNMENT

Mr. YOUNG. Mr. President, all Members of Congress are very concerned about excessive and frequently wasteful Federal spending. As ranking members of the Senate Appropriations Committee, this is a subject of particular concern to me.

Recently a news release from the Renegotiation Board came to my attention. In this news release the Renegotiation Board announced that in the first quarter of fiscal year 1974 they had saved the Government $21,500,000, and during the previous fiscal year they had made excess profit determinations saving the Government $28,000,000. I ask unanimous consent that this news release be printed in the RECORD as a part of my remarks. I wish to commend Chairman W. S. Whitehead and the others of the Renegotiation Board for their very diligent efforts.

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

RENEGOTIATION BOARD—ANNOUNCEMENT

The Renegotiation Board today announced that during the period July 1 to October 1, 1973, the first quarter of the Government's fiscal year 1974, it entered into agreements with Government contractors subject to The Renegotiation Act, that they had earned excessive profits in the amount of $6,100,000.

During the same period the Board issued unilateral determination orders to other contractors, who declined to enter into agreements with the Board, that they had earned excessive profits in the amount of $15,400,000.

Thus, during the subject period of ninety days the amount of all agreements and determinations executed by the Board totaled $21,500,000, after State tax credits. During the entire 12-month fiscal year 1973 period the total of all agreements and determinations executed by the Board amounted to $28,000,000, after State tax credits.

The Chairman of the Renegotiation Board, William S. Whitehead, in announcing the above results, pointed out that during the period concerned these achievements were realized with only three members sitting on the Board.

Chairman Whitehead expressed great praise for his Board colleagues, Messrs. Rex M. Mattingly and D. Eldred Rinehart and the staff, for their combined energetic and industrious endeavors that made possible the achievement of so commendable a record.

VICE-PRESIDENTIAL SUCCESSION

Mr. CHILES. Mr. President, the events of this week have once again focused everyone's attention on the crisis in leadership in our country. We are without a Vice President, and a desperate hope is being manifested throughout the country that the man selected to succeed to the office will be able to immediately command public confidence and support and be a unifying force rather than a point of controversy and disagreement.

In this vein I would like to offer an excerpt from a front page editorial from the Orlando, Fla., Sentinel newspaper of October 11, 1973:

The point that we make here today is that this country is in a moral crisis. We don't want to debate the partisan issues of whether our guy is worse than your guy, or vice versa.

President Nixon has the obligation under the 25th Amendment to the Constitution of the United States to recommend a successor to the resigned Vice President Spiro T. Agnew.

As an editor who has supported Mr. Nixon in each of his national election efforts we recommend that he appoint a man who is without higher political ambition, and who has the best interests of this country at heart.

We suggest that Mr. Nixon recommend to the Congress the selection of the Senate Democratic leader, MIKE MANSFIELD of Montana, as the next Vice President of the United States.

I have also received many communications in the form of wires and telephone calls from Floridians regarding the qualifications the new Vice President should have and suggesting names they felt would fulfill the qualifications.

One person who expressed himself particularly well, I think, was Robert R. Davis, who identified himself as a Republican of Fort Pierce, Fla. He said in a telegram to me:

We need (in Florida) the greatest governor Florida has ever had, but our Nation has a far greater need in this crucial hour. I strongly urge you consider appointing Governor Reubin O'D. Askew as your Vice President if he will accept. He has the two qualities needed to lead us out of the mess we are in—brains and just plain Florida cracker guts.

Mr. President, both of these messages carry an insight that anyone who knows Senator MANSFIELD and Governor Askew would appreciate and heartily endorse, and I ask unanimous consent that they be printed in the RECORD.

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

WE RECOMMEND MANSFIELD FOR VICE PRESIDENT

These are times that try men's souls. Vice President Agnew, after apparently misleading much of the American public, has resigned, and in effect, has admitted his guilt to wrongdoing.

The information so far known to us is still too sketchy to determine whether Mr. Agnew is a scoundrel or merely caught up in the kind of scheme engaged in by most politicians, and for which most of them could also be brought to trial if the prosecutors so desired.

It is not our intention at this critical moment, however, to comment on the morals of American politicians. Sufficeth to say that we think that most of them stink.

The point that we make here today is that this country is in a moral crisis. We don't want to debate the partisan issues of whether our guy is worse than your guy, or vice versa.

President Nixon has the obligation under the 25th Amendment to the Constitution of the United States to recommend a successor to the resigned Vice President Spiro T. Agnew.

As an editor who has supported Mr. Nixon in each of his national election efforts we recommend that he appoint a man who is without higher political ambition, and who has the best interests of this country at heart.

We suggest that Mr. Nixon recommend to the Congress the selection of the Senate Democratic leader, Mike Mansfield of Montana, as the next vice president of the United States.

TELEGRAM

FORT PIERCE, FLA.,
October 10, 1973.

Senator LAWTON B. CHILES,
Capitol Hill, D.C.:

Wire already sent, copy to Governor Askew, please follow through. Senator Lawton B. Chiles, Senator Ed Gurney, Representatives Paul G. Rogers, L. A. "Skip" Bafalis, Claude Pepper, Lou J. Frey, Jr., have a meeting, our men from Florida. Use the 25th amendment. Insist our next president, move in the White House, now. We need the greatest governor Florida has ever had, but our nation has a far greater need in this crucial hour.

I strongly urge you consider appointing Governor Reubin O'D. Askew as your vice president, if he will accept. He has the two qualities needed to lead us out of the mess we are in, brains and just plain Florida cracker guts.

Respectfully,

———— ————.

THE SAD SAGA OF DIOCLETIAN

Mr. SAXBE. Mr. President, in recent years we have heard more and more public discussion about the frightening similarity of trends in American life and events that led to the decline of the Roman empire.

Before it was beseiged with internal decay, the Roman system was based on the highest moral goals, and provided the greatest standard of living of any civilization up to that time.

One of the things that underprinned Rome in its rise to power and influence was sound monetary policy. The onset of inflation and the economic chaos that resulted, was likewise a large contributing factor to the demise of the empire.

Writing in the Wall Street Journal recently, Mr. William H. Peterson brought to our attention this sad chapter in Roman history, in an article entitled "The Sad Saga of Diocletian." Mr. Peterson reaches into the records of history to show how Rome unsuccessfully attempted to curb inflation, first by one means and then another, and then by the Edict of Diocletian, which preceded the final period of decline.

There is a great lesson for us in Mr. Peterson's article, and I ask unanimous consent to have it printed in the RECORD.

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

[From the Wall Street Journal, Oct. 2, 1973]

THE SAD SAGA OF DIOCLETIAN

(By William H. Peterson)

Many phases and freezes ago, long before Santayana observed that those who don't know history will be condemned to repeat it, long before Ricardo (and much more recently Milton Friedman) propounded the quantity theory of money—namely, that as the volume of money expands faster than production, prices tend to rise—Rome fought inflation. Not wisely but hard. And long. Finally, in 301 A.D. came the famous price-fixing Edict of Diocletian.

The background of the Edict points to the recurrent patterns of history. In 357 B.C. Rome set the maximum interest rate at 8⅓%. In 342 B.C. interest was abolished to favor debtors. In 90–86 B.C. the currency was devalued and debts were scaled down 75%. In 63–61 B.C. loans were called and there was a flight of gold, which was finally stopped by an embargo on gold exports. In 49–44 B.C. Julius Caesar cut the relief rolls from 320,000 to 150,000 by a means test. In 2 B.C. Augustus cut the relief rolls (which had grown again) from 320,000 to 200,000. In 91 A.D. Domitian created the equivalent of a government "soil bank" which wiped out half of the provincial vineyards to check overproduction of wine. In 274 A.D. Aurelian made the right to relief hereditary, with bread substituted for wheat and with free pork, olive oil and salt added.

This pattern of the welfare-interventionist state is perhaps better observed in the deterioration of the purchasing power of the Roman coin of denomination, the denarius. For although good price records and price indexes are not available, we know Rome underwent persistent and cruel inflation and did so through the rapid expansion of the money supply (our old friend, the quantity theory of money.) Pre-Gutenberg and the printing

press, the money supply mainly was ballooned via debasement, through alloying base metal into precious. The following table traces the deterioration of the denarius after Augustus whose coin, save for a hardening agent, was practically pure silver:

Issuer:	Percent silver
Nero, 54 A.D.	94
Vitellius, 68 A.D.	81
Domitian, 81 A.D.	92
Trajan, 98 A.D.	93
Hadrian, 117 A.D.	87
Antoninus Pius, 138 A.D.	75
Marcus Aurelius, 161 A.D.	68
Septimius Severus, 193 A.D.	50
Elagabalus, 218 A.D.	43
Alexander Severus, 222 A.D.	35
Gordian, 238 A.D.	28
Philip, 244 A.D.	0.5
Claudius Victorinus, 268 A.D.	0.02

Into this inflationary, welfare-interventionist milieu came Emperor Diocletian, determined to stop inflation by law, by his Edict of 301 A.D. His Edict complained of such "unprincipled greed" that prices of foodstuffs had recently mounted "fourfold and eightfold."

The preamble continued: "For who is so insensitive and so devoid of human feeling that he cannot know, or rather has not perceived, that in the commerce carried on in the markets or involved in the daily life of cities, immoderate prices are so widespread that the uncurbed passion for gain is lessened neither by abundant supplies nor by fruitful years, so that without a doubt men who are busied in these affairs constantly plan to actually control the very winds and weather."

The Edict "commanded cheapness," covered some 800 different goods and recognized the cost-push side of inflation—spelling out wage limits for teachers, writers, lawyers, doctors, bricklayers, tailors, virtually every calling—but, of course, forgot all about the demand-pull side, stemming from the continuing debasement of the currency. The teeth in the law were very sharp. The penalty for an offense was death. The complexity of the Edict can be seen in the hundreds of wage and price schedules:

Products:	No. of schedules
Foods	222
Hides and leather	87
Timber and wood products	94
Textiles and clothing	385
Wicker and grass products	32
Cosmetics, ointments, incense	53
Precious metals	17

There are 76 different wage schedules, broken down into skilled and unskilled categories. In the silk-weaving and embroidery trades there were 13 different schedules; wool weavers were broken down into six wage categories and fullers had 26 different authorized pay scales.

The Edict, of course, failed. In 314 A.D. Lactantius, a contemporary historian, wrote of Diocletian and his grand plan as follows:

"After the many oppressions which he put in practice had brought a general dearth upon the empire, he then set himself to regulate the prices of all vendible things. There was much blood shed upon very slight and trifling accounts; and the people brought provisions no more to markets, since they could not get a reasonable price for them; and this increased the dearth so much that at last after many had died by it, the law itself was laid aside."

A PHONE IN THE MOUNTAINS

Mr. MANSFIELD. Mr. President, as you know, I have long been an advocate of the Rural Electrification Administration in its program of assisting cooperatives in bringing electricity and telephone service to rural and isolated areas of the Nation. There are not too many places that do not now have electricity and telephones.

I am delighted to report that after some 6 years of negotiations, the Blackfoot Telephone Cooperative, Inc., whose headquarters are in Missoula, Mont., has installed telephone service in one of the most spectacularly beautiful and isolated areas of the Nation. The folks who live in the high mountain country of northern Idaho now have telephone service. This extension of the Telephone Cooperative actually was made possible by the current 2-percent financing. This could never have been done under other financial arrangements.

Ray Smith, manager of the Blackfoot Telephone Cooperative, has provided me with an interesting commentary on this most recent accomplishment. I ask unanimous consent that this commentary be printed in the RECORD following my remarks. It is interesting to note that the area now being served is the rugged part of the northern Rocky Mountains where Chief Joseph and his Nez Perce Tribe were able to lose an entire U.S. Army, and the pursuer did not see the Nez Perce again until they emerged in the mountains near the valley of the Bitter Root in western Montana.

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

A PHONE IN THE MOUNTAINS

Telephone service is being brought to one of the most beautiful and wildest spots within the continental United States. One look at the road sign, "Next Gas 64 Miles," gives one an idea of the remoteness of this high mountain country of North Central Idaho. The area has no official name, there is no post office or any dot on the road maps but there is a growing community. Someday it will no doubt be called Powell, Idaho.

The Ranger Station and the traveler oriented community, which has grown up around the station, first began in 1909 when the U.S. Forest Service built the Powell Ranger Station at the present site. One of the first projects of the first resident ranger was to build a ground return line from the station over Lolo Pass to Lolo Hot Springs, located over 22 miles away in Montana. A ground return line was a single wire hung from tree to tree, over rocks and streams, around hills, as long as it reached its objective. The line used the old crank magnetos to call the party on the other end. The sound was carried by battery power and as the name implied, the circuit was completed by using the earth, trees and everything it came in contact with as a ground.

Between these two points is some of the most rugged country in the Rockies. This is the same region that Chief Joseph and the Nez Perce Indians were able to lose the entire U.S. Army. Their pursuers did not see or hear of the Nez Perce until they emerged from the mountains in the Bitterroot Valley in Montana.

In 1937 a new two wire telephone line was built from Missoula to Lolo Hot Springs but from there it was still the old ground return to the Ranger Station. Over the years the line serving Powell was rebuilt time and time again. It was a very troublesome line to maintain because of the many falling trees, snow slides and the ever present logging contractors. The foresters at Powell had a very difficult time trying to manage over 500,000 acres of near virgin timberlands with this faulty system. In 1962 a radio telephone system purchased by the Forest Service was installed in three districts of the Clearwater National Forest. It was not until 1964 that a subscriber set was installed at Powell. The old ground return line that had served so long was at last abandoned. The new radio telephone system was a vast improvement over the old system but it was not designed to operate at Powell. The mountains created an almost impassible barrier. At best, the communications from the Ranger Station left much to be desired. Weak signals, static and the amount of traffic generated by four ranger stations severely over-taxed the traffic handling capacity of the system. The new radio telephone with four stations could be compared to a four-party rural line. One can imagine the frustration and confusion created in the height of the forest fire season when four separate forest districts would need to use the one line to coordinate all the activities of hundreds of fire fighters spread out over thousands of acres. Trying to feed, clothe and protect the lives of these men was not possible with the radio telephone system. As the management of our National Forests became more complex, it was clear another form of communication was needed. An actual system survey showed there were over eight solid hours of communication during the average 24 hour period during the summer.

The construction of a modern two lane highway in November of 1964 which linked Missoula, Montana to the booming industrial cities of North Central Idaho, caused additional growth around the Ranger Station. The growth was primarily to care for the travelers and tourists who could now travel this beautiful scenic route through the high mountains in all kinds of weather. The State of Idaho built offices and living quarters for the Fish and Game Department, the State Police and a three-home Highway Department Maintenance Station that had the responsibility of keeping the mountain passes clear of snow, trees and fallen rocks. In addition to the state agencies at Powell, there was a most valuable addition, the Lochsa Lodge. This was built in the early 1920's. The Lodge offers the tourists a number of services and activities. Big game hunting, some of the best fishing to be found in the Rockies, back-packing into the Selway Wilderness area and the latest sport, snowmobiling up and down rugged trails and mountains. The Lodge also offers the traveler automotive services, food, drink, entertainment and lodging by the night or the week.

One of the big inhibitors to the growth of the area was the total lack of schools, anyone who had school age children would either move away from Powell when the children became of school age, or they would refuse to accept an assignment at Powell with either the Forest Service or the State of Idaho. The owners of the Lochsa Lodge did not have the ability to pick up their families and move out when it came time for school. Instead they had the heart-breaking job of transporting their children over the mountains every morning and picking them up in the evening. No matter what the conditions of the roads or the severity of the storms, these families went over Lolo Pass to meet the school bus at Lolo Hot Springs for the children to start the trek down the valley 48 miles to the grade school at Lolo. The high school students went all the way to Missoula, 57 miles away. In addition to the transportation problems, these Idaho residents must pay a special tuition to have their children attend schools in Montana. The need for educational facilities in Powell reached a peak in 1972 and the school authorities brought in a mobile school and a teacher on an experimental basis. There were over ten children in the mobile classroom. Should the school continue, it will no doubt aid in the creation of a more stable community, as those who have youngsters would then remain in Powell. The other major improvement which helped Powell grow was the advent of electricity. Another R.E.A. Cooperative, the Missoula Electric Cooperative, Inc.,

buried a cable from Lolo Hot Springs to the Ranger Station in 1970. With dependable power, all that was lacking was communications. If there could be dependable telephone service Powell would expand and grow to its full potential. Logging contractors would move their offices to where the lumbering was. Loggers moving closer to their work would increase their overall productivity. With these men, would come their families and eventually services to care for them. The recreational summer resident would no doubt increase in number if there was a convenience and safety that the telephone has brought to the American public.

The Blackfoot Telephone Cooperative, Inc., of Missoula, Montana was first contacted by the U.S. Forest Service in 1967 about possible telephone service for Powell. After much study, research and assistance from both federal and state agencies, it was concluded that the Blackfoot Telephone Cooperative could serve Powell economically. Preliminary plans were submitted to the Rural Electrification Administration in October of 1970. This was then followed up with an application for funds. In May 1972, the R.E.A. approved the loan and it was no longer just a dream. Dependable telephone service would soon be a reality. Studies had shown the best way to cross the mountains was by means of a Microwave Relay System. Mountain Bell would install and maintain the microwave transmitter. The Cooperative would construct reflector and repeater sites in the mountains, the central office switching equipment and the microwave facility in Powell. One of the things that made it possible for the Blackfoot Telephone to be able to consider bringing telephone service to Powell was the fact that the Cooperative was upgrading its Arlee Exchange in Montana to an exclusive one-party service. This meant that all new central office equipment for Arlee and Blackfoot Telephone could utilize the Arlee switching equipment for the new Powell exchange. This was an opportunity every telephone company has always dreamed of, a truly class book installation. One-party service consisting of one-hundred percent underground installation. Everyone was happy. The environmentalists did not object to the microwave reflectors. The Forest Service would be able to serve their entire compound with both underground telephone and electric lines and not mar the natural beauty of the region with overhead lines. The Blackfoot Telephone would have a more dependable trouble free service through the combination of the microwave and underground distribution lines.

Another major factor in bringing service to this remote region was the close working relationship which has developed over the years with Mountain Bell and the Cooperative. Without the split ownership and maintenance of the microwave facility, the solving of the many complex problems, none of this would be possible. To give an example, the residents of Powell will be able to call those friends in the closest Idaho community of Lowell, some 60 miles away, and be charged for the call based on airline miles between the two communities. The actual routing of the call will go from Powell to Missoula, to Spokane, Washington, back to Lewiston, Idaho over to Orofino and finally to Lowell. A routing of over 500 miles.

The Blackfoot Telephone is pleased to be able to do what the rural residents of western Montana created the Cooperative to do; provide communications to people who need it, help build rural America into a better place to live and help communities reach their full potential. What pleases the Cooperative most is that all this was done without disturbing the majestic beauty and ruggedness of the region. With the exception of the new highway, the Powell community and the half million acres that the Powell Ranger Station supervises, the forests are just as wild and primitive as when the Lewis and Clark Expedition almost starved to death there in 1805. In fact, the best way to explain why folks want to live at Powell today is to quote directly from the journal of Captain Meriwether Lewis and Sergeant John Ordway as recorded by John Ordway as they first passed through the area. It is just as awesome, quiet and beautiful today as it was then.

"Monday 16 Sep 1805.
when we a woke this morning to our great Suprize we were covred with Snow, which had fell about 2 Inches deep the later part of last night, & continues a cold Snowey morning. Cap. Clark Shot at a deer but did not kill it. we mended up our mockasons and Set out without any thing to eat, and proceeded on could scarsely keep the old trail for the Snow. kept on the Mount rather descending more than ascending. about one o Clock finding no water we halted and melted Some snow and eat or drank a little more Soup, and let our horses graze about one hour and a half. then proceeded on. Saw considerable of old snow passed several bald knobs and high point of rock & C. Toward evening we descended a Mountain down into a deep cove where we Camped on a small creek in a thicked of Spruce pine and balsom fer timber. the Snow is now about 4 inches deep on a lev we came about 15 miles this day. the clouds so low on the Moun that we could not see the distance no way. we all being hungry and nothing to eat except a little portable soup which kept us verry weak, we killed another colt & eat half of it.

Tuesday 17 sept 1805
Cloudy and cold we went out to look for our horses found Some of them much Scattered. we did not find them all until about 12 o Clock at which time we Set out and proceeded on. the Snow melted of the timber. the trail very rough we came up and down Steep places of the Mountain the afternoon clear and pleasant & warm. the snow melted fast. the water Stood in the trail over our mock Some places Slippery. we ascended a steep high rocky part of the Mountain high rocks and high pricipicies. we camped on the mountain at a small creek and dry pine timber. we being verry hungry oblidged us to kill another colt the last we had one of the hunters chased a bear up the Mountain but could not kill it. we hear wolves howl some distance a head."

October 13th 1973 will be recorded as the date for the first calls in or out of the world Wide Network of Communications via a dial telephone.

PEACE CORPS—DEDICATION AND SELF-SACRIFICE

Mr. DOLE. Mr. President, on July 1, 1970, President Nixon created ACTION as an independent agency made up of a number of Federal volunteer programs. Among these programs was the Peace Corps which Congress gave a most important mission—to promote world peace and friendship by helping the peoples of other countries in meeting their needs for trained manpower; promote a better understanding of the American people on the part of the peoples served; and promote a better understanding of other peoples on the part of the American people.

Peace Corps volunteer Beverly A. Smith from Olathe, Kans., is helping to fulfill this mission in Dessie, Ethiopia, as a home economics teacher.

Her self-sacrifice and dedication is a fine example of unique contribution many thousands of young Americans have made to world peace since the creation of the Peace Corps in 1961.

Mr. President, I ask unanimous consent that a recent news release from ACTION be entered into the RECORD which explains in detail Beverly Smith's activities.

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

KANSAS WOMAN EXTENDS PEACE CORPS SERVICE AS HOME ECONOMICS TEACHER IN ETHIOPIA

DESSIE, ETHIOPIA.—Peace Corps volunteer Beverly A. Smith, a young home economics teacher from Olathe, Kans., is a self-professed idealist—with very realistic notions about how change occurs in an ancient, traditional culture.

For the past two years, she has been teaching home economics at a large public high school in this northern Ethiopian city, capital of Wollo province. Provincial education authorities, who consider her an outstanding teacher and volunteer, were delighted this summer when she decided to stay in the Peace Corps an extra year to continue teaching here at the Woizero Siheen Comprehensive Senior Secondary School.

"It probably sounds trite, but I came to help", said Miss Smith, 24, daughter of Mr. and Mrs. David E. Smith of 938 Consar Ave., Olathe. "I'm staying because I enjoy it and I'm accomplishing something."

A home economics education graduate of Ottawa University in Ottawa, Kans., Miss Smith teaches child care, nutrition, health, hygiene, sewing and first aid to 90 students in the school's ninth through twelfth grades. A realist as well as an idealist, she acknowledges that only some of the modern homemaking concepts she is teaching will be put into practice in the students' homes.

"About 25 percent of what I teach will be put to use in the home," she said. "Change is gradual, and the willingness of families to accept change depends on a girl's approach. For example, I don't talk about how this is wrong. I talk about how things could be improved just a little."

Gradualism is an approach she has taught her students as well as accepted for herself. In one instance, a bottle of cooking oil proved to be a valuable teaching tool.

To help give her students more practical experience in home economics, Miss Smith had sent them to observe and assist in community facilities such as clinics, schools and a hospital kitchen. She dropped in at the hospital one day to find five of her students telling the administrator that the hospital's nutritional standards were totally unacceptable. The hospital official was not pleased.

Miss Smith was both proud of her students and aware that she would have to explain to them in class why their denunciation of the hospital's nutritional practices would not change things overnight. So the next day in class she pulled out a bottle of cooking oil, told them the lid was stuck, and asked them whether she should break the bottle to get the oil.

The surprised students said no, and told her to pull and work on the lid until she could open it. The lesson was obvious.

"From there, we talked about how constructive change can be reached by working with people and understanding their attitudes," Miss Smith said. "It taught them something about channeling their ambitions for change. They realized it was life they were learning about."

Miss Smith's students are old by American high school standards. They range in age from 18 to 26, including some young women who are already married. In Ethiopia, where the national literacy rate is estimated at five percent, many of the youngsters who do go to school start late because their parents need their labor at home or cannot afford the expense of sending them to school.

Tuition is free in the Ethiopian public schools, but the cost of books, school examination and paper fees, and living expenses away from home are a major burden in a

country where the per capita income is $70 a year. Most secondary school students must live away from home because schools are scarce and widely scattered. Wollo province, for example, has only two public high schools and 21 junior high schools for a population of 2.4 million people.

Qualified teachers are also in short supply, which is why the Ethiopian government asked the Peace Corps to provide volunteers with education backgrounds, like Miss Smith, to help teach classes until the country trains enough of its own secondary school teachers.

Miss Smith teaches in English, the language of instruction in the Ethiopian schools from the seventh grade on. She finds, however, that many new ninth grade students still have difficulty with the language after two years of all-English instruction in the junior secondary schools. It takes a few weeks, she said, for the ninth graders to comprehend what she is saying.

Besides her regular full-time teaching duties at the high school in Dessie, Miss Smith conducts periodic workshops on teaching methods for other home economics instructors in Wollo province's junior and senior secondary schools.

"As a result of her workshops, the teaching of home economics has been invigorated," said Ato Zewde G. Egziabher, chief education officer of the province. "We are fortunate to have such a dedicated person here."

Miss Smith is also playing a private role in helping students to get an education. She and another Peace Corps volunteer in Dessie are putting five students through school by paying their school fees, buying their books and providing food and clothing.

Miss Smith is one of about 300 Peace Corps volunteers serving in Ethiopia, an East African nation of 26 million people, in a wide variety of education, disease eradication, technical training, small business development, agriculture and other programs.

Born in North Platte, Nebr., Miss Smith grew up in Omaha and graduated in 1966 from Central High School there. Later she and her family lived in Overland Park, Kans., for several years until moving to Olathe.

While attending Ottawa University, Miss Smith gained teaching experience as a student teacher at Ottawa Junior High School. A member of the Kansas State Education Assn., she received her bachelor's degree and a Kansas secondary teaching certificate in 1971.

Around the world, about 7,600 Americans are serving as Peace Corps volunteers in 61 developing nations.

The Peace Corps is part of ACTION, the voluntary service agency established by President Nixon on July 1, 1971, to administer federal volunteer programs at home and overseas. Mike Balzano is the director of ACTION.

ACTION's domestic programs are Volunteers in Service to America (VISTA), Foster Grandparent Program, Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), Retired Senior Volunteer Program (RSVP) and University Year for ACTION.

FEDERAL BUREAUCRACIES

Mr. HUDDLESTON. Mr. President, there are many things which a freshman Senator must familiarize himself with and get used to when trying to perform services for individuals and communities within his State. With the help of a good staff and a little hard work, I feel that in most cases I have been able to respond to the needs of my constituents.

However, there is one thing I have been unable to penetrate or get accustomed to—and that is the inefficiency and often outright ineptness of some of the Federal bureaucracies around town. I will cite two of the most glaring examples that have happened in my brief experience in Washington.

The most recent case involves the disbursement of Federal revenue-sharing money. Several small communities in Kentucky received revenue-sharing funds, spent them on vital community needs, and then received notification from the U.S. Office of Revenue Sharing that because of Government error the community received too much money—and will have to give some of it back.

As an article by Mr. Bill Peterson in the Louisville Courier-Journal put it—

> Uncle Sam . . . sent them (these small communities) each a bill recently, and they don't have the money to pay it. Or know how to come up with the cash fast.

Mr. President, we all know that the Federal Government and the Treasury Department in particular is equipped with dozens and dozens of very expensive computers. In fact, IBM stock would probably disappear from the New York Stock Exchange were it not for the Federal establishment's use of their computers.

And yet, this same computer-laden bureaucracy could not get the revenue-sharing figures correct—and they want little small towns like Hiseville and St. Charles, Ky., to pay for their mistakes. Uncle Sam is in effect saying, "I'm sorry I gave you too much and now you have to give some of it back."

Hiseville Mayor William C. Phillips summed it up beautifully:

> It's a simple story. They sent us some money, and we spent it in good faith. We've complied with everything we were supposed to and now they say they want their money back. I don't know what to think. Something like this happening to a small community like us just seems ridiculous.

This is a community that raised money through bake sales in order to remodel its city hall.

It does seem ridiculous. In fact, I would call it a major blunder. It makes you wonder what those thousands of bureaucrats and those dozens of computers are doing all day long. The bureaucrats may be talking to the computers, but they either do not speak the same language or computers cannot add, subtract and multiply.

Tuesday the Wall Street Journal took note of the plight of Hiseville and concluded:

> Mayor William C. Phillips sent back $727 in unspent money and is asking the revenue-sharers to be patient about the rest. But it seems to us that any town that can raise its budget by bake sales and remodel city hall for $900 deserves to be encouraged. Maybe the Feds could settle for two cakes and a dozen donuts.

Mr. President, I ask unanimous consent that the Courier-Journal article and the Wall Street Journal editorial be printed in the RECORD.

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

RETURN OF REVENUE-SHARING MONEY ASKED—$3,687 BILL FROM UNITED STATES LOOKS OVERWHELMING TO TWO SMALL TOWNS

(By Bill Peterson)

WASHINGTON.—Pity tiny Hiseville. Pity little St. Charles.

Uncle Sam, in the form of the U.S. Office of Revenue Sharing, sent them each a bill recently, and they don't have the money to pay it. Or know how to come up with the cash fast.

Both are crossroad communities that traditionally have supplemented meager tax revenues with bake sales, gospel sings, tractor-pulling contests and pancake suppers.

Their budgets, however, mushroomed with the advent of revenue sharing last year. Each received four checks. But now both towns have been told they were overpaid, and must pay back the money—most of which has been spent.

Hiseville owes $1,727 and St. Charles $1,900—a total of $3,687.

Thirty-five other Kentucky governmental units also were overpaid.

And another 178 local governments, including Jefferson County and 36 suburban Louisville communities, won't get the latest round of revenue-sharing checks tomorrow when other governments around the country do, because they failed to fill out proper forms on time. A spokesman for the Office of Revenue Sharing said the governments will be entitled to their checks after completing the required forms, including ones on how they plan to spend the money.

But these jurisdictions eventually should get additional checks and have overpayments repaid by deductions from future allotments.

No such easy solution for Hiseville, population 160. The Office of Revenue Sharing has ruled the Barren County town won't get any more checks because it has no city property tax and revenue sharing allotments are conditional on the local tax effort.

Baffled Hiseville Mayor William C. Phillips claims federal officials have never explained why they sent the money in the first place.

The town, he said in a telephone interview, spent $1,000 of the $1,727 it received to remodel city hall.

It spent the funds carefully, filling out all the forms and ensuring the aid was spent legally.

"It's a simple story," Phillips said. "They sent us some money, and we spent it in good faith."

"We've complied with everything we were supposed to and now they say they want their money back. I don't know what to think. Something like this happening to a small community like us seems just ridiculous."

His shock was heightened when he found Hiseville would be denied further funds. This week he wrote to Washington, protesting the action and asking that if Hiseville has to repay the money, it be given time to do it. He enclosed a $727 check—what remained unspent.

Hiseville, about 15 miles northeast of Glasgow, has an annual budget of about $1,000, he said. It has no city property tax and doesn't want one. The town raises funds from a small utility tax and community activities.

The mayor said, "We try to do what's right and help someone out when they're in trouble. What I'm saying is, we're not a bunch of crooks."

When Gilbert W. Dunbar, chairman of the board of trustees of St. Charles in Western Kentucky's Hopkins County, heard the Office of Revenue Sharing wanted $1,960 back he wrote a straight forward letter to Washington.

"We are sorry to inform you that it is impossible to send a check to you," he said. "St. Charles is a small and indigent community. The revenue sharing funds which we received were like a godsend to us.

"We accepted these funds in good faith, believing they were intended for the betterment of our community. There was no indication that any portion of this money would have to be refunded or repaid.

"In short, the money has been spent as we believed it was intended to be."

COAL-MINING TOWN

St. Charles, population 400, is an old coal-mining town, whose residents are largely

pensioners, Dunbar said in a telephone interview. It used revenue sharing to rebuild city hall, pay an overdue light bill, repair streets and do ditchwork.

Unlike Hiseville, St. Charles is entitled to additional revenue sharing because it has city taxes. "But it's in a bad situation because it was overpaid so much that it will take years to repay the money," said Mary McAuliffe, an aide to Kentucky Sen. Marlow Cook, who specializes in revenue sharing problems.

Problems like those faced by Hiseville and St. Charles, she said, have made many small towns "uneasy" about using revenue sharing.

"I've worked with so many places that are hesitant to spend their money," she said. "They've never dealt with the federal government before and they are very leary."

Jack Eversole, executive director of the Barren River Area Development District which serves 10 counties in Western Kentucky, said:

"There's a considerable credibility gap. Most small towns don't believe it's going to be a permanent program. Many of them are scared to death that someone is going to come and want the money back after they've spent it."

OTHERS MUST REPAY AID

Nine other small communities in his development district, have been told they must repay revenue sharing funds. "The program was a good idea, but the way it's administered, the small towns that needed help the most are being gradually phased out by bureaucratic red tape," he added. "They don't have anyone to serve as their advocates, they can't afford lawyer fees, and they don't have sophisticated staffs to carry their protests to Washington when something like this happens."

Yesterday 29,000 local and state governments were mailed quartely checks.

But Jefferson County's $1.4 million quarterly check is being held as are the checks for these 36 suburban Louisville communities that missed last month's filing deadline:

Anchorage $1,902; Brownsboro $957; Druid Hills, $567; Fairmeade, $328; Indian Hills, $623; Lincolnshire, $263; Lynnview, $1,476; Meadowville Estates, $269; Parkway Village, $861; St. Regis Park, $1,586; Seneca Gardens, $845; Springlee, $606; Strathmoor Manor, $647; Wellington, $755; Windy Hills, $1,758; Briarwood, $353; Hollyville, $1,002; Houston Acres, $711; Keeneland, $640; Forest Hills, $551; Graymoor, $1,474; Minor Lane Heights, $2,183; Moorland, $658; Maryhill Estates, $479; Blue Ridge Manor, $599; Barbourmeade, $918; Crossgate, $557; Glenview Manor, $497; Goose Creek, $494; Westwood, $886; Whipps Milgate, $675; Bancroft, $1,457; Glenview Hills, $435; Hollow Creek, $519; Manor Creek, $1,054; and Riverwood, $290.

In addition, officials said these other Kentucky counties and communities will not receive revenue sharing checks tomorrow:

Adair County, $42,240; Columbia, $8,807; Kevil, $309; La Center, $2,010; Wickliffe, $1,455; Barren County, $74,786; Walton, $3,327; Union, $125; Catlettsburg, $23,357; Junction $2,131; Perryville, $2,868; Foster, $92; Breathitt County, $47,749; Bullitt County, $85,417; Lebanon Junction, $1,139; Mount Washington, $3,140; California, $89; Crestview, $564; Dayton, $22,906; Woodlawn, $549; Mentor, $260; Arlington, $1,418; Bardwell, $2,091; Carrollton, $16,649; Casey County, $27,802, and LaFayette, $163.

Also, Clay County, $50,274; Clinton County, $15,761; Dycusburg, $163; Edmonson County, $11,352; Elliott County, $10,692; Estill County, $42,406; Floyd County, $53,041; Allen, $183; Frankfort, $102,654; Hickman, $8,055; Gallatin County, $16,093; Sparta, $356; Warsaw, $2,518; Glencoe, $601; Gerrard County, $42,308; Corinth, $418; Dry Ridge, $4,260; Water Valley, $16; Greenup County, $63,603; Greenup, $2,279; Worthington, $2,082, and Lewisport, $1,934.

Also, West Point, $1,535; Harlan County, $69,502; Cumberland, $11,970; Berry, $491; Cynthiana, $65,512; Hart County, $38,095; Henderson County, $63,886; Henry County, Nebo, $75; Jackson County, $34,169; Wilmore, $9,497; Johnson County, $110,629; Crestview Hills, $1,157; Independence, $1,998; Crescent Springs, $1,649; Crescent Park, $513; Taylor Mill, $4,233; Ridgeview Heights, $206 and Knott County, $39,365.

Also, Barbourville, $3,810; Knox County, $47,556; Laurel County $59,047; Lawrence County, $41,624; Hyden, $3,518; Whiteburg, $5,356; Lincoln County, $51,834; Crab Orchard, $643; Hustonville, $421; Smithland, $630; Salem, $28; Russellville, $45,825; Island, $439; Sacramento, $931; Magoffin County, $28,380; Salyersville, $11,115; Gilbertsville, $70; Briensburg, $227; Dover, $477; Washington, $365; Ekron, $71; Frenchburg, $2,837; Harrodsburg, $26,696; Edmonton, $1,320; Fountain, $594; and Drakesboro, $879.

Also, Bremen, $547; South Carrollton, $398; Fairfield, $366; Ohio County, $62,177; Fordsville, $675; Rockport, $152; Oldham County, $31,200; Crestwood, $403; Monterey, $126; Owenton, $3,198; Owsley, $23,622; Falmouth, $256; Coal Run Village, $214; Pleasant Valley, $459; Clay City, $587; Burnside, $2,690; Science Hill, $2,279; Robertson County, $9,649; Rockcastle County, $28,767; Rowan County, $53,191; Shelbyville, $21,269; Simpsonville, $844; Franklin, $38,411; Taylorsville, $2,670; Taylor County, $43,319; Trimble County, $22,457; Bedford, $951; Union County, $48,973; Waverly, $113; Plum Springs, $132; Oakland, $238; Washington County, $38,994; Mackville, $11; Wayne County, $47,707; Clay, $1,797; Dixon, $533; Province, $1,432, and Woodford, $52,068.

DESERVING ENCOURAGEMENT

The Associated Press reports that Federal largesse has put Hiseville, Ky., in a jam. Washington gave the town a revenue-sharing payment of $1,727. This comes to about $727 more than the annual budget, but Hiseville spent about half of the windfall remodeling city hall.

Now the government says Hiseville isn't entitled to the money and has to pay it back. It seems the revenue-sharing allotments are supposed to be based on local tax effort, and Hiseville has only a small utility tax. The town budget, says AP, is "raised mainly through cake sales and other community activities.

Mayor William C. Phillips sent back $727 in unspent money and is asking the revenue-sharers to be patient about the rest. But it seems to us that any town that can raise its budget by bake sales and remodel city hall for $900 deserves to be encouraged. Maybe the Feds could settle for two cakes and a dozen donuts.

Mr. HUDDLESTON. Mr. President, the other recent case which recently befuddled me concerns the efforts of a distillery in Lawrenceburg, Ky., to obtain six gauging manuals from the Government Printing Office.

Mr. Robert B. Davis, controller of the Austin Nichols Distilling Co., sent GPO a check for $22.50 in July 1972 as prepayment for six gauging manuals which were available only through the Government.

Then followed a series of letters from Mr. Davis to GPO over the ensuing months in which Mr. Davis inquired as to what happened to his gauging manuals. In desperation, he finally sent GPO a Xerox of his canceled check. Still no gauging manuals.

Finally, 1 year later in July 1973, after returning from a 2-week vacation Mr. Davis found a large package from GPO on his desk. "My gauging manuals at last," Mr. Davis thought. But alas, when he opened the package he found six Central Intelligence Agency atlases of the People's Republic of China that were supposed to go to the University of Oregon.

In frustration, Mr. Davis turned to his attorney, who in turn wrote me. I contacted the Government Printing Office and they assured me they would immediately send Mr. Davis some gauging manuals. And they did—in spades.

But first he received six manuals in the mail from Oregon where they had been sent by mistake. Then six more came from GPO. That made 12. Then two more came from GPO by special delivery. Then a dozen arrived in the mail. At last count Mr. Davis had 32 gauging manuals.

Then to top it off he received a letter from GPO stating that the Government was temporarily out of gauging manuals because of the "unprecedented demand." But GPO promised that as soon as a new supply was obtained, he would receive some more gauging manuals.

Mr. President, that story is so incredible that I would not have believed it except for the fact that I was a party to the whole thing. I ask unanimous consent that two articles by Mr. Ward Sinclair of the Courier Journal—in which he aptly dubbed the affair "Redtape" and "Son of Redtape"—be printed in the RECORD.

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

A BIT TOO MUCH: HEAVY FLOW OF LIQUOR BOOKS HAS BUSINESSMAN REELING

(By Ward Sinclair)

WASHINGTON.—Three weeks ago, after what he'd been through with the federal bureaucracy, Robert B. Davis thought he'd seen everything.

Now it turns out he hadn't. Fact is, he hadn't seen anything yet. What was Red Tape three weeks ago is now Son of Red Tape.

Davis is controller for the Austin, Nichols Distilling Co. at Lawrenceburg, Ky. To make sure their bourbon is just right, they have to have a gauging manual—available only from the Government Printing Office (GPO).

The manuals provide the tables for calculating the proof and weight of the bourbon. When they're available, they cost $3.75 each.

Well, back in July of last year Davis sent the GPO a check for $22.50 and an order for six manuals. He sat back and waited for the shipment to arrive.

Waited . . . waited . . . waited . . . waited.

Davis kept waiting. The manuals didn't show up. He wrote to GPO and waited. The manuals didn't show. He wrote some more and waited. No manuals.

CASE TAKEN TO SENATOR

A year went by. Then last July a package from the GPO showed up in Lawrenceburg, Davis beamed. He opened the package and . . . What he got were six Central Intelligence Agency atlases of mainland China.

That was the last straw.

Through an attorney, Davis took his case to Kentucky Sen. Walter (Dee) Huddleston. The senator's staff talked to GPO and got a promise six gauging manuals would be sent special delivery.

Then, in August, gauging manuals arrived. Six manuals came in the mail from Oregon. GPO apparently had sent them there by mistake, confusing them with the atlases.

Six more manuals came in the mail from GPO in Washington. That gave Davis 12 manuals.

Then two more manuals came by special

delivery from GPO. With that, Davis had 14. And more and more and more manuals kept coming.

Yesterday another shipment of a dozen manuals was plopped onto controller Davis' desk. That brought the total on hand to—count 'em—32 gauging manuals.

But that's not all. Thursday Davis got a letter from the printing office. What it said was that there had been an "unprecedented demand" for the items he had requested. Just bear with us, GPO beseeched him, and we'll get your shipment to you when the books are available.

"I think," Davis said, doing all he could to hold back the laughter, "we'll be getting some more manuals."

"I DIDN'T KNOW MY POWERS"

Sen. Huddleston, apprised of Son of Red Tape, didn't even try to hold back his amusement. "I didn't know a freshman senator could get that much done . . . didn't know my own powers," he said, between bursts of laughter.

A reporter's call to the GPO public-affairs office didn't get very far. It was a little after 4 p.m. and a woman said all the people who knew about those things had left for the day.

But she tried to be helpful. "Would you want to talk to the personnel office, perhaps?" she asked.

Davis, meanwhile, isn't despairing any more. Actually, he may have a good thing going. A distiller in Louisville who read about Red Tape in the paper three weeks ago has been trying anxiously to take a few extra gauging manuals off Davis' hands.

An "unprecedented demand," one might say.

RED TAPE—IT TOOK A YEAR PLUS, BUT HE HAS GAUGING MANUALS GALORE

(By Ward Sinclair)

WASHINGTON.—Give Robert B. Davis a medal. He's been to war with the federal bureaucracy and, wonder of wonders, come out a winner.

It wasn't one of those blitzkrieg-type things, understand. It was more like a war of attrition—a question of who would collapse first after months of give and take.

Here's what happened:

On June 2, 1972—that's almost 15 months ago—Davis, controller for the Austin, Nichols Distilling Co. at Lawrenceburg, Ky., wrote a simple letter to the Government Printing Office (GPO).

He wanted information about the government-printed "gauging manual" that provides the tables determining the proof and weight of the bourbon that Austin, Nichols makes.

The manual is needed by the distillery workers and by the federal revenue agents stationed at the plant, whose job it is to see that the right amount of tax is paid on the right proof of bourbon.

Davis' simple question brought a simple and prompt reply, with the information he wanted. On July 10, 1972, Davis sent the GPO a check for $22.50 and an order for six manuals.

Weeks went by. The manuals didn't show up. On Sept. 22, Davis again wrote to GPO. Where are my manuals? he asked. As of Oct. 17, neither manuals nor a reply had arrived and Davis wrote again, saying just exactly that.

More weeks went by. On Feb. 6 Davis tried again. He wrote GPO saying the mails were barren—neither manual nor reply. That one, however, bestirred the bureaucrats in Washington.

Somebody at GPO—it's not known who—penned a note on the bottom of Davis' Feb. 6 letter and mailed it back to him. The note advised him to forward a copy of his canceled check "to enable us to proceed with your adjustment."

That, as Davis saw it, was at least a little progress. He finally had proof that somebody somewhere was reading his queries.

The only thing was that the Feb. 6 letter didn't get back to Lawrenceburg until May 17. And that didn't go over too well with controller Davis. He fired off another letter to GPO, saying, among other things, "Would you please be specific in your reply? This is ridiculous. Are the manuals available?"

With that, Davis went on vacation. Some weeks later, when he returned near the end of July there was a surprise awaiting him. On his desk he found a package from the GPO.

"Eureka," or something to that effect, he said. The long awaited gauging manuals finally had come—albeit a year after he sent in his order.

But wait. Davis opened the package and found not the gauging manuals, but five copies of the Central Intelligence Agency's atlas of the People's Republic of China.

"People around here laughed about it," Davis said yesterday. "But it just got beyond the funny stage. . . . I was afraid to call the GPO on the phone because it would have gotten more confused."

A form inside the package indicated that the atlases had been destined for the University of Oregon co-op store at Eugene. Davis wrapped them up and at company expense, shipped the books to Oregon.

Then he gave up on GPO. He contacted D. Michael Coyle, an Elizabethtown attorney, and asked for help. Coyle contacted the office of Sen. Walter (Dee) Huddleston.

ACTION WAS STIRRED

Huddleston's people got right on it. GPO promised to ship the six gauging manuals by special delivery, with a so-sorry thrown in for good measure. That was early this week.

Meanwhile, gauging manuals began showing up at the Austin, Nichols plant, showing up right and left, in fact.

From Oregon came six manuals, which apparently had been sent there in error instead of to Lawrenceburg. From the GPO itself came six more manuals by regular mail.

Then, via special delivery, just as the public printer had promised, came more manuals—two, to be precise, not the six originally ordered. Davis figured four more would be showing up soon.

So as of Thursday, he had not six, but 4 gauging manuals. Davis was still shaking his head in disbelief because never, in all his official dealing with his government, had things become that weird.

"You know," he confided, echoing everyone else in the bourbon industry, "our business is so tied up with the federal government, what with the tax agents and all, that we almost salute on the premises."

Sen. Huddleston, D-Elizabethtown, had a few more choice words to add: "I would hate to think that the government is being run by such an inefficient bureaucracy. Heaven forbid that the Defense or State departments would be run in a like manner."

Mr. HUDDLESTON. Mr. President, when contemplating these Government misadventures, I am at a loss to understand them or to recommend what to do about them.

I thought about the possibility of a blue-ribbon Commission To Study Government Efficiency. But on reflection, I realized that would only create another bureaucracy that would probably be as inefficient as the ones they would study. And the Commission would probably recommend a permanent watchdog agency to oversee inefficiency—and heaven forbid that.

Finally, I settled for writing a letter to the U.S. Office of Revenue Sharing to protest the treatment of the small communities in Kentucky—and probably throughout the country—who received money they are now asked to give back. I ask unanimous consent that this letter be published in the RECORD.

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

U.S. SENATE,
Washington, D.C., October 11, 1973.

Mr. GRAHAM WATT,
Director, Office of Revenue Sharing, Department of the Treasury, Washington, D.C.

DEAR MR. WATT: It has come to my attention that a number of communities in my home State of Kentucky have been asked to pay back to the Federal Government a portion of the money which had previously been allocatd to them by your office under the Federal Revenue Sharing Program. It is my understanding that many of these communities will be receiving additional checks and can have the overpayments repaid by deductions from their future allotment. This would seem to be an equitable solution for those communities whose future allotments will be large enough to cover the repayment and still leave sufficient funds for anticipated uses by the communities involved.

However, I would like to address myself to the problems being encountered by such communities as Hiseville, Kentucky, which has been asked to repay $1,727 to your office, yet Hiseville will be receiving no allocation of funds for the Fourth Entitlement Period. Also, there is the town of Centerville, Kentucky which must repay some $2,600 and will be receiving only $200 in the Fourth Entitlement Period. I know there are other cases such as these both in Kentucky and throughout the nation. I would appreciate your listing for me all those local governments in the State of Kentucky whose overpayment was so great that it will require a reduction in their next entitlement of more than 50 percent.

I am disturbed that communities such as the ones I have described who have received their checks for past entitlement periods and have spent these funds in good faith are now expected to repay the federal government for the government's own mistake. It should be made clear that financial hardship is not the only factor involved here. Perhaps the more important issue is the credibility of government itself. If local officials cannot have confidence in the actions of the Treasury Department or other agencies, the situation can only lead to mistrust and indecision at the local level.

I urge you to develop the appropriate procedures and safeguards to prevent this situation from arising again. It would certainly increase confidence in what I consider to be a vital and worthwhile endeavor by the federal government.

Your immediate attention to this matter would be greatly appreciated.

Sincerely,

WALTER D. HUDDLESTON.

Mr. HUDDLESTON. Mr. President, I do know one thing—the next time one of the agencies comes up here asking for more money for more personnel, I am going to cast a wary eye on its request.

CRATER LAKE DORMITORY CONSTRUCTION

Mr. PACKWOOD. Mr. President, earlier this year, I became very concerned about construction of an employees dormitory on the rim of Crater Lake. This dormitory was being constructed for the purpose of housing concessionaire employees. Unfortunately, very little consideration was given to what impact the new construction would have on the surrounding environment and the Crater Lake National Park itself. A very inade-

quate environmental assessment was made of the proposed action, and construction was quickly underway. Neither was serious consideration given to possible alternative actions to this construction.

I, and a number of other concerned individuals and groups, were in contact with both the National Park Service and the Council on Environmental Quality, urging that an environmental impact statement be filed on the project and, pending that action, construction be stopped. I was not, nor am I now, satisfied that the requirements of NEPA have been met, and, unfortunately, in the course of my inquiries, I became convinced that the environmental impact procedure had been left open to abuse in allowing a determination of "negligible environmental impact" to be made at the whim of the Park Service, no questions asked, with regard to the dormitory.

This dormitory construction is not an isolated case, but merely one of a number of similar projects within this national park. Each, including this dormitory, is a specific element of the current 30-year contract between the concessioner and the National Park Service, which in effect obligates the concessioner to construct these projects as a part of his responsibilities under the contract. This procedure effectively and seriously restricts the flexibility and discretion of the National Park Service to revise its plans for in-park development in light of changing circumstances, and public opinion during the term of the contract.

On August 30, 1973, Russ Train, then Chairman of the Council on Environmental Quality, wrote Interior Assistant Secretary Nat Reed stating that the cumulative consequences of these projects would have a significant effect on the quality of the environment and conflict with the management direction embodied in the Interior Department's Wilderness Proposal for Crater Lake. Mr. Train strongly suggested the advisability of formulating master plans and impact statements independently of existing concession contracts. It is imperative that the necessary consideration be given the impacts associated with these developments. Unfortunately, the construction of the dormitory was allowed to continue to completion.

This I regret immensely; however, we may now address ourselves to the larger question of what direction future actions will take. Toward that end, I commend to the attention of my colleagues a letter sent the Honorable Nat Reed from representatives of leading conservationist groups. Therein is contained an admonition to consider the final master plan as a new draft, which would be subject to a new local public hearing prior to final adoption. I think we may mark this up as a learning experience, and one from which we may rightfully draw the conclusion that there is even greater necessity now than ever before to insure that public interest planning will become an integral part of the National Park System. I concur with the urgings of the conservationists that master plans must in the future be formulated independently of existing concession contracts, and all existing contracts must be reviewed and renegotiated, with full public involvement, to insure full conformity with such existing master plans.

In addition, I would stress the importance of subjecting all new concession contracts to individual environmental impact statements in keeping with the National Environmental Policy Act.

I ask unanimous consent to have printed in the RECORD copies received from the Council on Environmental Quality on this subject, and the letter sent to Nat Reed from members of leading conservationist groups.

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

SEPTEMBER 28, 1973.

Hon. NATHANIEL P. REED,
Assistant Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: The Council on Environmental Quality has kindly furnished us a copy of Honorable Russell Train's letter to you of August 30, 1973 regarding concession contracting procedures in the National Park System. As you know, we have had a continuing interest in the controversy at Crater Lake National Park in particular.

We regret that the concession dormitory-office complex near the rim of Crater Lake has been constructed. It was stoppable, and the price of stopping it would, in our view, have been well repaid, not just for Crater Lake, but in view of the policy lessons to be gained. This dormitory will stand as mute memorial to a series of procedural failures and decision-making lapses that do no credit to the National Park Service or the Department of the Interior.

Be that as it may, the larger issue has been brought into sharp focus, and we believe that general concession and master planning procedures must be re-evaluated and revised to assure that we find no more Crater Lake dormitory projects going forward under similar circumstances in that or any other unit of the National Park System. Thus, we welcome Chairman Train's evaluation and recommendations. We urge you to pursue this matter and take steps to thoroughly reform these procedures.

We urge you to forcefully promulgate a binding policy that (1) master plans (and associated wilderness proposals) for all National Park System areas be formulated independently of existing concession contracts, and (2) all existing contracts be reviewed and renegotiated, with full public involvement, to ensure full conformity with such existing master plans. Further, we believe it should be a matter of firm Departmental policy that *all* new concession contracts, and all renewals and extensions or modifications of existing contracts, be subject to individual environmental impact analysis and statements pursuant to section 102(c) of the National Environmental Policy Act. In all cases involving substantial construction proposals, or where a contract is to extend in term beyond a minimum period (say, five years), public hearings should also be mandated.

We hope you will recognize here, as we do, an important opportunity for you and the Department to make a significant advance in National Park policy.

Specifically with regard to Crater Lake, we request that you direct that the forthcoming "final" master plan and accompanying environmental impact statement be considered new drafts (rather than final) and be subject to a new local public hearing prior to final adoption. In view of the continuing series of "discoveries" concerning the extent of in-park development plans and commitments, which came as an apparent surprise not only to the public, but even to officials in your office, such a "new draft" procedure and such new hearings are imperative if the best interests of the national park and the public are to be well served.

The broad reform of policy we suggest (and this specific additional procedure for Crater Lake) will enable you, the National Park Service, and us to reclaim from the sad experience of the dormitory issue at least the satisfaction that in losing this battle, we have won the greater campaign for public interest planning for the National Park System.

Sincerely,

CAROL ANDERSON,
Co-Chairman, Crater Lake National Park Study Group.
ALAN MILLER,
Oregon State Vice-President, Federation of Western Outdoor Clubs.
GEORGE ALDERSON,
Legislative Director, Friends of the Earth.
LAWRENCE WILLIAMS,
Executive Director, Oregon Environmental Council.
JOE WALICKI,
Coordinator, Oregon Wilderness Coalition.
DOUGLAS W. SCOTT,
Northwest Representative, Sierra Club.
ALLEN BATEMAN,
Chairman, Klamath Falls Group, Sierra Club.
WILLIAM P. MEYER,
Chairman, Rogue Group, Sierra Club.
HARRY B. CRANDELL,
Director of Wilderness Reviews, The Wilderness Society.

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., Sept. 10, 1973.

Senator BOB PACKWOOD
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This follows-up my letter of July 19, 1973 concerning the construction of a concessionaire dormitory at Crater Lake National Park.

By the time we were notified of the situation at Crater Lake, construction of the dormitory was partially complete. However, in our evaluation of this issue, it became apparent that the dormitory project is only one of a series of proposed development projects, the cumulative consequences of which we feel would have significant effect on the quality of the environment in Crater Lake National Park.

Accordingly, we have recommended that the Department of the Interior reevaluate the development direction at Crater Lake, especially in the Rim Village area. We understand a draft environmental impact statement is being prepared. Enclosed is a copy of Chairman Train's letter to Assistant Secretary Reed on this matter.

If we can be of any further assistance, please call us.

Sincerely,

JOHN A. BUSTERUD,
Member.

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., Aug. 30, 1973.

Hon. NATHANIEL P. REED,
Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C.

DEAR NAT: As we have discussed, considerable interest has been generated recently in regard to present and proposed development activities in a number of National Parks. The construction of a concessionaire's dormitory at Crater Lake National Park is the most recent case. We have reviewed the Crater Lake situation thoroughly and the Park has been visited by our staff.

The major issue at Crater Lake is the fact that the existing concession contract was formulated entirely outside the Master Planning process, and subsequent Master Plans have simply endorsed the construction pro-

visions of the concession contract. Furthermore, the dormitory project is only one of a series of proposed development projects. Other NPS construction projects that will be generated as a direct consequence of the dormitory include an additional parking lot to service this facility, a swimming pool in the immediate vicinity of the dormitory, and an expansion to the existing sewer system serving the Rim Village area. These projects will tend to further degrade the natural surrounding of the Rim area.

Additional proposed projects in the concession contract include:

(a) the removal of the top two stories of the existing lodge

(b) a motel (50 lodging units) and coffee shop in Munson Valley.

(c) the removal of 19 "cold water" cabins in Rim Village to be replaced with another motel in Rim Village (number of lodging units and location unspecified).

The cumulative consequences of these developments plus associated utilities and service facilities will have a significant effect on the quality of the human environment. The consequences of continued expansion of tourist facilities within the parks are well known and, in the case of Crater Lake, have the appearance of being in conflict with the management direction embodied in the Department's Wilderness Proposal for Crater Lake.

We understand that a Master Plan for the Park and an associated environmental impact statement are currently under preparation within the National Park Service. The Council strongly recommends that this Master Plan and impact statement set forth the visitor use policy for Crater Lake National Park in terms of the number of people (or level of visitation) that is to be accommodated at Crater Lake and then specify the necessary services, facilities and transportation requirements to accommodate that level of visitation. The Council further recommends that for Crater Lake National Park, and, as a matter of general policy for all National Park Service areas, Master Plans and impact statements be formulated, insofar as possible, independently of existing concession contracts. To the extent necessary, these contracts should be renegotiated to ensure consistency with such approved Master Plans.

My Staff, of course, stands ready to assist you in the implementation of these actions.

Sincerely,

RUSSELL E. TRAIN,
Chairman.

A DECLARATION OF CONSCIENCE

Mr. HUGHES. Mr. President, at a time when people of conscience throughout the world are profoundly shocked and saddened by the invasion of Israel and the expanding war in the Middle East, the spiritual leaders of my State of various faiths have issued a declaration of conscience to express their common grief and outrage. They end this statement with a fervent prayer for "a lasting and just peace." In order that my colleagues may read this eloquent and moving declaration, I ask unanimous consent that it be printed in the RECORD.

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

PROCLAMATION ON THE HOLY DAY WAR

On Sabbath and Yom Kippur, October 6, 1973, the Holiest day of the Jewish year, Jewish people in Israel and throughout the world were in prayer. On this sacred day of fasting and prayer, Egypt and Syria launched a massive, simultaneous invasion against Israel. This was a profanation against Israel, the Jewish faith and a desecration of human life. Due to the coordinated Egyptian and Syrian invasion many people, on all sides, have been maimed and killed on battle fields and in kibbutzim and cities.

In this critical hour silence would be a moral sin. We, therefore, condemn the blasphemy of this unconscionable invasion which has resulted in inestimable suffering and death on all sides. We fervently hope and pray that peace will be restored immediately and that all parties in the Near East conflict will begin face to face negotiations for a lasting and just peace.

Dr. Kenneth Metcalf—Superintendent of the Des Moines District of the United Methodist Church.

Rev. Harold E. Butz—Associate secretary for the Iowa Council of Churches.

Dr. Scott Libbey—Conference minister of the Iowa Conference of the United Church of Christ.

Dr. James W. Lenhart—Minister of Plymouth Congregational Church.

Rev. Halsey Wakelin—Associate minister of the Christian Church in Iowa.

Father John Ryan—Pastor at St. John's Church, Cumming, Iowa.

The Most Reverend Maurice J. Dingman—Bishop of the Diocese of Des Moines for the Roman Catholic Church.

Rev Durwood Bochheim—Executive with the Iowa District of the American Lutheran Church.

Dr. Raynold Lingwall—President of Iowa Synod of the Lutheran Church of America.

Suzanne Peterson—Assistant to the rector of St. Paul's Episcopal Church.

Mr. John R. Harris—Administrator of the Episcopal Diocese of Iowa.

Rabbi Barry Cytron of Tifereth Israel Synagogue.

Rabbi Jay B. Goldburg of Temple B'Nai Jeshurun.

RESURRECTING POLITICAL LIFE IN AMERICA

Mr. BAKER. Mr. President, in light of recent events which have profoundly affected our political system, a great deal of thought is being given to major reform of the present institutional arrangements. The senior Senator from Oregon (Mr. HATFIELD) has been most concerned with this matter for a number of years and recently wrote a very enlightening article entitled "Resurrecting Political Life in America." I believe his article deserves the attention of my colleagues and I ask unanimous consent that it be printed in the RECORD.

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

RESURRECTING POLITICAL LIFE IN AMERICA

(By Senator MARK O. HATFIELD)

Even before the revelations of the Watergate scandal, politicians ranked 19th out of the 20 major occupations in the trust of the public. Only used car salesmen inspired less confidence among the American people.

The Watergate scandal is climaxing a steady development of public disenchantment with our political process, and several of society's major institutions. The facts being uncovered by the Senate hearings and other sources are confirming the worst about the corruption of our political process, and its failures to work fairly for all the people rather than for the self-serving interests of a few politicians and their allies.

This disillusionment is not simply being personalized in the President. In the eyes of most Americans, he and many of his former associates are guilty primarily of proving to be like most all politicians. That is why the widespread public assumption of Mr. Nixon's guilt has not resulted in any broadly based or popular movement for his impeachment. Fundamentally, people have not simply lost their confidence in a leader; they have lost their faith in the institutions of public leadership.

People perceive the linkage between the credibility of our political system and other major social and economic institutions in our society. Take one simple example. The personal attorney of the President of the United States served also as the attorney for a major airline, and then solicited funds for the President's re-election from a competitive airline, in clear violation of U.S. law prohibiting corporate contributions. Such incestuous relationships between government and business confirm that corruption in politics breeds corruption in other realms of society, and vice versa.

The individual American correctly perceives that government leaders, federal bureaucracies, labor unions, corporations, and other forces have almost routinely violated the public trust and are swallowing freedoms that should be the province of individuals.

In very large measure, such corruption has been the direct result of the massive concentrations of power—governmental, political, and economic. Neither of the major political parties, nor the administration nor its critics, has offered any significant ways to arrest the growth of the excessive concentrations of power which inevitably erode individual liberty and the people's confidence in society's institutions.

The Democrats who have belatedly recognized the dangers of excessive presidential power are still blind to the threat of all-pervasive governmental bureaucracy. The "New Politics" Democrats frequently seem to be calling not for fundamental institutional change, but merely for the elevation of a compassionate, enlightened person to an all-powerful presidency. The traditional Democrats still infatuated with categorical grant programs and alphabet soup agencies, seem to feel that New Deal, Fair Deal, New Frontier, and Great Society programs are somewhat akin to the Ten Commandments. In the name of defending the rights of the "little man," many would gladly erect another bureaucratic mechanism to ensnare him.

Many conservative Republicans, unlike their predecessors such as Senator Robert A. Taft, Sr., have willingly assented to accretions in presidential power and the growth of governmental powers as long as these are done in the name of national security or the maintenance of the social order. Most conservative Republican politicians have hardly lifted a hand to slow the growth of a business-labor-government combine.

President Nixon has in a number of speeches declared war on the federal bureaucracy. Yet the primary thrust of this federal policy is not to reduce bureaucratic interference with the lives of individuals but rather to increase the control by the President and White House staff over the federal bureaucracy. Short of a total conversion in its view of Presidential powers, the Administration will be unable to take credible initiatives to reverse the concentration of power in society, or to deal with the public distrust of its government.

The progressive Republicans, the group with which I am most identified, also have failed to cope effectively with the continuing diminution of individual liberties and public confidence. Republican progressives have attempted to combine more effective management of government with a series of policies on specific issues. Yet these responses to broken-down Democratic initiatives, or even to the excesses of a Republican administration, have generally been of an ad hoc nature and have thus failed to rally significant support for an ongoing political coalition.

If America is to resist the forces that are nibbling away at our individual freedom, a dynamic political movement must arise to limit the powers of big government, big labor, and big business. It must be a movement committed to reshaping and decentralizing the institutions of power in society. This will necessitate concrete and drastic

initiatives designed to fundamentally restructure elements of our political and economic life. The only way to restore the people's trust in the institutions of power is to break open new avenues for the people to participate directly in those institutions, and remold them according to their needs. A wide array of conservatives, liberals, and moderates (if those labels mean anything) of all kinds of party affiliations can be enlisted in such an effort.

This program of decentralization and constitutionalism would move decisively to limit the powers of the presidency, to replace bureaucratic government—federal, state or local—with "neighborhood government," to restore an economic environment that encourages small entrepreneurship and insures corporate competition and accountability, and to assure the privacy and autonomy of the individual American.

A number of the proposals which follow serious consideration would require constitutional amendment. Others would require the organizing of a concerted effort to overcome the resistance of entrenched bureaucracies and their allies.

I

A constitutional amendment requiring separate election of the President, the Vice President, and various heads of Cabinet Departments

When the Founding Fathers created the Constitution they set up an elaborate system of checks and balances to insure against excessive concentrations of power in any branch of government, or in any single governmental official. The Hamiltonian conception of the President as a near monarch was decisively rejected by our forefathers, who set up an independent judiciary and a strong federal legislature to check undue executive power.

Yet, the devices wisely conceived nearly two centuries ago to prevent executive autocracy have not been sufficient to arrest the power-centralizing tendencies of modern technology, the pressures of an existence under the cloud of nuclear warfare, the existence of a vast governmental bureaucracy, and the proliferation of a vast class of seekers after governmental largesse. The Watergate scandal illustrates the terrifying potentials for the misuse of such all-encompassing power.

Many of the solutions which have been proposed to cope with this problem of a top powerful presidency, while desirable initiatives, would do little to arrest the growth of presidential domination of our government. Certainly, Congress should reform its committee structure, overhaul its budget-making mechanisms, and become a proposer of budgetary priorities. Without any doubt, misuse of executive privilege against testifying and overuse of executive secrecy can and should be curbed by legislation.

Yet such proposals are not enough. If we are to reverse this flow of political power to one person we must perform drastic surgery to restore our governmental institutions to the healthy, creative tension envisioned by our Founding Fathers. First we must have separate election of vice presidents.

Today vice presidential nominees are often chosen to balance a ticket or win a crucial state's convention votes. Rarely is the vice presidential nominee chosen as the party's ablest candidate to succeed to the presidency. If the vice president had to face the electorate for a separate vote, it is likely that both major parties would choose better qualified nominees.

Yet the really effective means of limiting the presidential power would be through a constitutional amendment providing for the separate election of not only vice presidents but executive department heads in major domestic policy areas.

A unitary executive is advisable in the foreign and defense policy areas. Accordingly, the President should continue to nominate and the Senate confirm, the Secretaries of State, Defense, and Treasury. Yet the need for coherence of foreign and defense policy execution does not translate to a similar need for Presidential domination in domestic policy. It would be far better instead to disperse power over domestic policy into several people, each directly accountable to the electorate.

Today, as a practical matter, the time of the President is largely devoted to foreign affairs, defense policy and international economics. Meanwhile, domestic policy is increasingly handled by relatively unknown White House staffers often chosen for their single-minded devotion to the President and his interests. Cabinet members seem more and more to be ornaments useful primarily as public relations spokesmen rather than policymakers.

I believe that the American people would be much better served by their federal government were it to have a plural executive like most states. The President, the Vice President, the Attorney General, and the heads of the new departments proposed by the administration, Natural Resources, Human Resources, Community Development and Economic Affairs should be elected. This would parallel the situation in many states in which candidates for such offices as governor, lieutenant governor, attorney general, treasurer, comptroller, secretary of state, and superintendent of education are separately elected.

As a former governor, I recognize the occasional friction and frustration which such a system can produce for a chief executive. Yet is it our concern to make life comfortable for the chief executive or to make it freer for the American people?

The separate election of domestic department heads would produce several immediate benefits:

It would unquestionably reduce the raw power of the Presidency. One person would no longer control 2.5 million jobs and have a virtually total say over the expenditures of hundreds of billions of dollars of federal money. It is wrong to concentrate so much power in one person even if we had some way of being sure that that person would be a saint.

It would provide the American voter with a range of choices over policy in various areas of government. Today a voter must choose between two presidential candidates often with little knowledge of whom either will select if elected to implement his policies. Furthermore, the voter who is attracted by the foreign policy of one party may prefer the environmental policy of another. Separate elections would make domestic policy much more accountable to the American voter. Instead, today the Cabinet is accountable only to the White House staff or to the President.

It would engender a creative tension in government with elected department heads likely to be vigorous advocates of various viewpoints. There would be a greater range of arenas in government for innovation, as compared to the present situation where any idea that contradicts the conventional wisdom within the Office of Management and Budget stands little chance of being given the time of day.

The elected department head posts could serve as training grounds for the presidency or vice presidency. Candidates could thus demonstrate both their national electoral appeal and their creativity and competence prior to running for one of our two highest offices.

The plural executive innovation would return Congress to a role in the budget making process much closer to that conceived by the founding fathers. Virtually all states have some form of plural executive and in nearly every state the legislature plays a much more significant role in the budget-making process than does Congress. Today a united executive can run roughshod over Congress, split by its various committee jurisdictions, party affiliations, and regional interests. A reformed congressional budget-making mechanism and a plural executive could preserve efficiency and eliminate waste while also assuring that the budget would be produced by more than one person and his designees, and be more accountable to the people through their elected representatives.

Such a constitutional amendment would be a fundamental measure to restructure American government. I am convinced that such reform is essential.

II

A significant reduction of the Federal work force accompanied by a drastic revision of civil service legislation

The massive growth in the powers of the presidency has been augmented by a spectacular growth of the size of the federal bureaucracy. Two and one half million Americans work today for the federal government, more than the total in all our armed forces. Tens of thousands of these employees seem to be merely in the way. After three years in civil service they have acquired virtual life tenure on the federal umbilical cord. As long as these civil servants do not embezzle funds, they can pursue a long and sometimes useless career at our expense. One of the rarest events in Washington is the firing of a civil servant for slothfulness.

It is very likely that the federal government could function more effectively and serve the public more humanely if the federal work force were substantially reduced. Yet, the civil service laws would have to be replaced or drastically revised if such a pruning of the federal work force were to have beneficial effects. Otherwise, the most junior people, usually those who have fallen least into a rut, would be the first discharged.

The Defense Department bureaucracy, which alone employs nearly a million civilian government officials, could absorb substantial cuts without the slightest jeopardy to national security. The same is true of much of the bureaucracy which has grown up around the categorical grant programs.

While I have serious objections to a number of the President's priorities, I credit him with having the courage to try to move against many useless domestic programs whose constituency is largely Washington lobbyists and congressional nabobs. One device for increasing turnover would be to limit the tenure of non-technical middle level and high level civil servants with policy making responsibility. In general, I would propose a uniform limitation for the number of years an official could serve in the federal bureaucracy—such as five or perhaps nine years.

Flexibility could be allowed so that committed civil servants who have proven their worth could continue valuable years of service. But we must face the fact that federal bureaucrats almost inevitably become at least as strongly attuned to serving the interests of their own careers as to serving the welfare of their country. Numerous federal policies and programs continue to be sustained chiefly by bureaucratic momentum, rather than their need or their effectiveness.

There is no better way to inject creativity and responsiveness into governmental bureaucracy than to attract employees who are willing to give a few years of genuine service to the needs of our country, rather than inadvertently rewarding those bureaucrats who best protect and advance their own lifelong careers.

III

A program to encourage the development of neighborhood-based governmental institutions

President Nixon's policy of New Federalism has sought to transfer some power from the federal government to state and local governments. Yet while state and local governments are physically closer to most of their citizens

than is a Washington-based federal government, they are frequently as incapable in responding to the varied community needs of the citizenry. If we are to restore effective government to the American people, a much greater decentralization of governmental power will be required.

In the most humanly important ways, people function as members of neighborhoods rather than of cities or states. But the public life and needs of our neighborhoods carry no self-governing authority and responsibility. Therefore, it is essential that we develop a concerted policy of restoring political power to neighborhoods and their residents.

A neighborhood government policy would involve many steps including the definition of neighborhood boundaries, the incorporation of neighborhood organizations as public units of government, the democratic constitution of neighborhood government, and the potential sphere of neighborhood authority.

Neighborhood-based organizations such as community development corporations can play a great role in revitalizing run down central city neighborhoods. Neighborhood-based welfare systems in which recipients perform needed community services could replace the impersonal welfare systems that demoralize both recipients and taxpayers.

Several years ago a study of Washington's Shaw-Cardozo area revealed that the residents and businesses of this poor neighborhood paid out more in all forms of taxes than the dollar value of public services received. If this analysis is basically correct, then many of our communities have not benefited by the redistribution of wealth through our complex tax systems. Our communities do not suffer principally from lack of resources, but rather from lack of community control of tax revenues.

The plain truth is that most neighborhoods in America could be better off if they kept the major portion of taxes their citizens presently pay to the federal bureaucracy, and used their own taxes to provide essential socal services such as welfare, housing and health care through their neighborhood governments. The federal government would have the responsibility to assist in equalizing the wealth and resources available to neighborhoods and would supply subsidy grants to impoverished localities through certain means.

To begin this process, we would allow an individual to receive a federal tax credit, dollar for dollar, for all funds he contributes to a duly recognized neighborhood corporation for self-government. This could apply, for instance, for up to 80 per cent of an individual's federal income tax bill. I have drafted legislation based on these principles.

The plight of the poor and the disadvantaged must certainly be the concern of the federal government. But in the final sense, the relief for the dispossessed will come not through solely a bureaucratic program written and implemented in Washington, but through individuals, groups, neighborhoods and local communities that are given, and choose to take, the responsibility. Enabling and evoking this kind of responsibility at decentralized levels of political life is the most fundamental contribution the federal government can make toward the realization of human well-being for all our people.

The purpose is to allow political power, resources, and responsibility to be retained as directly and closely to the people as possible. Education, and police protection, as well as welfare, housing, and health care should all be placed as totally as possible under neighborhood control. To do so obviously means that the power and functions of larger units of local government, such as the machines of city mayors, should relinquish responsibilities to "neighborhood government." We must create such decentralized structures if the average citizen is to have a direct and meaningful opportunity for determining the institutions that affect his life and shape his future. The strategy and process of such a transition in governmental responsibility may present challenging problems. But ultimately, I believe there is no other way to overcome the dominant feeling of political lifelessness in America, and to restore genuine political power to our citizens.

IV

A national program to expand the ownership of private property and decentralize the American economy

In Jeffersonian thought of a healthy American democracy rested heavily upon the existence of a large number of small property owners and farmers. These Americans could stand up to government without fear of economic deprivation. Today with most of us dependent for financial survival upon wage or salary income and with government being a direct or indirect employer of millions, most Americans no longer can afford the luxury of offending officious bureaucrats.

Broadening the base of private property ownership will provide safeguards against governmental tyranny and also provide a positive alternative to the further centralization of the economy. Broad-based private property ownership will secure greater economic equity without the aggrandizement of state powers which most economic policies of the left entail.

Political decentralization must be accompanied by economic decentralization if our goal is to preserve human liberty and enhance human fulfillment. The larger individual economic institutions become, the more difficult it is to insure their accountability to the public. Massive economic conglomerates are prone to attempt to mold public policy, and manipulate government regulations to their own advantage.

Fundamental steps must be taken to accomplish the deconglomeration of the American economy. Then, in every possible way people must be offered a personal stake, or share, in our nation's economy. Today, the wealthiest 10 per cent of all American families receive 29 per cent of all income and hold 56 per cent of all wealth. The poorer 50 per cent of American families receive 23 per cent of all income, but hold only 3 per cent of all wealth. But the ultimate solution is not any simple scheme to distribute the wealth; rather, the fundamental challenge is to distribute the ownership and control over the accumulation of wealth.

Let me suggest some specific approaches to assist in the process of decentralizing the economy.

One proposal would open up opportunities for reviving the family farm by barring from farming any corporation involved in food processing, distribution, agricultural chemicals, and other farm-related activity, or any nonfarm business with assets of more than $3 million. Together with other legislation, a measure such as this Family Farm Act could reverse the rural-to-urban migration and restore the livability of our rural areas and small communities.

Another specific proposal for the encouragement of small businesses would be to make the first $25,000 of corporate profits tax free. I have introduced such a bill because I am convinced that small business is unjustly burdened by federal requirements and disadvantages that are contributing directly to its demise. Such a simple step could prove an enormous encouragement to small entrepreneurship in our country.

Beyond these other measures to reverse the pattern of corporate economic centralization must be considered. Such as basic changes in our corporate tax structure and the authority and applicability of anti-trust law. But these same principles should also be applied to the monopolistic practices of big labor which have contributed directly to economic centralization.

Finally, we should broaden the base of ownership in society by encouraging those plans which allow the sharing of corporate ownership among the workers and employees of a specific firm. Tax laws can and should be changed to facilitate employee stock ownership plans, profit-sharing plans, and similar initiatives. Developed fully, along with other measures designed to offer workers authentic participative management in their company, these steps can not only expand the base of ownership in society, but overcome the increasing alienation of the American worker.

V

A fundamentally new approach to simplify and reform our tax structure, insuring tax equity and fairness

The lack of confidence in our institutions is dramatized by the popular resentment in our tax system. It appears obvious to most Americans that the tax system is not fair. A Harris poll last year found that 69 per cent of the public had adopted attitudes characterized as a "tax revolt"—up from 43 per cent two years earlier.

From a one paragraph amendment to the Constitution, the income tax has emerged as a hydra-headed monster that now takes more than a 6-foot bookshelf to contain its laws and regulations.

People with income under $2,000 paid one-half of their income forms of taxes (federal, state, and local), as computed by the 1970 census; at the same time that one multi-millionaire paid $500 and another paid $4,-500 in federal income taxes, which is less than they make in one hour. The rest of us end up paying about 30 per cent of our income in all forms of taxes regardless of the income level despite the alleged progressive nature of the federal income tax.

We have tried reform through making the tax laws more complicated but only succeeded in the latter. It is now high time we aim for tax reform through simplification to achieve both.

We must move to a simple gross income tax system eliminating all deductions except the personal exemption. (This resembles state income tax laws in Indiana and Pennsylvania). This would mean more than 90% of our taxpayers could complete their form on a small computer card using only four lines: total income, gross tax, credit for personal exemptions, and net tax (or refund) due.

This "Simpliform" proposal for tax reform achieves the goals of equity and fairness. By closing all loopholes and moving toward the elimination of all deductions, Simpliform would double the present tax base to nearly a trillion dollars, and thus allow a halving of present tax rates with no reduction in revenue.

Although the elimination of deductions may seem to be an extreme idea that would result in a greater tax burden, it will actually mean that the great majority of citizens will pay less taxes. For example, a family of four earning $15,000 a year would pay only $1,250 (or 8.3 per cent) under Simpliform. Under the present system, the family taking the standard deduction would pay $1,930 in taxes (or 12.9 per cent). If the family took the average deductions now taken by half the families that itemize (the average amount for a family with a $15,000 income is $2,600), the tax would still be $1,688 (or 11.3 per cent). The family would still gain under Simpliform by some $418—worth a 25% tax reduction compared to present law. A further saving would result from the virtual elimination of costly, time-consuming tax preparation.

Those taxpayers with incomes below $20,000—85 per cent of all families—would gain by this new system, except for those in special circumstances. Only those with incomes of more than $25,000 would be likely to find themselves paying more taxes. But

even millionaires would pay at no more than a rate of 50 per cent. This rate is substantially less than under the present system, but the current rates for the wealthy are diminished drastically in practice, far below 50 per cent by all the loopholes that are exploited by the financially sophisticated members of our society.

The wealthy even get a better break from the usual deductions also enjoyed by the average American taxpayer. In fact, under the present law the middle income American is really subsidizing the wealthy. The middle income American, say in the 20 per cent bracket, gets the benefit of 20 cents on the dollar for his property taxes, interest payments, or church contributions, while the wealthy can deduct up to $70 of a $100 ticket to a charity ball.

In addition, we must enact a Taxpayer's Bill of Rights to spell out clearly the procedural protections available to taxpayers involved in disputes, and to limit some of the arbitrary powers of the Internal Revenue Service. Most Americans cannot afford high priced attorneys to steer them through their disputes with IRS. There is a need to codify in language the average taxpayer can understand, the rights that are available to the taxpayer.

All these proposals could help fuel a movement toward a new political alternative future for America. Some of the suggestions I have made could be readily implemented. Others may seem highly desirable, yet years away from actual implementation. But the pressure for such genuine political options can begin to arrest the trend toward an Orwellian future, and restore the relevance and meaning to citizenship and political life in America.

THE TRAVEL AGENTS REGISTRATION ACT OF 1973

Mr. INOUYE. Mr. President, yesterday the Senate unanimously passed S. 2300. It would add a new title II, the Travel Agents Registration Act of 1973, to the International Travel Act of 1961 (22 U.S.C. 2121 et seq.). The bill would require persons engaged in the business of conducting a "travel agency"—a term defined in the bill—to secure registration certificates from the Secretary of Transportation, through the Director of a Bureau of Travel Agents Registration. That Bureau would be established in the Department of Transportation. The bill would also authorize the Director, with the advice of a Travel Agents Registration Board, appointed by the Secretary, to issue rules and regulations, including regulations concerning qualifications and financial responsibility of registered travel agents.

The Secretary, after appropriate hearing, would be empowered to suspend or revoke a previously issued certificate of registration if the registrant were found to have engaged in certain defined practices. Violation of any provision of the bill, or regulation adopted thereunder, is made cause for suspension or revocation of a registration certificate.

However, the bill provides that the Secretary, in lieu of the permitted administrative sanctions, may accept the assurance of the certificate holder that the prohibited conduct will be discontinued.

On or after January 1, 1974, no State or subdivision thereof shall adopt or enforce any law regulating, or setting any standards with interest to the activity of engaging in the business of conducting a travel agency.

Mr. President, recently the National Tourism Resources Review Commission submitted its report on the tourism needs and resources of the United States through 1980.

Everyone familiar with the report was impressed with its evaluation of the dimensions and potential of the tourism industry of our country.

We are a Nation of tourists, and as the quality of our lifestyle improves even more so will our desire and ability to travel.

It is imperative, therefore, that the public be able to rely on those engaged in the business of selling travel.

The overwhelming majority of travel agents are conscientious and dedicated. They offer the public a valuable service.

There are, unfortunately, an unscrupulous few who have caused hardship and financial loss to thousands of Americans over the past few years.

The legislation which the Senate passed is designed to protect the millions of touring Americans as well as the thousands of travel agents who serve them.

TRAINING HOSPITALS NEED HELP

Mr. DOMENICI. Mr. President, a matter has been brought to my attention—a matter of utmost importance which I think should also be brought to the attention of my colleagues. I am referring to the provisions in Public Law 92-603, section 227, which will affect the future of possibly all medical school hospitals in the country.

The Social Security Administration within the Department of Health, Education, and Welfare has proposed certain regulations in section 227 of the law which will go into effect unless changes are requested before October 17, 1973. As the proposed regulations stand, "teaching hospitals," where more than 50 percent of the patients pay the billed physicians' fees from public medical assistance programs, will lose substantial Federal reimbursements for services.

The result of such a proposal would have a most catastrophic effect on the whole health care system in our country. For example, I have been informed by Dr. Leonard M. Napolitano, dean of the School of Medicine, the University of New Mexico in Albuquerque, that his teaching hospital will probably lose at least $650,000 in the present fiscal year by virtue of having been suspended from medicaid payments for professional services from July 1, 1973. The University cannot turn to the already overrun State revenues as suggested by the administration, but would rather have to severely cut back their clinical staff—at the very real risk of losing accreditation.

Today, I have written the Commissioner of the Social Security Administration, Mr. James B. Cardwell, to urge his most serious reappraisal of these proposed regulations. I would hope that a serious review of those proposals would clearly indicate the fact that they do not represent the intent of Congress when passing Public Law 92-603. If there is no objection, my letter to Commissioner Cardwell will follow my remarks today.

Just for a moment I would like to emphasize the very real danger that is apparent in these regulations as they stand. We have spoken about "rippling effects" when discussing other measures before this body, but I know of no other more serious rippling effect than the one facing us now. University hospitals are the backbone of our doctor training programs. All patients are treated equally without regard to their source of medical payments. If these proposals were to go unchanged, if university hospitals have to seriously reduce their teaching staff and possibly lose their accreditation, just where will we train our young doctors? Where will patients get an equal chance at the best medical care possible?

We should not kid ourselves that other revenues will automatically be available to fill the vacuum left by the Federal reimbursements. Surely, it was not the intent of Congress when passing this law to abruptly cut such assistance to our teaching hospitals who have a high ratio of patients on Federal medical programs.

I most strongly suggest my colleagues become familiar with these regulations and their possible effect on their own State university hospitals. Perhaps, with a loud and persistent outcry, these regulations will be changed. We have been told changes are still possible. I do hope we will not let this opportunity pass unheeded.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there is occasional confusion as to which actions could be considered "genocide" under the terms of the Genocide Convention, article II of the convention states that—

> Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

The article then goes on to list killing, causing serious bodily or mental harm to members of the group, inflicting intolerable living conditions, forcibly transferring the children of the group of imposing measures intended to prevent births within the group.

The operative word in this article is "intent." Before any action meets the above definition, intent must be proven. As the 1973 report of the Committee on Foreign Relations pointed out:

> There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The committee wants to make it clear that under the terms of Article II none of these and similar actions is genocide unless the *intent* to destroy the group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how much to be deplored, are not outlawed per se by the Genocide Convention.

This interpretation is shared by the Department of State. In 1950, Dean Rusk, then Deputy Under Secretary of State, testified on this matter. I ask unanimous consent, Mr. President, that an excerpt of his remarks be printed in the RECORD.

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

STATEMENT OF DEAN RUSK, DEPUTY UNDER SECRETARY OF STATE, BEFORE THE GENOCIDE SUBCOMMITTEE, JANUARY 23, 1950—EXCERPT

Mr. RUSK. • • • Genocide, as defined in article II of the convention, consists of the commission of certain specified acts, such as killing or causing serious bodily harm to individuals who are members of a national, ethnical, racial, or religious group, with the intent to destroy that group. The legislative history of article II shows that the United Nations negotiators felt that it should not be necessary that an entire human group be destroyed to constitute the crime of genocide, but rather that genocide meant the partial destruction of such a group *with the intent to destroy the entire group concerned.*

Senator MCMAHON. That is important. They must have the intent to destroy the entire group.

Mr. RUSK. That is correct.

Senator MCMAHON. In other words, an action leveled against one or two of a race or religion would not be, as understand it, the crime of genocide. They must have the intent to go through and kill them all.

Mr. RUSK. That is correct. This convention does not aim at the violent expression of prejudice which is directed against individual members of groups.

Senator LODGE. Is that the difference between genocide and homicide?

Mr. RUSK. That is the principal difference, yes. [Emphasis supplied.]

THE MIDEAST

Mr. ROTH. Mr. President, this past weekend Egyptian and Syrian troops in separate but carefully coordinated attacks across the Suez Canal and in the Golan Heights shattered the peace on the Jewish holy day of Yom Kippur and launched the fourth major war in the Middle East in the past quarter century. The whole world should condemn this shameful and foolish resort to violence.

I fully support our Government's call for an immediate U.N. Security Council action to end the bloodshed and restore peace along the cease-fire line prevailing before the Arab attacks. I was pleased to be a cosponsor of Senate Resolution 179, which passed on Monday, deploring the outbreak of hostilities and urging a return to the cease-fire lines.

A continuing cause of conflict in the Middle East is the failure of the Arab countries to recognize Israel's right to exist within stable and internationally recognized borders. It is a tragedy that while elsewhere in the world there is growing acceptance of long-standing facts of international life, such as the existence of the People's Republic of China and the division of Germany and Korea, the Egyptians and Syrians cling to the long discredited and thoroughly immoral idea that Israel can be thrown into the sea.

I also believe that a major share of the blame for the current attacks and the failure of negotiations over the past 6 years must rest with the Soviet Union which has built up the Arab countries militarily to the point where they felt capable of making the current attack. According to the figures in the recent report by the Arms Control and Disarmament Agency on the International Transfer of Conventional Arms, the U.S.S.R. has transfered $2.5 billion in military equipment to Syria and Egypt in the 1961 to 1971 period. During the same time, our transfers to Israel, made to maintain a balance of power in that area, amounted to less than $700 million.

I would hope that the U.S.S.R. would learn from the past. Their arms aid to the Arab countries have not brought them any tangible gains in the Middle East and represent a waste of economic resources that could be better put to use in agricultural production. Now is the time for the Soviets to show us that they really mean something by détente by joining us in trying to bring about a stop to the fighting in the Middle East and a start to genuine negotiations based on the reality that Israel is in the Middle East to stay.

NATIONAL FLOOD INSURANCE, FLOOD CONTROL PROJECTS OFFER LONG-TERM RELIEF FROM DISASTER

Mr. SYMINGTON. Mr. President, 22 years ago one of America's greatest painters sent every Member of Congress a lithograph which captures the depth of human suffering and misery that accompanies a devastating flood. Thomas Hart Benton drew the scene of a family returning to the remains of their home after the July 13, 1951, record flood in the Kaw River Basin above Kansas City. In that portrayal, Benton argued his case to the 82d Congress for legislation to help relieve flood victims of some of their hardships.

Last week, Pennsylvania Gov. Milton J. Shapp reminded us of the still-important message in the Benton painting as he appealed to Congress for a new national program of disaster insurance.

It seems this administration is still not willing to learn the lessons of history.

Earlier this year, floodwaters caused unprecedented damage in the Missouri-Mississippi River Basin. Thousands of Missouri residents lost their homes and their businesses. Only weeks later, flash flooding in southeast Missouri compounded this disaster.

In the aftermath, flood victims discovered a cruel inequality in the Government's disaster assistance programs. The administration followed existing legislation and offered generous 1-percent loans to businesses and homeowners who were struck by floods before April 20. When it came to the farmers, however, the administration abandoned the law and would not grant loan assistance until new legislation raised the interest rate to 5 percent for repairs and replacements to damaged crops and equipment.

Recent efforts to equalize these flood relief benefits and to extend the lower interest loans beyond April 20 were greeted with a Presidential veto. The effort to override that veto was unsuccessful and disaster victims will in all likelihood be eligible for only 5 percent loan assistance with no principal forgiveness.

Unfortunately the catastrophies will continue. Heavy rains last week in our State and Kansas have again carried the Missouri River over its banks and onto unharvested acres of soybeans, feed grains, and other crops.

Corps of Engineers officials estimate that nearly $60 million worth of damage has occurred along the Missouri River in the central part of the State. Another $11.5 million in damages was reported along the Osage River.

In Callaway County alone, 21,000 acres were flooded with damage estimated at $4 million. Along the Grand River, about 10,000 acres were flooded with damages estimated at $5 million. One farmer alone on the Missouri River at Boonville lost 2,300 acres of soybeans valued at approximately $414,000. After years of low farm prices, this farmer and many others were about to receive record high returns for their efforts. Now for many those anticipated returns have been washed away, and the many hours of work are lost.

We do not believe the present disaster assistance programs are adequate. We have seen that victims of catastrophies were able to obtain a new start with 1 percent loan assistance, but many could not afford to replace their losses with 5-percent loans.

It is not enough to again tell these citizens to apply for a 5 percent disaster assistance loan and let them wait another year to profit from their labors. We must provide a long-term program of disaster assistance and flood control programs which will offer some security and stability to those who suffer such great losses.

Each spring and fall we can anticipate additional losses from flooding in many of our States until we are able to bring these ravaging waters under control.

We must adopt a program of Federal disaster insurance that is available to everyone who wants to guard against the great economic losses which accompany natural catastrophies. Several proposals are now before the Congress and should receive the highest priority.

In the long run, the best hope for many Missourians is the completion of flood control projects which will diminish or prevent entirely the kind of disasters we have witnessed this year.

We have deferred for too long the construction of agricultural flood levees along the Missouri River. In the most recent flooding, 44 levee breaks have been reported along that waterway. All of these were non-Federal levees. The soybean farmer in the river bottoms spent nearly $12,000 in a last-minute effort to construct levees to protect his land, but his entire investment was lost.

We can begin now an effort to prevent future flooding over this valuable cropland. The Office of Management and Budget has begun its hearings for fiscal year 1975 programs. We are hopeful that OMB will include in this year's budget a

request for the construction of adequate Federal levees along the Missouri River and its tributaries. And we can back up the work which must be done by those levees with an even stronger system of flood control reservoirs.

The property protected by existing reservoirs in this most recent flooding is testimony to their long-term effectiveness.

The Corps of Engineers reports that flood control projects in the Missouri and Kansas River Basins prevented $342 million in damages. "The lake projects stored excess floodwater and played a vital role in reducing flood heights," according to Kansas City District Engineer Col. W. R. Needham.

Three reservoir projects in Kansas prevented flood damages in excess of their total cost, Colonel Needham reported.

Tuttle Creek Lake on the Blue River north of Manhattan, Kans., filled to almost eight feet above its highest previous level. The $80 million project prevented $135 million in flood damages.

Perry Lake on the Delaware River north of Perry cost $47.8 million.

It is credited with preventing $64.5 million in damages. Milford Reservoir on the Republican River near Junction City rose 8.5 feet above its recorded high and prevented $49.7 million in flood damages—$1.5 million more than its cost.

We need to extend this record of demonstrated effectiveness to the yet uncompleted projects which could be important to preventing future flood damage in Missouri.

We firmly believe that many Missouri flood control projects now in the planning or construction stages will return far more than their initial investment in terms of the damage avoided and crops saved. Among these are the Truman Dam and Reservoir near Warsaw, and Smithville and Pattonsburg Lakes north of Kansas City.

In the past we have experienced difficulty in moving these projects forward when the corps was unable to show a high benefit to cost ratio. Even now the benefit to farmers in the Missouri River Basin is determined in part by the value of crops to be protected over the previous 5 years.

For many, those were years of low returns for farmers, and the value of flood control projects would be made higher if the cost-benefit ratios reflected increased crop earnings.

Clearly, after so many years of witnessing repeated devastation by flooding, we should be prepared to meet this challenge with adequate disaster insurance and continued funding for our long delayed Corps of Engineer programs.

The words with which Benton admonished the 82d Congress remind us yet today of the need for action:

Forget the academics of precedent and get out a new bill which will relieve the human side of this rotting catastrophe.

Nearly a quarter of a century later, we have not fully heeded the challenge of those words.

Let us resolve now to provide the disaster insurance legislation and to appropriate the money for flood control projects which can relieve and someday prevent the toll inflicted by these tragedies.

I would ask unanimous consent to print in the RECORD the October 5, 1973, news release from the U.S. Army Corps of Engineers; also a list of 1975 flood control budget requests from the Mo-Ark Basins Flood Control and Conservation Association.

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

(News Release by U.S. Army Corps of Engineers)

RESERVOIRS PLAY IMPORTANT ROLE

Corps of Engineers operated flood control projects prevented $341,893,000 in flood damages due to recent heavy rains in Kansas, Col. W. R. Needham, Kansas City District Engineer for the Corps of Engineers, said today. The lake projects stored excess floodwater, playing a vital role in reducing flood heights in the Kansas and Missouri River Basins, the Colonel explained.

Reservoir control of floodwater reduced river stages 5.6 ft. at Topeka, 4.4 ft. at Manhattan, 4.9 ft. at Junction City and Ft. Riley, 6.7 ft. at Bonner Springs, 9 ft. at Wamego, 5.3 ft. at Salina and 3.9 ft. at Kansas City, Mo.

Three Corps lakes filled to their highest recorded level since being placed in operation, the Colonel stated. In doing so, the three lakes, Tuttle Creek on the Blue River north of Manhattan, Milford on the Republican River near Junction City, and Perry on the Delaware River north of Perry, prevented flood damages in excess of their total initial costs.

Tuttle Creek Lake filled to 1,102.09 mean sea level, almost 8 ft. above its highest level. The $80 million project prevented $133.5 million in flood damages. Rising 25.6 ft. above the normal pool operation level, the dam impounded 589,700 acre-feet of water or 128% more water than is held at the normal operating pool level. With only 30% of the flood pool filled, the dam is capable of holding back an additional one million acre-feet of water, raising the water level 34 ft.

Perry Lake, costing $47.8 million, is credited with preventing $64.5 million in damages. It rose 15.4 ft. above its normal operating level and almost 5 ft. above its recorded high. At this level, Perry held back 228,500 acre-feet, 91% more water than the normal operating pool. An additional 13.7 ft. of water could have been held in the lake, as only 43% of the flood control storage pool was filled.

Milford rose 14.7 ft., 8.5 ft. above its recorded high, to store 27,200 acre-feet of water and prevent $49.7 million in flood damages, $1.5 million more than its cost. The lake still had a capability of storing 17 ft. more floodwater or an additional half million acre-feet, since only 37% of the flood control pool was filled.

It is estimated Kanopolis Lake, on the Smoky Hill River west of Salina, Ks., prevented $6.3 million in flood damages. The lake rose 20.7 ft. above the normal operating level and held back 115,200 acre-feet or 178% more water than at normal pool level. The lake could have held an additional 24.3 ft. of water. Only 31% of the flood storage pool was filled.

Pomona Lake west of Ottawa is credited with preventing flood damages in excess of $1.7 million. The lake rose 10.7 ft. above normal operating level. At this level it held back 50,700 acre-feet or 71% more water than normal. With the flood storage pool only 29% full, the project was capable of storing an additional 18.3 ft. of floodwater.

The uncompleted Melvern Lake project, on the Marais des Cygnes River south of Topeka, is credited with preventing flood damages in excess of $2.4 million. The project is scheduled to be officially dedicated 15 June 1974.

Other flood control projects in the Kansas River Basin made similar contributions to prevent flood damages.

STATEMENT OF MR. HARRY MILLS

Presented to: Mr. Donald E. Crabill, Director, Natural Resources Program Division, Office of Management and Budget and Mr. John C. Sawhill, Associate Director of the Office of Management and Budget for Energy, Natural Resources, and Science, Washington, D.C.

OCTOBER 9, 1973.

We are here today to present requests for funding of the water resource projects in Eastern Kansas and Western Missouri for Fiscal Year 1975. Attached to my statement is a summary of these requests which were approved at the annual meeting of the Mo-Ark Association on September 14 in Kansas City.

Our appearance this year is most timely in view of the disastrous and in some instances, record floods sustained in Missouri this past Spring and summer, and in Kansas during the past few days. The suffering of the citizens and the tremendous economic loss have served to reinforce our determination to work more diligently for these projects that will minimize the consequences of excessive rainfall.

Last spring the President declared Missouri a flood disaster area and eligible for a variety of federal emergency disaster assistance. This is laudable and necessary, but wouldn't it be less costly and wasteful if the addition and completion of a few projects could reduce the need for such emergency aid.

We would call your attention specifically to the Harry S. Truman Dam and Reservoir in Western Missouri. Construction was started in 1964. We urge that funding be provided to the full capability of the Corps of Engineers and this project be completed on its current schedule.

We also call your attention to the Fort Scott Reservoir in Eastern Kansas. Planning has been completed for over 5 years on this important project and we hope you will provide the funds to start construction during this next fiscal year.

In the next few minutes you will be hearing from spokesmen for the projects in our area. We feel all are sound and merit your most careful consideration.

Respectfully submitted,

HARRY MILLS,

Immediate Past President Mo-Ark Basins Flood Control & Conservation Association.

REQUESTS BY MISSOURI-ARKANSAS FOR FUNDS TO BE INCLUDED IN THE PRESIDENT'S RECOMMENDED BUDGET FISCAL YEAR 1975, PRESENTED TO MR. JOHN C. SAWHILL AND MR. DON CRABILL, OFFICE OF MANAGEMENT AND BUDGET, OCTOBER 9, 1973—Continued

Corps of engineers projects	Reserve available for use in fiscal year 1974	Appropriations bill, fiscal year 1974	Requests by Missouri-Arkansas, fiscal year 1975
Kansas River Basin:			
Onaga Lake	$95,000	$200,000	$300,000
Grove Lake	137,000	[1] 227,000	[2] 1,000,000
Clinton Lake		7,800,000	12,000,000
Perry Lake (road improvements)	100,000	0	1,000,000
Lawrence local protection		900,000	2,000,000
Kansas City, Kans. levees		2,500,000	10,000,000
Kansas River navigation			[1] 100,000
Marais Des Cygnes–Osage basins:			
Hillsdale Lake	516,000	[2] 1,000,000	10,000,000
Fort Scott Lake			2,000,000
Truman Dam and reservoir		27,500,000	50,000,000
Pattonsburg Lake (I–35 highway crossing)		$500,000	$5,000,000
Pattonsburg Lake			[1] 300,000
Long Branch Lake	$425,000	1,200,000	5,000,000
Smithville Lake	430,000	4,000,000	10,000,000
Mercer Lake	115,000	50,000	50,000
Brookfield Lake	125,000		50,000
Arkansas River Basin:			
Cedar Point Lake	140,000	80,000	250,000
Big Hill Lake		500,000	1,500,000
Missouri River Basin:			
Missouri River channel improvements, Sioux City to mouth		$3,000,000	$10,000,000
Missouri River levees, Rulo to mouth	$300,000		5,000,000
Metro region, Kansas City, Missouri, and Kansas		250,000	1,000,000
Little Blue River Channel, Mo.	100,000	[2] 845,000	5,000,000
Little Blue River lakes, Mo.		2,500,000	10,000,000
Indian and Tomahawk Lakes			[3] 1,000,000
Wolfe-Coffee Lake	53,000	[1] 120,000	[1] 500,000
Mill Lake			50,000
Blue River Channel, Kansas City, Mo.	40,000	[1] 15,000	[1] 500,000
El Dorado Lake		$2,000,000	$5,000,000
El Dorado local protection		50,000	100,000
Great Bend	$186,000		50,000
Arkansas River, Great Bend to Tulsa			400,000
Towanda Lake			100,000
Douglass Lake			100,000
Winfield local protection	40,000		100,000
Marion local protection		[1] 70,000	[1] 100,000

[1] Planning.
[2] Construction.
[3] Land acquisition.

ENERGY VERSUS THE ENVIRONMENT

Mr. PACKWOOD. Mr. President, I wish to call to the attention of fellow Senators a letter from EPA Administrator, Russell Train, which appeared in the Washington Star-News October 10. Mr. Train very succinctly addresses a recurring issue of concern, that of energy versus the environment. While we must give all due consideration to our energy needs, this must not be done at the expense of our environment, nor need it be. Our pursuit of a sound energy policy can and should continue, and, at the same time, must not be made mutually exclusive of sound environmental policy. Although it would be easy to listen to the simplistic call to abandon environmental concerns in favor of unconstrained energy production, we cannot afford to take this route.

Every American, industry, government, and individual consumer alike must take part in pursuing sound energy conservation measures in conjunction with exploring alternative energy sources such as geothermal, fusion, and solar energy potentials in order that our present energy technologies might be developed to the optimum. I hope that my colleagues will agree that the EPA policy pronounced by Russell Train is one which should be encouraged and one in which we should all actively participate.

Mr. President, I ask unanimous consent that Mr. Train's letter be printed in the RECORD.

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

ENVIRONMENTAL CRAZE?

SIR. In a recent column Richard Wilson accused the nation's "environmental craze" of paralyzing development of future energy sources. He implied the same "craze" may be responsible for a winter heating crisis and a power shortage.

While I share Wilson's concern about the orderly development of the nation's energy sources, I must strongly disagree with a number of his conclusions.

He stated, for instance, that "environmental objection has blocked conventional steam and hydroelectric plants." As of February of this year, 229 new plants were under construction. While most of these plants were behind schedule, the delays have been due primarily to construction and labor problems not environmental factors. Furthermore, there has been no standstill in oil refinery construction. On the contrary, existing facilities have been expanded in many cases.

Wilson contends automobile emission controls will cost an additional $500 per car. His estimate is approximately 40 percent high and emission controls on 1973 models consume less gas than air conditioning.

More important, anti-pollution devices on 1975 models actually will return mileage to the approximate levels obtained before the imposition of controls.

Nor can past and projected short-term energy shortages be blamed upon environmental factors. They have been basically economic in nature. Another important factor which Mr. Wilson overlooked is energy conservation, which must now become a way of life for Americans whether we like it or not. It is possible, however, to reduce substantially the growth rate of energy demands without drastic changes in our lifestyle and economic disruptions.

What Wilson really is telling us is that environmental considerations have become an integral part of our nation's business. This is as it should be. It is precisely why the Congress enacted the National Environmental Policy Act and it is precisely why President Nixon and the Congress established EPA.

Neither EPA nor the environmentalists are anti-energy or anti-progress. EPA considers energy needs carefully in environmental decisions, except where the law expressly forbids such flexibility. Our agency's position should be quite clear: it is possible to meet the nation's long-term energy needs and protect the environment at the same time.

RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency.

PUBLIC INTEREST BEST SERVED BY PUBLIC FINANCE OF ELECTION CAMPAIGNS

Mr. CRANSTON. Mr. President, one of the vital issues facing our Nation is reform of financing political campaigns.

Watergate is only the latest demonstration of this long overdue need.

We desperately need to cleanse elections of the corrupting curse of huge private contributions.

I have introduced a Clean Elections Financing Act (S. 2417) to limit an individual's private contribution to any one candidate in a Federal election to $250.

It would also increase public financing of political campaigns by providing Treasury funds through an income tax checkoff system of $2 per taxpayer.

I want to emphasize this would not mean a tax increase. It would merely take $2 of an individual's income tax—which he would have to pay anyway—and earmark it for a specific purpose. In this case, a special fund to help defray election campaign costs.

Many persons have asked:

I already have to pay for your office through tax dollars. Why must I now pay for your political campaign?

My response to that question is this:

It's not my election, it's yours.

No one would advocate that a public official solicit private contributions to pay his salary and office expenses. That would be unthinkable.

But how a man is elected to office is just as important as how he acts after he gets into office. You, the individual citizen and taxpayer, will be much better served by public officials who are elected with the help of your money, rather than the money of a few wealthy individuals or special interest groups.

You must help us get away from the present system that all too often threatens to turn our electoral process over to the highest bidders.

The American people will not have a truly repersentative government as long as powerful special interests are free to pour millions of dollars into political campaigns.

Big money helps put those in office who tend to put special interests before public interests. The only way to clean up the political process—to cure the body politic and remove the insidious influence big money has on our democracy—is to provide substantial financial support for elections from public funds.

America needs a system for encouraging large numbers of small contributions from millions of citizens. But America also will need to supplement

these small private contributions with sufficient public funds so lesser-known challengers can have a fair chance in races against incumbents in office.

Corrupt politics is costing you billions of dollars through unwise subsidies, tax loopholes and other special favors that are often voted into law.

A fairer tax system alone would mean more to the average taxpayer in hard cash than the contribution he would make toward cleaner political campaigns.

NO-GROWTH LEGISLATION

Mr. DOMENICI. Mr. President, I would like at this time to call the attention of my colleagues to the keynote address given by EPA Administrator Russell E. Train at the National Forum on Growth With Environmental Quality held in Tulsa, Okla., on September 24, 1973.

In his keynote address Mr. Train states his view, which I share, that no-growth legislation represents a rigid response to past failures to insure desirable growth, and should be avoided. I further agree with Mr. Train that growth must be measured in terms of social values, and that this measurement can be correct only if private citizens are able to participate confidently and meaningfully in the decisionmaking processes at all levels of Government.

Mr. President, I ask unanimous consent that Mr. Train's address be printed in the RECORD for earnest consideration by this body.

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

KEYNOTE ADDRESS BY RUSSELL E. TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

I appreciate the opportunity to meet with you here in Tulsa on the occasion of this National Forum on Growth with Environmental Quality. The issue has vital implications for our own nation and for the world.

It was almost a year and a half ago that I spoke at Stillwater and called for a national debate on growth. I had hardly returned to Washington from that speech when my good friend, Senator Bellmon, was on the phone saying: "We have accepted your challenge for a national debate" and went on to tell me about the initial plans for this conference. As a result, I am not only particularly gratified for your leadership in bringing this conference together, but I feel a sense of personal involvement in its success.

While this is truly a "national" conference, the fact that it is being held here in Oklahoma inevitably provides a somewhat different perspective to our view of the growth issue than if we were meeting in either New York or Los Angeles. And this is good. It is important that we recognize the wide diversity of values and concerns that are involved. The one thing we should avoid are dogmatic, categorical approaches. We are in a period of evolution of values, and we should both respect and encourage wide diversity of views. Different social and economic groups will inevitably have different perceptions of the costs and benefits of different kinds of growth—or the lack of it. Different geographic areas will likewise differ in their perceptions of these questions. Again, this is as it should be. Beware of insistent voices that tell us categorically what our values should be. Let us adhere firmly to our own values and never hesitate to speak up for them. But let us also be tolerant and understanding of the values of others. They just might be right!

Above all, we need openness of communication on the growth issue and opportunities, such as you are providing here, for a free and honest exchange. This conference can help set both the direction and the tone of such a national dialogue.

During the last four years this Nation has begun a broad, concerted and conscientious effort to clean up its environment. We have moved swiftly to reduce air and water pollution, control pesticides, abate noise, dispose of solid waste, protect wildlife and regulate ocean dumping. We have given strong leadership to international cooperation in some of these same areas. Most of these are relatively simple, preliminary tasks where the objective is not inherently controversial. After all, cleaning up our pollution and managing our wastes is mostly just plain good housekeeping.

The subject of this conference, however, is an entirely different matter. Growth has been associated for over a hundred years with prosperity, expanding opportunity and social progress. It has produced so many benefits, both apparent and real, that for a long time it was as unquestioned as gravity itself.

But throughout the developed world—particularly in Japan, Western Europe and the United States—that attitude is fading fast. Many are beginning to ask whether we should continue to regard growth—of population, of technology, of affluence—as the primary measure of progress. Stated simply, *is more necessarily better?*

Of course, this is a question which has no useful answer unless we can also ask: *"More of what?"* This is just another way of suggesting that the question of growth is not one of absolutes—are we for or against growth? The really meaningful questions go to the kinds and the directions of growth, or, indeed, to the rates of growth.

In the broad sense, concern over the growth issue is closely related to concern over the quality of life, and I am convinced that this issue is emerging as the issue for the rest of the century. Our society is at a juncture where traditional assumptions are being tested by new aspirations, new priorities, and new values. That is why we are here today.

The fact is that growth issues are being hotly debated all across the country, not in abstract, theoretical terms, but in the context of real life concerns—energy needs, environmental protection, land use regulation, etc. And it is in such terms that the issue really comes to life. It seems to me that questions of growth—both how much and what kind—can only be addressed practically within the context of a value system. Thus, the question of whether we should have more or less highways can only be addressed usefully in relation to the values we attach to mobility, landscape impacts, traffic congestion, pollution, etc. And the way we perceive and apply such values must usually be in the framework of actual choices among real alternatives, not as an abstraction.

Again, in the energy field, there is no useful way to address the question of whether to have more or less energy except in terms of the positive and negative value impacts of the various choices. Thus, as our society has come to attach a steadily higher value to clean, healthy air, it has imposed steadily higher controls on sulfur ovide emissions from fossil fuel power generation. Obviouly, such controls—and the underlying values—have important implications for growth, in terms of power plant location and investment patterns.

Our society is addressing growth questions daily both locally and nationally, in our homes and communities as well as in the Congress and Federal agencies. Transportation control plans proposed by the Environmental Protection Agency are a case in point. Growing land use controls, both at the community and State level, are another. Both reflect the new priorities and new values which are rapidly evolving within our society.

It is important, I think, to emphasize the evolutionary nature of these changes in national priorities. They are real but there is still no necessary national concensus on many of the growth issues—both because there is still considerable uncertainty over what it is we really want, and because our newer values have not yet been fully tested in the crucible of hard choice. We are rapidly entering the period of such testing.

For example, I think it fair to say that there is a national concensus in favor of clean air. There is really no argument over the overall objective of air quality. At the same time, when transportation control plans for urban areas are proposed in order to meet the primary, health related, ambient air quality standards by 1975 and those plans call for drastic reductions in automobile driving, there may be a real howl. Plainly, in such cases, the value of clean air has run head-on into the value of personal transportation freedom—or at least sideswiped it! It is also instructive to note that the howl tends to vary in intensity, in different parts of the country—once again attesting to the diversity of value perceptions.

I see the democratic, political process as a critical element in the way we deal with growth questions. Societal values cannot be altered by fiat but only through a complex, evolutionary process of social interaction. This fact underlines the critical importance of fully involving our citizens in decisionmaking in this area.

Once again, I would emphasize that what we are dealing with are choices, which should be based upon a careful analysis of the costs and benefits involved and influenced by value judgments. The economic cost of sprawl and other forms of poor development are usually very real.

In this connection, a growing phenomenon around the country is the local "no-growth" or "controlled-growth" ordinance which, through a variety of mechanisms, seeks to put a lid on further growth. As you know, such ordinances are coming under strong attack in the courts and the legal issues are still to be resolved.

To one way of looking at such ordinances, they represent a sort of absolutist, all-or-nothing response to a complex problem, involving the very kind of rigidity which we should avoid in dealing with social values. On the other hand, such community responses are arising, in my view, for the very reason that land use planning and regulation in this country as a whole have not been the subject of an orderly process which has afforded anything approaching true choice. What many communities have experienced is controlled, undirected growth, without plan or purpose, a process in which permanent choices are made without community involvement. In the absence of a more rational process, it is small wonder that many communities are simply shouting: "Stop!" This is one reason, in my opinion, that it is so important that Congress complete action soon on national land use policy legislation. It is essential that we develop rapidly at the State and local level orderly and effective mechanisms for making rational land use choices.

I was asked just the other day whether I was for or against off-shore oil development, deep water ports, and similar facilities. The answer, of course, is that there are certain places where we should never push them down the throats of communities which are adamantly opposed. At the same time, there are places where such development can be undertaken and in ways which will do minimal harm to environmental and community values and also provide substantial benefits to our society. It is a matter of careful analysis of costs and benefits, and of the

trade-offs. Once again, it is basically a matter of making rational, orderly choices.

Public opposition to such development is sometimes described as emotional and unreasoning. The fact is that we have seldom presented the public with any rational process for participating in the choices involved. As in the cases of uncontrolled, willy-nilly community growth, these kinds of development have just seemed to happen and the public has been confronted with decisions that have already been made. If we are to avoid emotional responses, then I think it plain that we must develop institutions and processes that provide truly effective means for public participation and choice.

Power plant and refinery siting are other cases in point. Some feel that public participation in such matters can only lead to delay. However, these individuals tend to be the same ones who describe public response in such cases as emotional. We can't have it both ways. We need orderly process for making choices, not confrontation. For these reasons, like national land use legislation, we need power plant siting legislation at an early date.

Overall, we need to create a sense of public confidence in the ability of the private citizen to influence the process of decision-making, to bring about meaningful change within the framework of our institutions. The National Environmental Policy Act provides a major reform in this direction. The Act's provision for environmental impact statements is essentially a full disclosure requirement. To an extent unprecedented in our history, government plans are made available *in advance* for public examination and comment. Whatever inconvenience and discomfort this process may occasionally cause government, these are far outweighed in my opinion by the inherent value of public involvement in decision-making. Environmental programs and concerns touch almost every facet of our life. They provide a major opportunity to build a new confidence in the process of government and to bring a new sense of responsibility to our citizens—both individual and corporation—in the whole business of public decision-making. I might add that the impact statement requirement applies to EPA's major determinant of growth patterns. I am determined that EPA do a better job than we have in the past in preparing such statements.

As we daily face the increasing reality of our energy problems, the interrelationships between energy and the environment are very apparent. As we know, almost all forms of energy available to us at this time involve environmental costs of various kinds. Oil involves such costs at the point of production, transportation, and then at the point of use through emissions. Coal involves such costs particularly from the effects of strip mining and the emissions of sulfur oxides and particulates when converted into energy. Nuclear power involves both radiation and safety concerns at various points in the cycle, from fuel production to power production to waste disposal. This is hardly an exhaustive analysis but enough to indicate that the choices are not black and white, but involve careful identification of costs and benefits and of the trade-offs involved. A recent report of the Council on Environmental Quality analyzes the comparative environmental costs of different electric energy systems.

In the long run, I am confident that new technology will give us clean, abundant energy relatively free of the environmental costs we now associate with it. Of course, I suspect that such an abundance of clean energy might well give rise to an unconstrained growth that could carry with it a new range of environmental and social costs. As we develop such new technologies, we should carefully assess their impacts and develop the institutions for dealing with them. The availability of relatively unlimited energy would create a strong imperative for comprehensive and effective land use controls.

In the shorter run, we cannot avoid entirely the environmental costs of energy production and use—but we can minimize them. One of the important opportunities is to conserve energy. The President has called for a new national energy conservation ethic. All of us, in government and in the private sector, should work to give effect to this policy. This is not a matter of curtailing growth. What is really involved is the cutting down on wasteful uses of energy so that it can be applied in more useful and creative ways. Surely, the insulation of a home to prevent heat loss is not "anti-growth!"

Likewise, we must move aggressively to install the technologies and establish the institutions which will reduce the environmental costs of our current energy production and use—effective regulation of strip mining, stack gas scrubbing technology, desulfurization of fuels, auto emission controls, etc. The costs of such pollution abatement are certainly not insubstantial. However, the value of the benefits to be derived far outweigh those costs, and it is in our national interest to get on with this job as rapidly as possible.

As you know, I have been concerned that we not permit our environmental priorities to become the whipping boy for our energy problems. Environmental considerations are a part of our energy difficulties but only a part. Other factors include: poor planning by both government and industry, oil import quotas, price regulation, gas curtailment, international considerations, and failure to make adequate investments for research in new energy sources and technologies. Hopefully, we are making major improvements in these areas. It will ill-serve our real energy needs, if we permit them to distract us from effective action to meet our equally real environmental needs. The environmental problems associated with energy production will not be made to go away by weakening or slowing our commitment to their solution. They will only be solved as we make the investments, do the research, and install the technologies required.

We have all heard it suggested that environmental programs will stop or slow down economic growth. Just the opposite is the case. It is pollution—not its control—that limits growth. The American people will not and cannot tolerate unrestrained activities that adversely affect the public health and welfare. Thus, the truth of the matter is that the real anti-growth forces—however unwittingly—are those who oppose environmental progress.

This point has, I believe, profound implications for any consideration of the interrelationships between growth and environmental quality. The sooner we minimize or eliminate adverse environmental effects, the sooner this country can direct its energies positively and creatively.

There are a number of specific growth issues to which I would hope this conference will devote attention. Let me touch briefly on some of these.

We must develop better measurements of social progress and quality of life than we now have. The much-maligned GNP was never designed for such a purpose and is grossly inadequate to the job.

We need to do far more research on the economic aspects of growth questions, including studies of the economic and other impacts of reduced rates of population growth and of a stable population.

We need to develop institutions in both the public and private sectors to address growth issues. In the Federal Government, we need a focal point for the identification and analysis of long-range trends and their implications for the quality of life. The Council on Environmental Quality would represent an appropriate institution for such a task.

We need to address the global implications of growth issues and open an active dialogue with other nations and regions, both developed and developing. World population trends, agricultural production, and resource utilization must be examined in their totality. We should give some thought to the intense pressures that growing world demand for food will place on our own agriculture, and the stresses on our own environment that will thereby result. We cannot disassociate ourselves on growth issues from the rest of the world.

Finally, we need both individually and as a society to develop a clearer vision of what kind of world it is that we really want. In its absence, the hard choices may only lead to confusion. We need greater certainty as to the values we believe in because from such confidence will come the strength of purpose that will direct growth to the ultimate service of the quality of life.

INFLATION WORKS HARDSHIP ON AMERICAN FAMILIES

Mr. SYMINGTON. Mr. President, I recently received a letter from a woman in Fenton, Mo., which demonstrates the sad and unfortunate effects of inflation on many American families.

This lady wrote that the cost of living has now risen to a point where her family can no longer afford their mortgage payments; and therefore must sell their home.

The letter of my constituent describes graphically what continuing price increases mean to many individuals.

I ask unanimous consent that the contents of the letter in question be printed in the RECORD.

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

SEPTEMBER 7, 1973.

DEAR SENATOR SYMINGTON: I'm writing this letter to ask you to please help the people in America who are trying to raise a family.

Three years ago we bought a very modest home. We took payments of $181.00 a month. With careful planning we could make the payments. But then prices started soaring and our income didn't. So today we had to put our home up for sale. We are going to be moving in with my husband's sister who is facing the same problem. Together maybe we will be able to feed and clothe our children. So please try to help us. We and millions of other Americans need help now.

WAR POWERS BILL A LANDMARK MEASURE

Mr. SCHWEIKER. Mr. President, the House of Representatives today has followed the Senate's lead by passing the conference report on a landmark measure—the war powers bill. During the original Senate debate, and again during consideration of the Senate-House conference report on the bill, I have voted for the strongest possible war powers bill. The measure represents the intention of the Congress to return the constitutional power to declare war to the people—through their elected representatives in Congress—and to end the dangerous constitutional imbalance which has developed in the relationship between the executive and legislative branches of our Government.

The War Powers Act, which I have been proud to cosponsor in both the 92d and 93d Congresses, is a thoughtful and responsible attempt to return to Congress the war powers bestowed upon it by our

Founding Fathers. The framers of the Constitution were quite precise in their definition of warmaking powers. The President would have the power to declare war to repel sudden attacks. The Congress would have the authority to initiate war and to give 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, Congress has the authority to initiate war and the President has the authority to conduct it.

The purpose of the bill, therefore, is to reconfirm and define the constitutional authorities of the President and Congress with respect to "undeclared" wars. It does not intend to undermine the ability of the President to respond to emergency situations.

As has become tragically self-evident, the balance of power so carefully defined by our Founding Fathers has gradually eroded to the point where this Nation has engaged in two "undeclared" wars in the last 20 years. Two generations of American husbands and sons gave their lives in the Korean and Vietnam conflicts, and in neither instance did the people—through their elected representatives—assent to the commitment of U.S. military forces.

As a Senator who supported each and every congressional attempt to end U.S. military involvement in Southeast Asia, I view the war powers bill as an effective means of eliminating future Koreas and Vietnams. The War Powers Act would assure that any future decision to commit the United States to any warmaking must be shared by Congress to be lawful.

As agreed upon by the joint Senate-House conference committee, the war powers bill requires that the constitutional powers of the President to commit U.S. forces are to be exercised only if Congress declares war or if there is an attack on the United States, its troops or its territories. If the President sends troops into combat without a congressional declaration, he must notify Congress within 48 hours. He must withdraw those troops within 60 days unless a majority of both the Senate and House approve a continuation of the commitment.

The initial 60-day period can be extended to 90 days if there is an "unavoidable military necessity respecting the safety of the U.S. Armed Forces." However, if Congress wishes to end the hostilities before the 60- or 90-day deadlines have been reached, it can order the President to cease by concurrent resolutions, which does not require a Presidential signature and cannot be vetoed.

Mr. President, the United States can no longer afford to be the world's policeman. International political problems are too complex for us to overextend ourselves by trying to put out everyone's fires around the globe. Our own strategic interests must be considered first and foremost.

The Vietnam war divided our country partly because it was never given the moral sanction of the American people. Congress must share the responsibility for international conflict with the Executive, and the war powers bill is a dramatic step forward to restoring this collective accountability.

I am hopeful that this measure will be signed into law and, thereafter, serve as an important check to help avoid future Vietnams.

AND NOW, LET A KIND WORD BE SPOKEN

Mr. HUGHES. Mr. President, it is my privilege to join with two distinguished colleagues, Senator McGOVERN and Senator CLARK, in paying tribute to one of the most remarkable individuals I have ever known, Maurice A. TePaske, on the occasion of his retirement from the office of mayor of Sioux Center, Iowa, after 34 years of continuous service.

I have known Maurice TePaske for many years. We come from the same part of the State and in that region of northwest Iowa, he has, for decades, been a living legend of public service and of civic and spiritual leadership.

Too often we are given the impression that the small rural communities of America are drab, unimaginative, down-at-the-heels places where little exciting ever happens and progress is a forgotten word. Along with numerous other small communities in Iowa, Sioux Center is the contradiction of this widely held image. It is a thriving community of beautiful churches and schools, and well-kept homes, with the best in utilities and other public services, libraries, recreational facilities, and boulevard-wide paved streets throughout the community that would be the envy of many metropolitan centers. The people are thrifty, industrious, church-going folks, largely of Dutch extraction, who, along with their rural neighbors of the area, enjoy the amenities provided by good local government and community leadership. All this, of course, did not just happen and at the forefront of the reasons it came about this way is the untiring dedication to the community, through the years, of Maurice TePaske. Sioux Center has become a prototype of the best in small rural American communities where gracious living and civic progress go hand in hand.

Choosing to remain in his home community and to make it ever a better place in which to live, Mayor TePaske has projected his image from this sturdy local base to State and National levels. He is a national leader of the Reformed Church of America, a nationally recognized attorney, a small-town mayor whose voice is heard in the National League of Cities, a ranking spokesman for municipal utilities, a long-time political leader, a strong influence for rural-urban harmony.

Those who hear Maurice TePaske speak from a public platform do not forget his fiery eloquence. He quotes the Bible and Shakespeare with unerring aptness, in the old style, and at the same time keeps his mind sharply tuned to new ideas and modern thinking. Although he sets stern goals and moral standards for himself, he is a man of compassion and forgiveness and an inveterate worker for peace and conciliation.

Maurice is retiring from the office of mayor but no one who knows him will be deluded into believing that he is retiring from public service. He will devote more time to his lovely family, no doubt, and this is a well-earned reward for a devoted family man. But also, I know he will be moving on to other areas of spiritual leadership and of service to his fellow human beings. For this man from the land of the feed grains and the beef cattle is driven like a prophet of old to preach the gospel of honest government, quality life, and high moral purpose for America.

It is revealing of Maurice TePaske's character that for years he has kept on the wall of his office a plaque bearing a quotation he had often heard from his mother, who, by the way, was an attorney like husband and son. The quotation reads, as I recall it:

* * * and now, let a kind word be spoken.

Mr. President, among the many tributes paid to Mayor TePaske following his announcement of his intended retirement, one of the best is an editorial in the Sioux City Journal of September 24, 1973. I ask unanimous consent that this editorial be printed in the RECORD.

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

SIOUX CENTER'S MAYOR

Sioux City, and indeed all of Iowa, joins Sioux Center in regretting the decision of a dynamic leader to step down after 34 years as mayor of that thriving Northwest Iowa community. But Maurice TePaske can be counted upon to continue energetic stewardship in a wide array of good causes.

The nationally recognized attorney holds two firsts in the mayoralty field. When he took office in 1940 he was the youngest mayor in Iowa. His 34 years in that office currently gives him the record for the longest period in that post.

In those 34 years, Mayor TePaske was opposed but once, attesting to the broad popularity base he enjoys.

The mayor's late father, also an attorney, served in the same Sioux Center office for 16 years.

Credentials in the civil, religious and political contributions of Mayor TePaske are extensive indeed, too extensive for elaboration. As an active member of the First Reformed Church of Sioux Center, he currently is serving his second six-year term on the executive committee of the General Synod of the Reformed Church of America. Other national posts include boards of the National Council of Christian Churches and Pine Rest Hospital, Grand Rapids, Mich. Regionally, there was the board of the Missouri Basin Municipal Power Agency.

With a full agenda of community and area Indian assignments to his credit the Sioux Center Mayor's contribution to state growth and planning also is outstanding, and has won him the respect and admiration of Iowa's mayors.

Mayor TePaske's visits to Sioux City are remembered well, for he is a sincere and dynamic speaker and crusader.

His dedication and desire to serve can best be exemplified by his own words in explaining why he decided to run for mayor at the young age of 24: "I figured if I were going to live here the rest of my life, I should help make Sioux Center the best possible place to live."

THE FIRE PREVENTION AND CONTROL ACT OF 1973

Mr. BEALL. Mr. President, on October 11, 1973, the Committee on Commerce ordered reported S. 1769, the Fire Prevention and Control Act of 1973. This action is especially fitting in light of

the fact that this is National Fire Prevention Week. National Fire Prevention Week was established to focus attention on the senseless destruction and hardship caused by fire which befall many Americans each year.

The current phase of the effort to mobilize Federal resources in the cause of fire prevention and control began with the enactment of the Fire Research and Safety Act of 1968. Under the provisions of this act, the President established the 20-member National Commission on Fire Prevention and Control. In addition to the 18 public members appointed by the President, the Secretaries of Commerce and Housing and Urban Development served in an ex officio capacity. There were four congressional advisory members, two appointed by the Speaker of the House and two appointed by the President of the Senate. The distinguished chairman of the Senate Commerce Committee (Mr. MAGNUSON) and the senior Senator from Alaska (Mr. STEVENS) represented this body on the Commission.

The mandate of the Commission was to undertake a comprehensive study designed to determine effective measures for reducing destructive fires in this Nation. On May 4, 1973, Richard E. Bland, Chairman of the National Commission on Fire Prevention and Control, transmitted the final report entitled "America Burning" to the President, S. 1769, the legislative proposals that were developed as a result of the Commission report, was introduced on May 9, 1973, by Senator MAGNUSON. It has subsequently been cosponsored by 18 Senators, myself included. Full Commerce Committee hearings were held on September 24 and 26; and it was my pleasure to chair the second day of hearings. Work on the bill was completed in two executive sessions, October 9 and 11, and the legislation will soon be ready for action by the Senate.

Mr. President, I am pleased, as a cosponsor and strong supporter of S. 1769 to note that this very positive action on the part of the Senate Commerce Committee clears the way for prompt Senate action on a bill that promises to reduce the unbelievable damage done each year by destructive fires in the United States. Even if the Fire Prevention and Control Act is only moderately successful in its objective of reducing our Nation's annual losses in destructive fires, it will more than pay for itself. I expressed my views in greater detail, relative to this matter, during my opening statement at the Commerce Committee hearings on September 26, 1973. I ask, Mr. President, unanimous consent that the text of my statement be printed in the RECORD at the conclusion of my remarks along with a title-by-title summary of the Federal Fire Prevention and Control Act of 1973, as it was reported from the Commerce Committee.

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

OPENING STATEMENT BY SENATOR J. GLENN BEALL, JR.

It is a pleasure for me, as a cosponsor and strong supporter of the Fire Prevention and Control Act of 1973, to chair the 2nd day of hearings before the Senate Commerce Committee on this legislation.

There is an old adage that goes "When your neighbor is unemployed, it is a recession—when you are unemployed, it is a depression." Something of the same rationale summarizes the way each of us feel regarding fire hazards. If most of us think about the fire danger at all, it is probably when (a) fire touches us or our friends or loved ones, (b) when there is a fire in our neighborhood, and (c) when we make the annual payment on our fire insurance policy. In spite of the horrendous losses in terms of the needless loss of life, the almost unspeakable injuries, and the extensive destruction of property; we have still not made the type of national commitment that is needed to begin curbing this menace. While this hearing is in progress, between 600 and 900 destructive fires will occur somewhere in the United States. Between $600,000 and $900,000 worth of property will have been destroyed, 2 to 3 people will have died, and between 68 and 102 people will have been injured.

On an annual basis, nearly 12,000 Americans will lose their lives in 1973. An additional 300,000 Americans will be injured and 1 out of 6 of these (50,000) will be hospitalized for a period ranging from 6 weeks to 2 years. The more seriously burned may be disfigured and/or disabled for life in spite of advances in corrective and plastic surgery. At least $11.4 billion worth of property will be destroyed this year, and we are unable to accurately calculate the additional losses that occur from lost jobs and interrupted business activity. The United States has the dubious distinction of leading the industrialized world in fire death and property loss per capita. The United States sustains 57.1 deaths per million people which is nearly twice that of second place Canada (29.7 deaths per million).

We should also note that our Nation's 2.2 million fire fighters are engaged in the most hazardous profession of all. Their death rate is at least 15 percent greater than that of the next most hazardous occupation, mining and quarrying. Fire fighting is probably always going to be an especially hazardous profession. What is needed is a concerted national effort to promote programs of fire prevention and to mobilize the technological resources of this nation to improve our ability to combat fires. Such programs would greatly contribute to the safety of our fire fighters.

S. 1769 represents an important step in focusing and mobilizing the resources of the Federal Government on the problem of fire prevention and fire control. The United States Fire Administration would have the primary responsibility for developing and coordinating federal programs in this area. The Administration would contain a National Fire Academy which would facilitate the training of fire fighting personnel, a National Fire Data System which would give us a better and more accurate scientific evaluation of fire damage in this country, a research and development division which would address itself to the need to develop new methods and new technology in the field of fire prevention and control, and a program for state and local grants which would encourage the development of comprehensive fire control programs at the state and local levels. The legislation also addresses itself to the need to expand public education programs in fire safety, strengthen the National Bureau of Standards, improve programs on burns and burn treatment, and so forth.

The intricacies of this legislation have been covered in considerable detail by preceding witnesses, and it is not my desire to prolong these hearings by the needless repetition of the merits of its provisions. I would however, like to comment on one area of concern I have about the position the United States Fire Administration will have within the overall Federal bureaucracy. I believe the best way to explain my concern is to outline briefly a scenario which comes to mind as a result of my service as the Ranking Minority Member on the Labor and Public Welfare Committee's Subcommittee on Aging.

In 1965, when the Older Americans Act was first passed, it created the Administration on Aging within the Department of Health, Education, and Welfare. The Administration was to be headed by a Commissioner on Aging who would be appointed by the President with the advice and consent of the Senate. In 1967, just as the Older Americans Act was being fully implemented, the then Secretary of Health, Education, and Welfare made the decision to place this agency in the Social and Rehabilitation Services. SRS, which is primarily responsible for HEW's Income Maintenance Programs (welfare), is headed by an administrator who is appointed by the Secretary without Senate confirmation.

The Commissioner on Aging, who is a Presidential appointee vested with broad authority to mobilize and coordinate all federal activities in the field of aging, was "buried" deep within the departmental bureaucracy. Thus, he was clearly unable to carry out his functions in accordance with the mandate of Congress. In the 1973 Amendments to the Older Americans Act the Congress specifically moved the Administration out of SRS and placed it "in the Office of the Secretary"

In supporting S. 1769, it is my desire to see the Federal Government create an operating agency that will be able to provide the necessary grants and the necessary leadership and the necessary information for our state and local governments to begin a concerted effort to reduce the unacceptable fire losses that our nation sustains each year. To insure that this administration has the visibility and independence of operation that is needed to carry out its mandate, I think it is important for the Congress to resist pressure from the Department and from the Office of Management and Budget for flexibility in the placement of this agency. If I were a cabinet Secretary, I would energetically resist efforts by the Congress to orga nize my department by statute. But, as a United States Senator, I am seeking to establish what I believe to be an important priority for the welfare of the people of Maryland, and the Nation. To achieve this goal, I believe that the United States Fire Administration must be an entity unto itself within the appropriate Department of Housing and Urban Development and the Administrator should report to the Secretary or the appropriate assistant secretary.

I wish to commend Chairman Magnuson and Senator Stevens for the leadership they have provided both as sponsors of this legislation and as the two Senate representatives on the National Commission on Fire Prevention and Control whose activities led to the development of this legislation. I hope that this committee and the Congress would expedite consideration of the Fire Prevention and Control Act of 1973 so that we can begin the task of saving thousands of lives, preventing tens of thousands of useless injuries, and the useless loss of bililons of dollars each year.

SECTION-BY-SECTION SUMMARY OF S. 1769 AS REPORTED BY THE COMMITTEE ON COMMERCE

Sec. 1. Short title, "Federal Fire Prevention and Control Act".

Sec. 2. Declaration of Congressional findings and the purposes of the Act.

Sec. 3. Definitions of terms used in the Act.

Sec. 4. Establishes within the Department of Commerce an Assistant Secretary for Fire Prevention and Control who shall be responsible for carrying out the provisions of this Act and who shall be guided by the recommendations of the National Commission on

Fire Prevention and Control, insofar as practicable.

Sec. 5. Directs the Secretary to establish a National Program for Fire Prevention and Control consisting of a National Academy for Fire Prevention and Control, research and development programs, a national data center on fire prevention and control, fire service assistance programs, State demonstration projects, and citizens' participation programs.

Sec. 6. Authorizes the establishment of the National Academy for Fire Prevention and Control and authorizes the Academy to conduct appropriate educational and research programs to train fire service personnel, develop training programs, administer a program of correspondence courses, and reduce the nation's fire problem.

Sec. 7. Authorizes the Secretary to conduct a program of basic and applied fire research; research into biological, physiological, and psychological factors affecting human victims of fire; and studies of the operations and management aspects of fire services.

Sec. 8. Authorizes the Secretary to organize an annual conference on fire prevention and control.

Sec. 9. Authorizes the Secretary to operate a comprehensive fire data program designed to provide an accurate national picture of the fire problem.

SEC. 10. Authorizes the Secretary to assist the nation's fire services through grants, contracts, or other forms of assistance to develop technology to improve fire prevention and control.

Sec. 11. Authorizes the Secretary to establish master plan demonstration projects and authorizes an appropriation of $10 million for the purpose of awarding project grants.

Sec. 12. Authorizes the Secretary to conduct citizens' participation programs.

Sec. 13. Fiscal and firefighter studies.

Sec. 14. Annual report by the Secretary on activities pursuant to this Act.

Sec. 15. Administrative provisions.

Sec. 16. Establishes honorary awards for the recognition of outstanding and distinguished service by public safety officers.

Sec. 17. Authorizes appropriations for $25 million for fiscal 1974, $30 million for fiscal year 1975, and $35 million for fiscal year 1976.

Sec. 18. Conforming amendments.

Sec. 19. Directs the Secretary of Health, Education, and Welfare to establish, within the National Institutes of Health, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires; and authorizes $7.5 million for fiscal year 1974, $10 million for fiscal year 1975, and $10 million for fiscal year 1976 for this purpose.

Sec. 20. Amends the National Housing Act to authorize the Secretary of Housing and Urban Development to make loan guarantees for the purchase and installation of fire safety equipment in nursing facilities.

DEATH OF JAMES COPLEY, PUBLISHER OF COPLEY PRESS, CALIFORNIA

Mr. CRANSTON. Mr. President, with the death of James Copley, publisher of the Copley Press, California has lost an enterprising, creative newsman.

Jim Copley was a newspaperman of the old school who believed strongly in the people's right to know and a newsman's duty to get the facts and tell the truth.

He was a man of strong beliefs who defended the right of the press to speak out on all of the issues.

He left behind a vigorous news organization that is known and respected all over the United States. We will miss Jim Copley's strong voice and his able leadership.

TRIBUTE TO TOM VAIL

Mr. JAVITS. Mr. President, on September 18, a young and dedicated public servant lost his battle for life against a long and painful illness. Tom Vail, Chief Counsel of the Senate Finance Committee, will be sorely missed both by the Members of the Senate and the Nation.

We have all benefited from his expertise and knowledge gained in the 22 years since he first served on the Joint Internal Revenue Taxation Committee in 1951. His vast understanding of the intricacies of complicated tax matters, together with administrative ability which enabled him to assemble one of the most competent and cooperative staffs in the Congress, was instrumental in drafting and guiding the crucial tax legislation of the 1960's through the Congress. Never was this more evident than during the long and tedious debate on the Tax Reform Act of 1969 when his capabilities and those of the committee were equally accessible to committee members and noncommittee members alike.

It is, of course, always tragic when one so young loses his life and we can only hope that his family and friends will take consolation and pride from his extraordinary contributions to his country during his all too short lifetime. Mrs. Javits joins me in extending our profound condolences to Mrs. Vail and the Vail children.

NASA

Mr. MOSS. Mr. President, NASA has entered its 16th year with responsibility for the objectives set forth in the National Aeronautics and Space Act of 1958. Pursuit of these objectives has placed this country foremost among nations in aerospace science and technology, and has made countless positive contributions to international trade, new products, new materials, new processes, international cooperation, education, employment, and much more.

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

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

Recent years have seen rapid change in the character and health of that industry—

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

United States balance of payments in aerospace products was more than $3 billion on the positive side in 1972;

Imports of foreign aerospace products have grown 700% since 1958;

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

I believe that, as we enter the 16th year of NASA, it is both important and timely to assess our future capabilities to meet our stated national objectives in aeronautics and space. To begin this assessment, the Committee on Aeronautical and Space Sciences opened hearings on September 26 and 27 to inquire into the state of the aerospace industry, its importance in achieving the goals listed in the NASA Act and the relevance of these goals to our Nation's future.

In short, we want to know where we stand today, where we want to go, and where we are going.

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

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

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

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

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

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

During the hearings of the Senate Aeronautical and Space Sciences Committee on September 26 and 27, eight distinguished gentlemen representing a cross section of American aerospace leadership provided their views. The aerospace leaders who appeared were: Karl G. Harr, president, Aerospace Industries Association; David S. Lewis, chairman of the board, General Dynamics Corp.; O. C. Boileau, president, Boeing Aerospace Corp.; Thomas G. Pownall, president, Martin Marietta Aerospace; Sanford N. McDonnell, president, McDonnell Douglas Corp.; William B. Bergen, president, North American Aerospace Group; Daniel J. Fink, vice president, Space Division, General Electric Co., and Werner von Braun, vice president, Engineering and Development, Fairchild Industries, Inc.

I can report, Mr. President, that without exception all of the witnesses expressed the view that the objectives of the National Aeronautics and Space Act of 1958 set by Congress 15 years ago were remarkably farsighted. All felt that these objectives have served this country far beyond their expectations. This view was well expressed by Mr. Bergen when he said:

> The Act and the implementation of the objectives of the act by the Space Agency must be measured at this point as an outstanding success, perhaps one of the clearest cases of success in the last two decades.

All witnesses moreover voiced with great concern the erosion of technology in this country. An ominous warning was given by Dr. Werner von Braun when he said:

> World leadership and technological leadership is inseparable. A third-rate technolog-

ical nation is a third-rate power; politically, economically and socially.

The testimony before the committee on September 26 and 27 was of sufficient importance that I will now provide highlights from the testimony of our eight witnesses.

Karl Harr, president of the Aerospace Industries Association of America said:

The Aerospace industry constitutes a vital and unique national resource which has been hard earned by the American Engineer, the American scientist, the American manager, the American laborer, and last, but not least, the American taxpayer.

He indicated that the industry today is lean but strong. He further indicated belief that the U.S. technological capability is still unsurpassed, but warned that—

The underpinning of strong research and development programs—vital to our technological advance—is being down-graded to a serious degree. There is an alarming scarcity of private sources of financing for the development and production of new commercial aircraft. . . . As a nation we are simply not investing research and development, either publicly or privately, to a degree commensurate with coming needs.

He then indicated:

We in the industry feel that the R. & D. problem can only be remedied by a reaffirmation of R. & D. as a top national priority.

Mr. Harr suggested that a broader utilization of NASA might be appropriate, saying:

It could help minimize waste and scarce financial resources and make the best use of the nation's capabilities and manpower in attempting to deal with certain pressing socio-economic problems.

David Lewis, Chairman of the General Dynamics Corp., indicated relative to the objectives of NASA:

I believe very strongly that our continued ability to attain those goals can have profound impact not just on the aerospace industry but on our entire national economy.

Like Mr. Harr, he was concerned with the loss of momentum in research and development. His concern took a slightly different turn when he said relative to international technology outflow:

I believe we have reached a point where our possibly overly active cooperation is threatening our technology leadership.

He went on to say:

With the outflow of our technology over the past years to other nations of the world we have helped create competition which now threatens our own industrial and national economic health. This has been true in such fields as electronics, manufacturing techniques and in particular commercial aircraft.

This in itself would not be bad, except for two things. First, there is a retreat from adequate research and development activity in this country, and, second, a number of foreign countries are actively subsidizing the efforts of their industries to capitalize on their new-found competence. . . . I believe one of this Committee's primary concerns must be the preservation of the United States as the world's leader in technology. I believe that role is threatened not only by foreign achievements, but by our own reduced efforts in research and development.

And again I quote him:

Unfortunately, the arbitrary cuts in research and development funds that have been ordered are rapidly leading to serious imbalances in individual companies' abilities to maintain the technical expertise required to support our highly competitive aerospace industry.

O. C. Boileau, president of the Boeing Aerospace Co., said that the objectives of the National Aeronautics and Space Act of 1958 did not need to be significantly amended in his opinion. He, however, said:

The problems that had been encountered and that are foreseen result from the means used to implement these objectives rather than the objectives themselves. I do believe it would be beneficial to expand the specific wording of the NASA Act to delineate in more detail the responsibilities and authority of NASA and the working relationships with other government agencies.

He said that the costs of new airplane developments have increased much more rapidly than the assets of United States companies. This, he indicated, has placed us in an adverse competitive position since individual private American companies must now compete with foreign consortiums financially sponsored by their governments.

He indicated that—

Sooner or later, the large development funding provided by foreign governments to their aerospace groups is going to result in competitive airplanes. . . . Our foreign competitors are supporting vigorous research and development programs aimed at further strengthening of their high-technology industries, including civil aviation.

Mr. Boileau advocated an American commitment to aerospace science and technology. He also expressed concern for a balanced space program. He felt that a balanced program would contribute to an environment in which people want the products of an aerospace industry and that in turn would stimulate the desire for even more such programs.

Mr. Thomas Pownall, President of the Martin Marietta Aerospace said that—

NASA has been success-oriented from the start, and, in my opinion, it has used its budget most effectively. Time and again when faced with critically adverse situations, the true measure of the NASA team has become apparent. . . . Our space program has reached a plateau of capability and accomplishments which few thought attainable in such a short span of time. It achieved these heights on the technological stepping stones of a wide variety of successful programs.

He regarded as paradoxical the fact that—

NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its endeavors just at the moment of its greatest successes to date.

Mr. Pownall felt that the shuttle program offers tremendous opportunities for NASA to aid in the energy crisis, mineral shortages, food shortages and in countless other ways. He indicated that although we can estimate the potential promises of space that we cannot foretell when new incredible dividends will emerge. He pointed to the lessons in history which teach that expanding the frontiers of knowledge enables us to develop solutions to problems of which we may have been previous unaware.

Mr. Sanford N. McDonnell, president of the McDonnell Douglas Corp., expressed great concern at the appalling squandering of our own human resources that were built up in the space program. He said:

The need for a new definition of the national space program is evident from the history of our space effort which is instructive in contemplating where we should go from here.

Mr. McDonnell stressed the need to provide an increased and stable budget for NASA for the coming years. He said balanced programs in addition to development of the space shuttle itself should include continued development of scientific and commercial payloads for the shuttle over the next several years. Mr. McDonnell indicated that:

Until the shuttle arrives on the scene, we must ensure that we have exploited fully programs already active as well as preserving continuing options that will support its eventual operational capability. . . . Such options should include the logical continuation of manned activities. . . . In particular, we should never allow ourselves to be without cost-effective transportation to synchronous orbit where to date some of the greatest utility exists for producing benefits to man on earth.

Mr. McDonnell told the committee that efforts to stabilize U.S. aerospace industry are essential.

This stability cannot come until there is some evidence that the nation stands behind its space objectives. . . . The risk of program reduction and cancellation is too great for mature business and is detrimental to hiring and retaining good employees.

In my opinion, the budget levels to which NASA is being held discourage viable long-range planning which in turn can result in continuing decline of our space capability.

What we need, he said—

Is both long and short range programs conducted within a pattern of reasonably stable budgets. Such stability would free us from the inefficiency that inevitably accompanies stop and go, up and down programming. We should establish a level of activity commensurate with our true national interests and stick to it rather than having our program established on the basis of reaction to the accomplishments of others.

William Bergen, president, North American Aerospace, indicated a belief that the outstanding success of NASA and its aerospace supporting complex has been due in large measure to direction and management by a single Federal agency charged with achieving a specific objective on a given schedule within a specified budget.

He said:

International cooperation and goodwill is one of the greatest indirect benefits of the space program. Our efforts are being conducted openly and cooperatively, and the benefits are being shared with other nations. . . . The Apollo-Soyuz Test Project must certainly rank as one of the key steps in the long-range objective of reducing tension between ourselves and the Soviet Union and in developing a stable and mutually constructive relationship.

Mr. Bergen, like others, cited growing international competition which is becoming more severe saying:

We are having to compete with situations where other governments directly support products placed on the international market.

Concern over erosion of the Nation's technological base was highlighted by suggesting that we should maintain the NASA activity at a level that helps to

stabilize this resource and optimize its capabilities.

Mr. Bergen indicated a belief that the National Aeronautics and Space Act has served this Nation well saying—

Teamwork is perhaps the most distinctive keynote of complex aerospace projects. Once assembled, organized, and functioning efficiently, these teams represent tangible national assets of incalculable value.

He then said:

We would like to offer for your consideration some modified objectives to stress the aspirations of society, recognize what has been accomplished, and perhaps better illuminate the way ahead.

A further suggestion included consideration of utilizing NASA in the role of technology "problem solver."

Daniel Fink, vice president of General Electric and general manager of the Space Division said that he believed that—

The single most important modification to the goals of the 1958 Space Act should be recognition of the tremendous potential to our citizenry of space system applications and the provision for their expedient realization.

He recommended that:

More general recognition could be given to NASA's responsibility to bring such programs to quasi-operational status matched to the capabilities of the user. . . . It would encourage the using agencies to make best use of NASA's capabilities, with a division of responsibilities similar to that which now prevails in the meteorological satellite program.

Mr. Fink like other witnesses, touched upon the subject of foreign cooperation and technology transfer saying:

I know that most of us favor international cooperative space ventures so long as they are backed by an aggressive research and development program of our own. We only fear cooperation when we give away our technology with nothing coming in to fill the pipeline.

He specifically questioned the wisdom of divorcing NASA from communication satellite research and development. The likely outcome of this he said—

Is that the ongoing, foreign government-sponsored programs, and not U.S. private industry, will assume the R. & D. prerogative.

He summed up our posture on the present status and future trend of our aerospace policy by saying—

For 15 years, NASA has done an admirable job as implementor, the do-it agency that designs and executes programs of wide national interest. . . . NASA also has a role as a facilitator, providing a technical base for the use and participation of other organizations in space activities. . . . Today we need the same imagination and flexibility to apply what we have learned to the betterment of the human condition all over the globe. We think the same NASA-industry team, operating in the same productive relationship, can do this job if it is once more given the right mandate.

The eminent Dr. Wernher von Braun, who is now vice president for engineering and development of Fairchild Industries sounded the warning which I quoted earlier and now repeat:

World leadership and technological leadership are inseparable. A third-rate technological nation is a third-rate power; politically, economically and socially.

He went on to say:

That is the reason that I have always felt that the National Aeronautics and Space Administration, which has rightfully been called the "cutting edge of our technological progress", bears a grave responsibility for the future of our nation. Whether we like it or not, ours is a technological civilization. If we lose our national resolve to keep our position on the pinnacle of technology, the historical role of the United States can only go downhill.

Dr. von Braun commented on the Space Shuttle that it is—

A good example of a wealth producing program. And we will continue to need promising wealth producing programs to support our direly needed social programs.

Like other witnesses, Dr. von Braun expressed concern about the discontinuing of NASA research in communications satellites. He put it this way:

If NASA were to permanently discontinue its pioneering technology work in the communications satellite area, it would virtually reverse that FCC policy and give the game back to the established monopolies who, in view of their vast investments in old-fashioned wire communications, never had much of an incentive to explore the satellite potential in the first place.

He emphasized the potential of communications satellites by saying:

Human language evolved because man felt the need to communicate information and abstract ideas. Communications satellites will enable man to carry education and enlightenment to the remotest hamlets. Thus, space development—once derided as luxury which only the richest nations can afford—is beginning to provide the only solutions to one of the most difficult problems facing all nations—rich and poor alike—effective communications.

Mr. President, the wealth of information provided during these hearings is still being analyzed by the Committee on Aeronautical and Space Sciences. I will provide further reports as that analysis proceeds.

However, one fact was highlighted during the hearings—the unique capability created by NASA over the past 15 years is a critical national resource. If we as legislators do not assure its adequate utilization in the future, we will be derelict in our duty to the Nation.

AEC COMPLAINS ABOUT NUCLEAR "SURPRISES"

Mr. GRAVEL. Mr. President, the essence of the argument put forth by nuclear power advocates is as follows: We know that nuclear power is a highly dangerous technology, so we are exercising extreme care. In no other technology has man ever made such an effort to think of everything which could go wrong and engineer a fix for it. We have thought of everything, including human error. Trust us.

Do the nuclear power experts have a performance record which inspires confidence?

The first week in October 1973 the AEC's Director of Regulation admitted to the Joint Committee on Atomic Energy that—

I'm really concerned about some of the surprises we see.

Me too.

A partial listing of recent surprises which our nuclear experts failed to foresee, would include the following:

First. Failure of the vital emergency core cooling system to provide AEC experts with assurance of effective performance; the system, which has never had a large-scale test, failed six out of six miniscale tests in late 1970.

Second. Unexpected densification of nuclear fuel, one of the most tested elements of the whole nuclear power system; this discovery forced the AEC to cut back permissible power levels by 5 to 25 percent at 10 nuclear powerplants on August 24, 1973.

Third. Confirmation by the National Academy of Sciences in November 1972 that low-level radiation exposure is at least 500 percent more harmful than the experts had previously admitted; this surprise had already forced the AEC to suggest drastically reduced "permissible emissions" from nuclear powerplants.

Fourth. Discovery in 1972 of inexplicably high levels of strontium-90 near the Shippingport nuclear powerplant, the Pennsylvania plant which has been cited for so long as the cleanest in the country.

Fifth. Discovery in 1971 that the allegedly watertight salt mine chosen for radioactive waste storage in Kansas was full of holes; the AEC has been forced to improvise "surface storage" plans.

Sixth. "Discovery" in 1972 that the AEC had buried enough plutonium waste to make several Nagasaki atomic bombs in a single trench at Hanford, Wash.; "due to the quantity of plutonium contained in the soil of trench Z–9, it is possible to conceive conditions which could result in a nuclear chain reaction," said the AEC, which is now going to dig it up.

Seventh. Revelations in 1967, 1970, and 1973 that some radioactive poisons have already traveled underground from Hanford and entered the Columbia River.

Eighth. Discovery in 1972 that nuclear engineering firms have built the Prairie Island and Kewaunee plants with steam lines running underneath the control rooms, where a rupture of a line could destroy the controls and kill the nuclear plant operators; extensive modifications will be required in about six plants.

Nine. Discovery that a 600-megawatt nuclear powerplant, Dresden II, was virtually out of control for 2 hours in June 1970 after one meter gave a false signal and another monitor got its pen stuck; the incident resulted in radioactive iodine escaping into the plant's drywell at 100 times the permissible concentration, and shutdown for repairs.

Ten. Discovery from the same Dresden incident that serious situations can result from too much water in the cooling system as well as too little; see the CONGRESSIONAL RECORD, volume 118, part 8, pages 9485–9489.

Eleven. Discovery in 1972 that rupture of the reactor pressure-vessel cannot properly be dismissed as an impossible kind of accident in all nuclear powerplant licensing hearings.

Twelve. Discovery by the North Anna Environmental Coalition in August 1973 that two nuclear powerplants in Virginia have been built on an earthquake fault in undeniable violation of AEC policy.

ADDITIONAL SURPRISES: SKYJACKERS AND BOMBERS

Apparently nuclear experts did not foresee, either, that on November 11, 1972, three skyjackers would threaten to bomb the nuclear reactor at Oak Ridge, Tenn.; helpless, the AEC shut down its reactor and evacuated. The skyjackers did not carry out their threat.

Presumably, the nuclear experts also failed to think of the bizarre possibility that our own Strategic Air Command would use a nuclear powerplant as a practice plant on simulated low-level bombing runs. Nevertheless, a SAC heavy bomber on such a mission crashed into Lake Michigan about 60 seconds away from the Big Rock nuclear powerplant on January 7, 1971, as reported in the Detroit News of January 9, 1971.

It is clear that nuclear experts do not and cannot think of everything. It would be impossible.

Engineers have a saying which applies to nuclear powerplants as well as other engineering wonders: "If anything can go wrong, it will go wrong."

PRODUCING NUCLEAR PLANTS LIKE CARS

I cannot agree with Representative CHET HOLIFIELD of the Joint Committee on Atomic Energy about the proper approach to nuclear power. On September 27, 1973, Mr. HOLIFIELD urged that we speed up the construction and standardization of nuclear powerplants so that they can be "turned out like autos."

In 1971, the auto manufacturers had to recall more defective vehicles than they produced. The figures were 8.8 and 8.6 million respectively. In 1972, their performance was 8.8 million produced and 7.8 million recalled.

Mr. President, I ask unanimous consent that the article "AEC Acts To Avoid 'Surprises'," from October 4, 1973, Washington Post, be printed here in the RECORD.

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

AEC ACTS TO AVOID "SURPRISES"

(By Hal Willard)

Officials of the Atomic Energy Commission testified this week that there will be a tightening up of nuclear power plant requirements and inspection procedures in order to avoid "surprises" like discovery of a geologic fault beneath the plant under construction in Louisa County, Va.

Members of the congressional Joint Committee on Atomic Energy, conducting hearings on nuclear reactor safety, wanted to know how a geologic fault could go undetected until the nuclear plant was half built.

J. M. Hendrie, deputy director for technical review in the directorate of licensing, said the AEC had not been reviewing plant excavations as much as it should because of a lack of manpower.

Hendrie said it was "expected" that a geologic fault would be found and therefore the AEC had "concentrated available limited manpower resources in areas we thought were the most dangerous."

The geologic fault is beneath the power plant being constructed by the Virginia Electric and Power Co. on an artificial lake created by damming the North Anna River near Mineral, Va.

Vepco intends to build four reactor units on the site. Excavation for unit 1 began in 1969. Vepco's geologic consultants, Dames & Moore, reported no geologic fault and their work was reviewed and approved by the U.S. Geological Survey and the AEC.

Then, earlier this year, Vepco discovered a fault while excavating for unit 3 and reported it to the AEC in May. It subsequently developed that three Virginia geology professors had discovered what they judged a geologic fault in the excavation for unit 1 in February and March, 1970, and reported it to Vepco.

The AEC now is investigating to determine whether Vepco deliberately withheld information about the fault. Nothing was said about the investigation or the sworn testimony of three geologists during the 3½ days of Joint Committee hearings held last week and this week.

Referring to Hendrie's comment about limited manpower, Rep. Melvin Price (D–Ill.) Joint Committee chairman, said he thought "you would assign staff when it comes to safety."

Manning Muntzing, director of regulation, said the AEC is seeking appropriations for more staff in 1974, and increased staff somewhat in 1973, but "I think we started augmentation (of staff) a bit slowly," in light of the growing number of power plants and increased citizen concern about such problems as the geologic fault.

Hendrie testified that in 1972 the AEC's Advisory Committee on Reactor Safeguards had received an anonymous letter "raising questions about the location of steam piping in the Prairie Island plant in Minnesota."

"Prior to that time," Hendrie said, "our regulatory safety reviews had not included a detailed examination of pipe routings and of the location of individual pieces of equipment . . . instead, the regulatory staff accepted the applicant's commitment to meet the design criterion, but did not review the design details to assure that it had in fact been met."

Following receipt of the letter the AEC investigated and found that the criterion wasn't met by the proposed design and changes were required.

Muntzing, referring to the episode, said it was "not a very happy chapter" and the sort of thing "that doesn't produce a high level of public acceptance."

I'm really concerned about some of the surprises we see," Muntzing said.

Lester Rogers, director of regulatory standards, pointed out that the AEC "has provided some information on site selection in . . . 'Reactor Siting Criteria' . . . but no general guidance for site selection has been available.

"We are now in the process of developing general environmental siting criteria involving all environmental parameters affecting the impact of the site on the plant. We plan to cover geology, hydrology, meteorology, land use, aesthetics, and population factors."

THE PRICE OF FOOD

Mr. CRANSTON. Mr. President, during the August congressional recess I visited a bakery in San Francisco to see at firsthand the effect of inflation and American grain sales abroad on one particular industry.

I met with Harold Paul, Jr., president of the world-famous Larraburu Bakery, who makes one of the great San Francisco sour dough French breads.

Mr. Paul told me that flour prices have gone up from 100 to 105 percent in the last year. And the outlook is for even larger increases.

This, of course, means that consumers are paying more for loaves of bread. And now they find not fresh bread but stale bread on the shelves of some markets.

The unprecedented, historic increase this year in the price of all grains—wheat, corn, and soybeans—has raised serious questions about the way these basic foods are sold and marketed.

Not only Mr. Paul, but every consumer is affected.

Most food commodities are sold in open trading at big commodity exchanges in Chicago, Kansas City, New York, and other cities. Last year some $268 billion exchanged hands on these markets for both cash sales and so-called "futures" contracts, sales that are based on future deliveries.

There is mounting evidence that the huge price increases, especially in wheat and soybeans, may have been caused by speculators in these markets.

Whatever happened, the price of wheat in less than a year skyrocketed from $1.60 a bushel to more than $5, the highest price ever recorded.

Soybean prices went even higher. We are paying for these high commodity prices in our food bills today, again the highest in history.

The United States Department of Agriculture through its Commodity Exchange Authority is supposed to regulate these commodity exchanges and make sure trading is conducted legally and in the interests of both farmers and consumers. But this agency is understaffed and underfinanced and it simply does not have the proper authority to do its job, unlike the Securities Exchange Commission, for example, which was created after the great crash on Wall Street in 1929 to regulate the stock market.

To correct these problems on the commodity exchange markets, and to make sure that these markets operate in the best interests of farmers, consumers and industry, Senator HUMPHREY and I have introduced the Commodity Futures Exchange Act of 1973.

Briefly, this 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.

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.

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. Trading on the exchanges under our bill must serve an economic purpose.

These are the principal provisions of this important bill.

Our bill will not solve all of the problems of food inflation. But it will make an important first step in removing some of the unjust profiteering that occurs.

MIDDLE EAST TINDERBOX

Mr. CHURCH. Mr. President, not only has the Middle East tinderbox exploded, but the fighting is becoming heavier and prolonged. The Boston Globe placed the position of the combatants and the United States in their proper perspective,

and I ask unanimous consent that an editorial of October 8 be printed here in the RECORD.

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

[From the Boston Globe, October 8, 1973]

THE TINDERBOX EXPLODES

The Middle East has plunged into the heaviest fighting since the six days' war of 1967.

Despite claims to the contrary, neutral observers at the United Nations and United States officials believe Egyptian and Syrian forces were the aggressors.

That the outbreaks occurred while most of Israel was worshiping and fasting on Yom Kippur is not only evidence of who initiated the fighting, but is also a comment on the morale content of the offensive.

The decision of Egyptian Foreign Minister el-Zayyat to seek a hearing before the UN General Assembly, where the Arab cause has a substantial majority, rather than the Security Council, suggests that Egypt and Syria are engaged in an effort which is as political as it is military in nature. If, having caught the Israelis off-guard, they can quickly gain control of some Israeli land and then secure a cease fire vote in the UN, they will have strengthened their bargaining position. Any action of the General Assembly must be based on a return to the status quo ante. If not, the international peacekeeping organization will be sanctioning the use of force to achieve political objectives.

Further indication of the political thrust of the military action are the steps apparently intended to draw the United States directly into the conflict. Yesterday Iraq announced the nationalization of the holdings of two of the largest American oil companies. And a Greek cruise liner with 207 Americans aboard was seized and then released in the Mediterranean by Syrian naval forces.

Israel's acknowledged control of the air means a prolonged conflict will likely end in her favor. Israeli forces are reported already to be reversing the early advantage held by the Egyptians and Syrians. At least at this point, no nation's interest would be served by continuing the hostilities. But once border lines shift in either direction, the conflict will take on a new dimension.

As for the United States, oil interests are in a position to try to blackmail our government into pulling back on its commitment to the sovereignty of the State of Israel. To even hesitate for one moment in reaffirming our support would serve to encourage those who see threats and violence as the route to influencing US foreign policy. That kind of capitulation would be an abdication of our leadership and a repudiation of the steps toward international peace which have been the most significant accomplishments of the Nixon Administration.

INFLATION AND UNEMPLOYMENT

Mr. MONTOYA. Mr. President, the cost of living rose a record-shattering 1.9 percent in August and rose at a 10-percent annual rate during the 6 months ending in August. Grocery store food prices rose 7.7 percent in that single month and stood 23.3 percent above August 1972 levels. In the quarter ended September, wholesale prices rose at an annual rate of 13.2 percent and were 16.6 percent higher than a year ago. Farm and wholesale food prices were 39.4 percent above September 1972 levels. Industrial commodity prices at wholesale rose 0.7 percent in September alone. Clearly, the fight against inflating is still raging.

The basic Federal tools for combating inflation are fiscal and monetary policy. Most of the inflation in 1973, however, has resulted from shortfalls in the supply of food, fiber, and fuel—exacerbated by two devaluations of the dollar and adverse international trade agreements. Fiscal and monetary policy cannot erase current shortages or past mistakes. Only long-term programs of adjustment can correct shortages; and future trade patterns must more closely consider the delicate line between foreign and domestic responsibilities, between foreign and domestic needs.

A second but somewhat less significant cause of current inflation was the excessive rate of overall economic growth prior to the second quarter of 1973. Fiscal and monetary policy, particularly monetary restraint, have helped correct this cause of inflation, however. In fact, tight money and soaring interest rates have so severely restricted home construction that losses in this important section of our economy threaten to more than offset any gains exploited in the rest of the economy. Like monetary policy, fiscal policy has not been expansive in 1973.

Tight fiscal and monetary policies alone are probably not sufficient to halt inflation, particularly in the short run; but they can create greater unemployment. Our last bout with "stagflation" has taught us that a combination of rising prices and rising unemployment is all too possible; and unemployment, even during the recent boom, has remained stubbornly high. The administration now appears to have given up all hope of reaching even their modest goal of 4.5 percent unemployment by year's end, a rate I find totally unacceptable.

We seem to be in a position now where monetary and fiscal policy have worked their will on a booming economy, yet the threat of inflation remains. Further tightening of the economy through the use of fiscal and monetary policy would only add to unemployment. How then are we to halt inflation, particularly in the short run? Must we again suffer through unemployment levels of 5 percent or more in order to bring price stability to our economy? I believe this is too high a price to pay.

What can be done? On the inflation front, it seems more evident that the battle to halt inflation is falling to a greater and greater extent on the rather harassed shoulders of the Cost of Living Council, and their task is as important as it is difficult. Congress has a responsibility to see that this wage-price program is utilized effectively and equitably. I am encouraged that this "temporary" program, now entering its third year, is being reviewed by the Committee on the Judiciary with regard to administrative procedures, personnel, sanctions, mechanisms for enforcement, judicial reviews, and other matters. On the other hand, I believe that continued and premature talk of "decontrol" can only increase the difficulty of winning the fight against inflation.

If this country is to reduce unemployment to any extent below current levels, it must do a better job of providing work for those persons unaffected by increases in aggregate demand. This "structural" unemployment can be corrected without adding to inflationary pressures. In addition, the Nation must grapple with the problem of unemployment resulting from economic dislocation. The Federal Government itself is a major contributor to this type of economic instability, particularly as the result of defense realinement policy. Similarly, unemployment problems unique to our young adults must be given greater attention. We have not faced up to the special employment problems facing our young. Our educational programs seem to be failing them in fundamental ways.

In sum, we must continue and intensify programs that deal with the problems of structural unemployment. As chairman of the Subcommittee on Economic Development of the Public Works Committee, I am familiar with the programs of the Appalachian Regional Commission, the Title V Regional Action Planning Commissions, and the Economic Development Administration programs designed specifically to combat high unemployment and low income in areas of persistent economic distress. These programs address the problems of economic dislocation and help provide technical training facilities for the young. Their resources are admittedly small, but often they account for the total Federal effort in eliminating obstacles to worthwhile employment and reasonable income.

Yet, Congress has had to struggle to keep these programs alive. A 1-year extension of the programs administered by the Economic Development Administration and the Title V Regional Commissions has been authorized by Congress and signed into law, but appropriation levels will be severely cut, and at a time when we need not less but more effort in solving the problems of economic dislocation, persistent and structural unemployment, and low income. I ask Congress and the administration not to abandon this effort. No other Federal program addresses itself any more directly to the most difficult economic problems our country faces than do these programs. General community development and revenue sharing may compliment economic development efforts, but they are not substitutes.

Current economic development programs represent a bare minimum. They address the stubborn problem of structural unemployment directly and without contributing to inflationary pressures. They should serve as the jumping-off point for a renewed national effort to overcome the barriers to economic opportunity.

NUCLEAR POWER TOO DANGEROUS FOR PHILADELPHIA

Mr. GRAVEL. Mr. President, on October 5 the Atomic Energy Commission barred construction of two nuclear powerplants proposed for Newbold Island 11 miles northeast of Philadelphia and 4.5 miles south of Trenton; at the same time, the AEC promised to expe-

dite a construction permit for the plants if the New Jersey utility moves the site south to Salem, N.J. The AEC said:

The principal factor leading to this compulsion is the fact that the population density at Newbold is significantly larger than that at Salem. Our projections for 1980 show that within five miles distance, Salem will have a population of about 4,700 persons and Newbold will have approximately 125,000 persons. Within a 30-mile radius in 1980, Salem will have about 1-million persons and Newbold will have over 4.5 million.

The implications are clear. Nuclear powerplants which are not safe enough for locations in or near large cities, are going to be imposed on rural and small-town communities. Are country people going to accept a role as second-class citizens?

In January 1972, when the Attorney General of Pennsylvania asked the AEC to bar the Newbold Island plants, the Washington Post asked in its editorial of January 24:

If the plant is too dangerous to be located near Philadelphia, where would it not be dangerous?

LETHAL AT 75 MILES

The Union of Concerned Scientists answered that question in detail with its paper "Nuclear Reactor Safety: An Evaluation of New Evidence" in July 1971. In that paper, which appear in the CONGRESSIONAL RECORD, volume 117, part 22, pages 28495–28500, Forbes, Ford, Kendall, and MacKenzie calculated that a mere 58-percent release of a plant's radioactivity during a temperature inversion could cause a lethal acute radiation-exposure out to 40 miles from the plant in a strip a mile wide; a 20-percent release could extend lethal acute exposures out to 75 miles in a strip almost 2 miles wide.

Of course, acute radiation exposure is only part of the injury picture. According to the AEC's Brookhaven Report, lower levels of radioactive contamination could effect an area as large as the State of California—or 150,000 square miles. This means that many thousands who were spared death by acute radiation exposure would suffer death from radiation-induced cancer some years later.

In addition, recent evidence noted by Dr. John Gofman suggests that exposure to radiation may increase mortality from heart failure, too; see K. T. Lee and others, "Experimental Model for Study of 'Sudden Death' From Ventricular Fibrillation or Asystole," American Journal of Cardiology, July 1973.

And that is not the whole story. There is no doubt that exposure to radiation also increases the incidence of mental retardation and genetically related diseases in babies of irradiated parents.

NEW JERSEY PLANTS COULD ENDANGER NEW YORK AND NATION'S CAPITAL

Since 150,000 square miles which could be contaminated are equivalent to a square about 350 miles on each side, it seems reasonable to suggest that nuclear powerplants belong at least 350 miles away from civilization. I do not see how Salem, N.J., qualifies as an acceptable site.

Mr. President, I ask unanimous consent that the Washington Post story of October 6, 1973, "AEC Stops A-Plant at Philadelphia," be printed here in the RECORD.

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

[From the Washington Post, Oct. 6, 1973]

AEC STOPS A-PLANT AT PHILADELPHIA

(By Thomas O'Toole)

The Atomic Energy Commission yesterday barred construction of a nuclear power plant on a Delaware River Island 11 miles from Philadelphia, the first time the AEC has banned nuclear power near a large city.

In a move certain to be hailed by environmentalists and denounced by the nuclear power industry, the AEC told New Jersey's Public Service Electric & Gas Co., it could not build a $900 million atomic power plant on Newbold Island, a 540-acre site on the New Jersey side of the Delaware River 4.5 miles south of Trenton and 11 miles northeast of Philadelphia.

The AEC suggested to New Jersey Public Service that it move its construction site from Newbold Island to Salem in southern New Jersey, where the electric company is already building two large nuclear reactors and which is outside of any metropolitan area.

In a letter to New Jersey Public Service President Robert Smith, AEC Director of Regulation L. Manning Muntzing explained that the AEC was taking the action it did because of the proximity of Newbold Island to Philadelphia and its satellite towns and cities.

"The principal factor leading to this compulsion is the fact that the population density at Newbold is significantly larger than at Salem," Muntzing wrote Smith. "Our projections for 1980 show that within 5 miles' distance Salem will have a population of about 4,700 persons and Newbold will have approximately 125,000 persons.

"Within a 30-mile radius in 1980," Muntzing's letter continued, "Salem will have about 1 million persons and Newbold will have over 4.5 million."

New Jersey Public Service had no immediate comment to the suggestion it move its nuclear plant to Salem. A company spokesman said the move caught the utility "completely by surprise."

Though construction of the Newbold Island plant had not begun. Public Service had paid for the land, the engineering studies to design and locate the plant and for the excavation for the plant's foundation.

Public Service said it paid about $5 million for the island in 1969 and had spent another $5 million excavating the island site. A spokesman described these expenses as "unrecoverable," though he admitted that the land is probably worth more today than it was when the company bought it.

The engineering studies for the 2.2 million-kilowatt plant cost an estimated $20 million, the Public Service spokesman said. He said this expense was "probably recoverable," since design of the plan would be approximately the same no matter where it is built.

The AEC move is sure to please environmentalists and many residents of metropolitan Philadelphia, but it is just as sure to anger the nuclear power industry. It might also raise questions about other nuclear plants being built or proposed for construction near large towns and small cities. For instance, one plant is being built right now in Midland, Mich.

Opposition to the Newbold Island plant began in 1970, a year after Public Service announced its intention to build the plant. The opposition hit its peak early in 1972, when Pennsylvania asked the AEC to ban the plant because it was too close to Philadelphia.

"We do not want a nuclear power plant this close to the largest city in the state," the state attorney general's office said at the time. "In the event of an accident resulting in a substantial release of radioactive materials, the likelihood of deaths and injuries resulting therefrom is considerable."

Public Service said it could not say how the AEC move would delay its plans to bring electricity to New Jersey.

The company said that when it proposed Newbold Island it hoped to have the plant making electricity by 1977. Delays had moved this date back to 1981, and further delays might move the timetable back even more.

The AEC told Public Service that if it went along with the suggestion to move the plant to Salem, it would process the application for a construction permit in four months to make sure no further delays would take place.

INDOCHINA: A CIVIL WAR

Mr. CHURCH. Mr. President, the war in Indochina was always and continues to be a civil conflict. Tragically, our intervention, prolonged and senseless, was based on the confused belief that it was an international war with cold war overtones.

Roger M. Smith, longtime observer of Indochinese affairs, has written a review of the region's past which reveals that—

For centuries power and territorial struggles prevailed within and among the Indochinese States and, in fact, were important in the area's political evolution.

Mr. Smith points out:

Not ideology, but practical considerations of territoriality and political survival of the leadership in each of these states have been at issue, all along.

He concludes:

Knowing this, one should not be surprised that months after the major world powers have effected a detente, the wars in Indochina continue to be waged. This state of affairs can be expected to continue until the peoples of the area are allowed to work out for themselves a stable equilibrium, one that is not artifically propped up by foreign military assistance or threat.

I ask unanimous consent that the essay, "Prospects for Conflict and Cooperation Among the Indochina States," be printed at this point in the RECORD.

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

PROSPECTS FOR CONFLICT AND COOPERATION AMONG THE INDOCHINA STATES

(By Roger M. Smith)

The following is based on a talk given at Asia House in late May 1973 under the auspices of The Asia Society's Cambodia Council.

To many Americans, the turmoil in Indochina is but a localized manifestation of the cold war between the world's largest powers. Their constricted view of the situation leads them to believe that once opposing ideological forces disengage, peace will be restored to the area. However, a review of the history of the region will reveal that for centuries power and territorial struggles prevailed within and among the Indochinese states and in fact were important in the area's political evolution.

Some may regard it as a blessing that one result of French and British colonization was the imposition of an equilibrium on mainland Southeast Asia, just when it appeared that large portions of Cambodia and

the Lao states were to be parceled out between the then-dominant Thais and Vietnamese. At the time of the French intervention in the 1860's, the Thais had asserted their paramountcy over much of what we now call Laos. In the south, Thailand and Viet Nam exercised joint suzerainty over Cambodia. By extending her empire over Laos and Cambodia, France upset the balance that had favored Thailand.

In ruling the area they called Indochina, the French favored the development of Viet Nam, with Cambodia and Laos linked to it as buffer areas, as bases of supply and as a hinterland that could absorb some of Viet Nam's excess population. Thailand was forced to yield to France control of certain territories in Cambodia and Laos. But Bangkok's independence and security were assured by France's rival for imperial advantage in Asia—Great Britain. As a consequence of an Anglo-French agreement, not only did both powers agree to restrain themselves in Thailand, but also the Mekong River was accepted for international purposes as the boundary between French Indochina and Thailand and British Burma.

There was resentment among the Lao and Khmers at the extent to which Vietnamese, under French aegis, came to occupy positions of power in the colonial service. And the Thais were not happy about what they regarded as the unfair annexation by France of Thai territory in Cambodia and Laos. But by comparison with the pre-French period, these years were generally peaceful. French colonial rule not only prevented further foreign encroachment, but also brought to a halt the pernicious internal struggles among rival and often blood-related royal households.

While the ouster of the French following World War II brought the longed-for independence and restoration of national pride, the semblance of unity crumbled with the colonially imposed administrative structures, as long-dormant princely and regional rivalries were once again roused. Unfortunately, the espousal of Communist doctrines by Viet Minh leaders and the consequent intervention of the cold-war powers obscured the more basic reasons for contests in Indochina. While the containment of Communism has motivated the commitment of American military aid to the non-Communist governments of Indochina, and heads of these regimes themselves have been vociferous in their attacks against the threatened spread of Communism, the fact is that it has been North Vietnamese expansion and hegemony per se that their peninsular brothers in the south and neighbors in the west have feared.

In the case of Thailand, as French strength in Indochina waned, she sought to replace France as the dominant power by offering refuge and some support to rebel nationalist groups from Cambodia, Laos and Viet Nam: the Khmer Issarak, Lao Issara and Viet Minh. However, Thailand was also fearful of a resurgent Viet Nam led by the Viet Minh, and it was this, together with concern over the growing strength of China, under Communist leadership after 1949, that moved the Thai leaders toward an alignment with the United States and Great Britain, thus adding to the cold-war aura characterizing the relations of states on the Indochinese peninsula.

Whereas the entry of the French onto the Indochinese scene forestalled violation of Cambodian integrity and identity and incorporation of parts of Lao-occupied territory by the Thais and Vietnamese, their colonial presence stimulated the germination of nationalistic sentiments which in the postcolonial period were to add a new dimension to the factionalism that had previously characterized the Lao, Cambodian and Vietnamese peoples. With the departure of the French, not only were contests between traditional ruling houses and rival conservative nationalists revived but also there was now a new political element, essentially nonelitist in character and striving for unification under a single regime. These elements, deprived of access to traditional sources of power, sought external assistance, which the big powers were only too glad to lend so long as there was promise of their own interests being met.

It is clear that there can be no enduring meaningful relationships among the Indochinese states until factionalism in each of the countries yields to the formation of stable governments in which contending groups can find a voice if not actual participation.

Thailand. Of all the Indochinese countries, only Thailand (and, until recently, Cambodia) has enjoyed political stability and continuity, even in the face of relatively frequent changes at the helm of the government Much of Thailand's political success can be attributed to her history of a flexible international posture, which not only enabled her leaders to reach an accommodation with the colonial powers around them—at a time when all other countries of Southeast Asia were succumbing to European domination—but which also permitted her to continue to evolve politically and realize gains in economic social strength.

Thus, in the mid-20th century while the newly independent countries were groping and bumbling in their attempts to administer and modernize their societies, Thailand could already rely on the possession of a relatively sophisticated civil service and a well-disciplined army to carry her uneventfully through several leadership crises. Moreover, because of the absence of a colonial past, conditions did not prevail that would stimulate the formation of large numbers of active dissident nationalists who would later clamor for a role in the government. Thus, Thailand has had the good fortune to be able to function unhampered on both the international and domestic scenes.

However, as a result of the Anglo-French agreement recognizing the Mekong River as the northeastern boundary of Thailand, there exists on her soil today a source of great threat to the calm she has enjoyed. As a result of this demarcation, one third of her populace is Lao. The majority of the Lao continue to reside in this region, where unfavorable soil and weather conditions have wrought chronic economic privation. In part because of cultural and linguistic differences (minor though they may appear to the outsider) and in part because of their poverty, they have been looked down upon by the average. Thai citizen and have met with obstacles in the way of assimilation. Worse, they were neglected in the past by the central government, and while attempts have more recently been made to assist them, these efforts have not been of a scale required to effect real improvements.

It is in this area that Thailand has experienced serious insurgencies, and while it is unlikely that they will ever threaten the existence of the Bangkok Government, it is possible that the northeastern provinces will someday fall prey to irredentist movements in Laos. For the present, it is acknowledged that discontent among northeasterners renders them vulnerable to the charges and promises of foreign agitators. Thailand's fear of North Viet Nam, from which she is separated by Laos, stems from the trouble that the Vietnamese could foment in this area.[1] Thus, until the economic and social status of the northeasterner is improved, Thailand will continue to suffer a threat to her internal political cohesiveness and assume a wary posture in her relations with North Viet Nam and Laos. Beyond this she will doubtlessly continue to attempt to exercise her influence in the internal politics of Laos.

In its relations with Cambodia it is doubtful that the present Thai regime entertains any serious thought of retrieving the provinces of Battambang and Siem Reap which were returned to Cambodia, first under French aegis and later under the terms of the Washington Conference of 1947. Thailand's present interest in Cambodia has focused on the latter's ability to withstand North Vietnamese pressure. A complaint Cambodia, such as Prince Norodam Sihanouk's neutral foreign policy appeared to the Thai to portend, would lead sooner rather than later to Vietnamese reunification and to Viet Nam's eventual dominance over most of Indochina, thus once more threatening Thailand's position in the balance of powers in the area. It is in large part because of this fear that Thailand was hostile toward the Sihanouk regime and jumped in with alacrity with offers of assistance following the coup struck by the avowedly anti-Communist Lon Nol Government.

Cambodia. When Cambodia submitted herself to French colonization in the mid-19th century, she had already been a nation-state for several centuries, and she was ruled by a monarch who was generally accepted within the country as the source of political authority. This situation was nurtured by the French, who enhanced the visibility of the monarchy by providing it with splendid accouterments and strived generally to convey the impression that they were there in an advisory rather than controlling capacity.

Thus, when she emerged from her colonial episode, Cambodia enjoyed the advantage over Laos and Viet Nam of possessing national identity and territorial integrity. There was factionalism, to be sure, but it was not based on regionalism. It consisted of contests between personalities to secure a central, universally recognized seat of power, in contrast to the situation in Viet Nam and Laos where one region sought to resist or to gain control over other regions. These conditions, combined with Prince Sihanouk's astuteness in international and domestic politics, were responsible for the long period of tranquility that followed Cambodia's achievement of independence in 1953.

The ouster of Prince Sihanouk as chief of state in 1970 and the deterioration of the Cambodian nation were brought about by a combination of factors that not even a grand master of politics could withstand. Incessant pressures placed upon him by rival cold-war powers, by the Thai and Vietnamese leaders, by faulty economic management, by corrupt ministers, by a poorly trained bureacracy whose members did not regard themselves as "civil servants," and by a growing group of frustrated young intellectuals seeking expression of their talents and energies, produced a situation with which he could no longer cope effectively.

Unfortunately, there was no one else who could either, and the ineptness of the coup Government was not slow in revealing itself. In trying to take the bull by the horns in international politics, rather than sparring with it, the Lon Nol Government led the country into a nightmare in which the North Vietnamese could openly support dissident elements. Thus, Cambodia is now being torn asunder by wars fought on two fronts, international and domestic. Ironically, the unpopularity of the Lon Nol Government has also pushed the radical rebels and Prince Sihanouk, who presides over a government-in-exile in Peking, into the same camp, whereas it was formerly against the Prince's policies that the rebels were dissenting.

It should be clear now that the Lon Nol Government is not viable and can exist only so long as American bombers carry on the offensive for it. The morale of the poorly trained Khmer army has sunk to a new low,

Footnote at end of article.

as corruption at the higher rungs makes itself sorely felt at the bottom and the soldiers are forced to fight against overwhelming odds a war they do not really understand. If the economy under Sihanouk was stagnant, there is none to speak of today. Whole villages are reported to have been razed, and rice fields are abandoned as terrified peasants flee to an already over-crowded capital. Transportation of food and other necessities between towns has been slowed, and the arrival of new shipments of vital goods into the country is sporadic and unpredictable, for en-route to Phnom Penh from South Viet Nam up the Mekong River, convoys of ships must pass through territory under the control of the rebels.

The assumption of a rightist, pro-Western international position by the Lon Nol Government has resulted not only in clashes with the North Vietnamese and Viet Cong, but also in the strengthening of indigenous left-wing elements. A departure from an internationally neutral policy has had precisely the internally divisive effects that Prince Sihanouk had predicted, while increasing the threat of interference from Thailand and Viet Nam. The American presence in Cambodia has so far made it unnecessary for Thailand to do more than offer assistance to the coup Government in the form of military training. However, events in Cambodia continue to be of considerable interest to the Thais since, along with Laos, Cambodia constitutes an essential buffer area between their country and Viet Nam.

A nation that is as yet as militarily weak and economically underdeveloped as Cambodia will of necessity have to pursue a neutral policy in its foreign affairs, if it is not to become a battleground for its more powerful neighbors. But unlike the former neutral Sihanouk governments, future governments, if they are to be stable, must also open the political process to genuine participation by political factions to the right and left.

Weak and vulnerable as she is today, Cambodia once had a glorious past. With the exception of Viet Nam, her history extends further back in time than that of the other Indochinese states, and at her peak her empire covered most of the peninsula. Lest the magnificent ruins that stand today be insufficient to remind the Khmers of their rich past, Sihanouk took every opportunity to recall attention to it. The Prince's eagerness to awaken in his people a historic consciousness was in part motivated by his desire to instill in them national pride, a sentiment that could become an important unifying force. Moreover, he wished to share his concern with the potential threat posed by her historic enemies, Thailand and Viet Nam, who today are stronger than ever.

Because Cambodia's precolonial history was one of steady encroachment by the Thais and Vietnamese at the expense of Cambodian-controlled territory, recent conflicts such as the one with Thailand over jurisdiction of the Khmer-built temple of Preah Vihear and the dispute with South Viet Nam concerning their mutual border and ownership of certain offshore islands, have been the source of much anxiety and insecurity. Having greater practical significance are altercations between South Viet Nam and Cambodia over rights of passage through Vietnamese-controlled stretches of the Mekong River. Until the development of Cambodia's own seaport at Kompong Som (formerly Sihanoukville) is completed and economic solutions to the problems of overland transportation are found, the government in Saigon (or of a united Viet Nam) will be able to exercise important political and economic leverage over her. Among other potentials for serious disputes between Cambodia and her neighbors are the intensification of the search for offshore oil in the Gulf of Siam, the presence of a large, economically strong community of Vietnamese residents in her territory, and treatment of Khmers living in formerly Cambodian-held but now Vietnamese-controlled land.

Laos. Laos has been regarded by some observers as a fictive state: It is a mountainous land whose heavy forests and deep river valleys pose enormous problems for communications among its diverse peoples and between them and political authority. It is poorly developed, even on the Mekong plain where one finds the major urban centers and extensive wet-rice agriculture. It is bordered by states which in the past have used it as a marching ground to work out their quarrels and where, once again, the Vietnamese and the Thais are testing the limits of their hegemony.

In a sense, the present war in Laos can be viewed as an attempt at nation-building. Today, as in the past, there exists no real centralized political authority, and an equilibrium between several regional concentrations of power is still to be attained. The dominant commercial center of Laos continues to be at Vieng Chan, which now also serves as the seat of the national government. To the south lies the region of Champassac, until recently a principality; its popular prince, Boun Oum, continues to command the allegiance of the inhabitants of the area. The elite of both Vieng Chan and Champassac, by virtue of close cultural and historical ties with Thailand, are still inclined to look to that country for support and are willing to accept considerable Thai influence.

To the north is situated Luang Prabang, the traditional royal capital. Here sits King Savang Vatthana, whose regal influence apparently does not extend far beyond its outskirts. Outwardly he has remained aloof from the war and power contests in his country. He has been reported, however, to exercise an influence to the right, one away from accommodation with the rebel Pathet Lao.

Souvannaphouma, the neutralist head of the Lao Government, and Souphanouvong, his half-brother and a leader of the Pathet Lao, are members of the viceroyal family of Luang Prabang. The Pathet Lao, from their stronghold in the northeastern province of Sam Neua, control the eastern half (some reports say two thirds) of the country. The tribal mountain peoples, including the T'ai, Méo and Kha, who constitute more than half the population of Laos and who have historically been excluded from the mainstream of Laotian politics, contribute heavily to the rank and file of the Pathet Lao, which for training and support has looked to North Viet Nam.

A truly viable Lao government thus faces problems at several levels. It must strive to effect a balance between Thai and Vietnamese influences in the country, between the royalty and aristocracy of Luang Prabang and the mercantile and political elite of Vieng Chan and Champassak, between them and the Pathet Lao, and between the plains-dwelling Lao and the hill-residing non-Lao segments of the society. Many of the mountain peoples pose a special problem of security, for they are highly mobile, crossing and recrossing boundaries demarcating Laos from North Viet Nam and Thailand. Not only do they not recognize national boundaries, but also many aspire to the formation of an autonomous state. Furthermore, the lucrative cultivation of the opium poppy by the Méos is likely to stimulate contests over which the Government would like to extend the right of control.

A problem that will always be with Laos, one that will always make her dependent on one or another of her neighbors, is her need for dependable access to the sea. While economic life throughout Indochina has become increasingly transnational, this is necessarily true of Laos because of her landlocked situation. In this regard, her extreme economic and political vulnerability to the whims and machinations of her neighbors was demonstrated during Thailand's blockade of Vieng Chan in 1960.

Viet Nam. The history of the Vietnamese people has been fraught with civil strife. From the time the Viet Nam nation was first founded, stability and unity have been enjoyed for only relatively short stretches of time. When the French set foot in southern Viet Nam, the country was enjoying one of its peaceful periods. The peoples had been reunited for a little more than half a century under the emperor at Hué.

However, this came to an end when the French, in 1862, began to take over the country and administer it in piecemeal fashion. First, as a result of military conquest by French troops, the emperor was forced to cede the southernmost extension of his territory, which France colonized and ruled as Cochin China. In time, French influence predominated in Annam and Tonkin, the middle and northern portions, where, by the terms of a treaty signed in 1883, the emperor formally recognized French "protectorates."

The leadership of the movement to resist the return of the French at the conclusion of World War II originated in Tonkin and northern Annam. Although most of the Viet Minh victories were concentrated in these areas, their efforts were felt throughout Viet Nam. But even following the terrible military blows they suffered, the French continued to entertain hopes of maintaining their influence in the country and at the Geneva Conference on Indochina of 1954 were able to win from the Viet Minh agreement to a temporary division of Viet Nam. The Viet Minh were to withdraw their forces to the northern half of the country, while the emperor, Bao Dai, presumably the symbol of the Vietnamese state, was to reign over the southern half until such time as elections for a single leadership could be held. The French hoped that the southern-based state of Viet Nam would win and through it they would be able to preserve their interests in Viet Nam.

But before these elections could be scheduled, South Viet Nam's prime minister, Ngo Dinh Diem, confident of American support, staged a plebiscite in which the people were asked to choose between him and the emperor. Through the rigged vote Bao Dai was made to appear in disfavor, and he quietly retired to a life of exile in France. Into the vacuum left by the French stepped the United States, which at that point was pursuing a vigorous policy of containing the spread of Communism. Viet Minh aspirations were viewed as an extension of Communist control, not as a resurgence of nationalism. Thus, working through Diem and his numerous successors, the United States tried first to prevent the elections and then to shore up the strength of the South Vietnamese government so it could resist a takeover by force.

Left to themselves, it is unlikely that the present South Vietnamese leadership will in the near future agree to hold joint elections with the northern leadership. Their own vested interests are at stake in an independent south, which cannot be offset by any gains reunification would bring. Among the people themselves there is a general wariness and dislike of their northern brethren who they feel regard them with superiority. While the idea of a reunified Viet Nam is appealing to them in the abstract, there is fear that they will be pushed into a disadvantageous position as northerners, to escape overcrowding, wend their way south.

External pressures against unification of Viet Nam are also great. Both Thailand and Cambodia have expressed their interest in perpetuating the present division, for a united and powerful Viet Nam could conceivably threaten their security. Laos, too, would be in greater danger of losing some of her independence, if not territory. Yet, as

long as the north and south remain separated, there will be attempts by the stronger half to effect unification. Energy, manpower and other resources will be expended by one side to bring this about and by the other to avert it, and Viet Nam's relations with her neighbors will be conditioned by their usefulness to these objectives. Unification, when it does occur, will be followed by more years of inwardly focused attention, necessitated by problems of reconstruction, administration, establishment of north-south trade and communications, and so on.

III

Not ideology but practical considerations of territoriality and political survival of the leadership in each of these states have been at issue. Except for the North Vietnamese and the deposed Prince Sihanouk, who formulated his own unique Buddhist Socialist movement, Indochinese leaders have been remarkable for their lack of ideologically oriented thinking. Knowing this, one should not be surprised that months after the major word powers have effected a détente, the wars in Indochina continue to be waged. This state of affairs can be expected to continue until the peoples of the area are allowed to work out for themselves a stable equilibrium, one that is not artificially propped up by foreign military assistance or threat.

As the international situation is stabilized, internal strife will also diminish. The considerable destruction that has been wrought in all of the former French territories will then, one hopes, force leaders and dissenters to focus their attention and energies on problems of rebuilding and bring home the importance of cooperation and responsive governments. Internal development and international relations will further be facilitated as the Indochinese states come to the realization that they share common economic, social and other problems which can be most effectively solved by cooperation among them.

FOOTNOTE

[1] That leaders have also been made apprehensive by the presence in the northeastern provinces of more than 50,000 Vietnamese, many of whom came to Thailand in the late 1940's as refugees from Cambodia and Laos. In the early 1960's, some 40,000 of these people were repatriated to North Viet Nam, but repatriation was halted by the North Vietnamese Government after the Gulf of Tonkin incident in August 1964. For further details, see Peter A. Poole, *The Vietnamese in Thailand, A Historical Perspective* (Ithaca, N.Y., 1970).

PROPOSED FDA DECISION ON DEPOPROVERA

Mr. KENNEDY. Mr. President, the proposed decision by the Food and Drug Administration to approve DepoProvera for "limited usage" as an injectable contraceptive is both ill-advised and unenforceable. The decision raises profound ethical questions which underline the urgent need to enact the Protection of Human Subjects Act, which recently passed the Senate by a vote of 81 to 6.

My concern is not whether there are appropriate limited uses for DepoProvera as an injectable contraceptive; it is rather whether the defined population can be indentified, whether their rights can be adequately protected by the mechanism proposed by FDA, and whether enforcement of this "limited use" policy is possible.

The FDA has already acknowledged: First, that there is widespread, unapproved use of DepoProvera now an injectable contraceptive; second, that the FDA is powerless to control this or any other unapproved use of a drug because of what they interpret as "a congressional mandate" not to interfere with the practice of medicine; third, they are unable to document the extent of unapproved use of DepoProvera at the present time.

I believe there is a real danger that this decision will result in widespread use of DepoProvera in institutions for the mentally retarded and in health clinics serving the poor and uneducated. How will informed consent be obtained in these circumstances? Who will monitor the doctor's performance in obtaining informed consent? Why should the limited use policy be more effective in assuring appropriate use when inappropriate use was widespread when the drug was not approved at all?

The Protection of Human Subjects Act creates a national commission to study, among other things, the complex ethical questions raised by this decision. When group within FDA addressed these ethical questions? What standing group in FDA continually deals with these problems?

I do not believe the FDA can adequately monitor the use of this or any other drug in this country. I do not want to see a drug that is too dangerous for general use be utilized within a medical care system that has no quality controls or peer review built into it. The upcoming drug hearings of the Health Subcommittee will explore these issues in great detail.

"LITTLE THAT CAN BE DONE" ABOUT ATTACKS ON NUCLEAR POWERPLANTS

Mr. GRAVEL. Mr. President, on September 26, Senator ALAN BIBLE, of the Joint Committee on Atomic Energy asked AEC Commissioner William Kriegsman what would happen if there was an enemy attack on a nuclear powerplant. According to the Washington Post of September 27, Kriegsman replied:

I think that is getting way out in the James Bond area . . . I don't believe nuclear plants are prime targets.

He added that such an attack "could not really be stopped." That is exactly what former AEC Chairman Schlesinger admitted regarding the threat of skyjackers to crash their captured airliner into the Oak Ridge nuclear reactors on November 11, 1972. On "Meet the Press," December 17, 1972, Schlesinger said:

If one intends to crash a plane into a facility and one is able to persuade the pilot that that is the best way to go, there is, I suspect, little that can be done about that problem.

The nuclear plants that we are building today are designed carefully to take the impact of, I believe, a 200,000-pound aircraft arriving at something on the order of 150 miles per hour. It will not take the impact of a larger aircraft.

RECKLESS ACTIONS BY OUR OWN AIR FORCE

Schlesinger's statement recalls another hair-raising statement by another AEC Chairman, Glenn Seaborg, with regard to the use of nuclear powerplants as practice targets on simulated low-level bombing runs of the Strategic Air Command.

On March 22, 1971, in reply to an inquiry from Ralph Nader, Seaborg indicated that the Air Force might not know where all nuclear powerplants are located and might inadvertently be using them as targets. Seaborg confirmed that the Air Force had deliberately used the Big Rock nuclear powerplant as a simulated target in 1963.

On January 7, 1971, an eight-engine SAC bomber crashed into Lake Michigan about 60 seconds away from the 70-megawatt nuclear powerplant. A witness, Norman Stephan, said that the plane's course was in a line with the powerplant; several people interviewed by the Detroit News said it was common for the giant aircraft to pass low over the generating station. The Air Force confirmed altitudes between 500 feet and 1,800 feet.

From 1964 to the crash in 1971, the utility tried to get the flights rerouted. Although AEC Chairman Seaborg reported to Nader that the Air Force stopped using the Big Rock plant for a practice target in 1963, the Air Force in fact moved the flight path only 1 mile to the west of the plant while placing the target at the nearby Bayshore range.

On September 20, 1973, the assistant Senate majority leader, ROBERT C. BYRD of West Virginia, asked the following questions:

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

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

Perhaps we need to ask whether the plants are safe from reckless action by our own military forces.

Mr. President, I ask unanmious consent to place three articles here in the RECORD. First is a syndicated story of January 19, 1971, by Roger Rapoport entitled, "B–52 Crash in Lake Michigan Alarms Nearby Nuclear Plant." Second is a New York Times story of April 1, 1971 entitled "Atom Plan Used as Target for Simulated Low-Level Bombing Runs." Third is a story from the Columbia, S.C. Record of November 11, 1972 entitled, "Hijackers Threaten Oak Ridge; Nuclear Facility Shuts Down."

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

[From the New York Times, January 19, 1971]

B–52 CRASH IN LAKE MICHIGAN ALARMS NEARBY NUCLEAR PLANT

(By Roger Rapoport)

WASHINGTON.—The Air Force has acknowledged that Strategic Air Command (SAC) B–52 bombers have been buzzing near a Northern Michigan nuclear power station during thousands of low-level bombing practice runs over the past seven years.

The acknowledgement, during an interview with an Air Force spokesman, came in the face of mounting Congressional concern over

the Jan. 7 crash of a B–52 bomber in Lake Michigan. The plane went down about 6 miles from the Consumers Power Co. Big Rock Point nuclear power plant at Charlevoix.

Ironically, the crash happened just hours after the Air Force had written Rep. Gerald Ford (R.-Mich.), the House Minority Leader, thta "every attempt will be made to" have pilots "exclude the Big Rock Point nuclear plant by . . . 12.5 statute miles."

Ford had requested that SAC reroute its bombing practice runs in behalf of James Campbell, president of the utility, which is based in Jackson, Mich. Ford interceded after the Nuclear Energy Property Insurance Association threatened to review the $28 million plant's insurance rates if the bombers didn't keep away.

LOW-LEVEL RUNS CANCELED

The Air Force says its planes have been passing a mile west of the plant at an altitude of 1,800 feet during some 240 bombing practice runs every month since July, 1963. But Consumers spokesmen, plant employes and area residents insist that some of the flights have strayed directly over the power station.

The Air Force has canceled its low-level practice runs over this site in the wake of the Jan. 7 crash, which killed a crew of nine. However, about 60 high-altitude (30,000 feet) bombing runs are still being conducted in this region each month. And SAC bombers continue high- and low-altitude runs at 13 other practice sites across the country.

Romney Wheeler, Consumers vice president, said in a telephone interview, "Since 1964 we have repeatedly made unsuccessful attempts to get the Air Force to reroute the bomb flights, but it took this crash to get them to stop."

During the mid-1960s both the Defense Department and the Atomic Energy Commission promised Consumers that they would stop the flights. However, the utility noted in the November, 1967 issue of its house organ, Consumers Power News: "SAC continues to use the plant as a checkpoint on their low-altitude bombing practice runs and at times it appears that the planes may be very close to flying over the plant.

PROMISES

"Checking back with DOD recently we were told that the bombers were still under instruction not to fly directly over the plant. In the event that we suspected a plane was flying over the plant we were asked to get the number of the plane, notify DOD, and strong disciplinary measures would be taken against the pilot."

But the Government did not keep the faith. Wheeler says, "Late in 1970 the Nuclear Energy Property Insurance Association proposed a rate review because of the presumed hazard of overflight. We went to Rep. Ford and he wrote to the Air Force about it.

"In a letter written to Ford Jan. 7, Air Force legislative liason officer Col. Kenneth Dill said that 'SAC . . . had been notified of the Consumers Power Co. problem with the Nuclear Energy Insurance Association' and promised to reroute the planes at least 12.5 miles away from the plant."

THEN THE CRASH

At 6:30 that evening the B–52 went down in Lake Michigan, just 6 miles from the plant.

The Air Force says that the bomber crashed while flying a radar bomb-scoring mission at the Air Force's Bayshore range near Charlevoix. On these runs the unarmed SAC bombers descend to 500 feet and make electronically simulated bomb drops which are monitored on radar. Following the drop the planes climb to the south and pass one mile west of the plant at an altitude of 1,800 feet.

But Wheeler says, "When you fly that close at that altitude you just can't exclude the possibility that some of the flights come over the plant."

Norman Stephen, a trailer camp operator who witnessed the Jan. 7 crash, said in a telephone interview that "Some of the planes go over the plant, some go to the left and others to the right. You never know exactly where they are headed."

'BUZZED ALL DAY LONG'

Richard Webb, a nuclear engineer who worked at the plant during 1967, recalls many planes flying directly over the power station. Webb, now completing doctoral work at Ohio State University, says, "They buzzed us all day long."

Frank Schroeder, deputy director of the Atomic Energy Commission's Division of Reactor Licensing, says, "We always try to keep the plants out of busy air lanes to minimize any potential hazard from an aircraft accident."

For example, in the late 1950s the Navy agreed to reroute its training flights away from the Enrico Fermi Nuclear Power Station at Monroe, Mich. Schroeder says, "We tried to help Consumers Power change the SAC bomber route but I'm not exactly sure why it wasn't done sooner."

"Perhaps we need to think about some new rules concerning aircraft in the vicinity of these nuclear plants," says Mike Brownlee, an aide to Sen. Phillip Hart (D.-Mich.), chairman of the Senate commerce subcommittee on energy, natural resources and the environment. Hart has asked his staff aides to find out why the planes weren't rerouted long ago.

[From the New York Times, Apr. 1, 1971]

ATOM PLANT USED AS TARGET FOR SIMULATED LOW-LEVEL BOMBING RUNS

(By John D. Morris)

WASHINGTON, March 31.—The Air Force has used a nuclear power plant on the shore of Lake Michigan as a practice target in simulated low-level bombing runs, according to Glenn T. Seaborg, chairman of the Atomic Energy Commission.

The plant, which is near Charlevoix, Mich., was removed from the Air Force's practice target list in 1963 at the commission's request, Dr. Seaborg said in a recent letter to Ralph Nader, the consumer advocate.

Mr. Nader said that a "nuclear catastrophe" could result if a plane accidentally plunged into a nuclear plant and caused a release of radioactive material.

Dr. Seaborg's letter, dated March 22 and released today by Mr. Nader, indicated that the commission and the Air Force might not know whether other nuclear power plants are now being used, perhaps unwittingly, as targets.

P. A. Morris, director of the commission's division of reactor licensing, said by telephone that the Air Force was aware of the location of all such plants and is currently using none as practice targets.

The Air Force, however, declined to give similarly unequivocal assurances at this time.

DANGER OF CRASH

While nothing is dropped on targets in the bombing practice, many of the runs are made at low level, raising the possibility of a crash into the target. The planes fly at 500 feet for a simulated bombing, which is done by a radio beam to a ground station.

There is little or no danger of a nuclear explosion, according to experts at the Atomic Energy Commission, but a plane crashing into a power plant could release radioactive material.

The Air Force, asked this morning whether it knew the location of the 19 nuclear power plants now in operation and the 54 under construction, issued a statement late this afternoon that did not explicitly answer the question.

The statement said only that a project now under way "in coordination with the Atomic Energy Commission" would "identify the exact location of each existing and proposed power plant and its relative distance from our radar bomb-scoring corridors."

It was a reference to the same project in Dr. Seaborg's letter to Mr. Nader that indicated the Air Force might not know where the plants are located and might be inadvertently using them as targets.

An exchange of correspondence between Mr. Nader and Dr. Seaborg was prompted by the crash of a bomber into Lake Michigan last Jan. 7. The crash occurred about 10 miles from the nuclear power plant near Charlevoix.

Dr. Seaborg disclosed in his March 22 letter that the target in the practice range was moved in 1963 from the power plant to a point several miles offshore.

"Subsequent to the Jan. 7, 1971, crash," Dr. Seaborg wrote, "low-level training flights were suspended and plans are being made to re-route the training flight path away from the plant site."

[From the Columbia (S.C.) Record, Nov. 11, 1972]

HIJACKERS THREATEN OAK RIDGE, NUCLEAR FACILITY SHUTS DOWN

Three armed men demanding $10 million ransom hijacked a jet on a hopscotch flight from Alabama to Canada during the night. Then, after rejecting an offer of $500,000 in Toronto, they ordered the plane back to the southern United States where their threats forced a temporary shutdown of the giant Oak Ridge nuclear station.

This morning, more than 12 hours after the Southern Airways DC9 carrying 30 other persons was commandeered, the plane landed at Lexington, Ky., after circling an airport at Knoxville, Tenn., for nearly two hours. It took on four hours worth of fuel—its fourth load—during the 20-minute Kentucky stop and then departed.

Unclear was the ultimate destination or motive of the hijackers, who were not identified but were described as jittery and had made several requests for pep pills. Authorities said they were armed with guns and grenades. They also had demanded parachutes during the marathon flight.

The twin-engine DC9, carrying 26 other passengers and a crew of four, was on a flight to Florida when it was hijacked over Alabama Friday evening. It was first diverted to Jackson, Miss., then Detroit, Cleveland and Toronto and finally back to the United States.

Before the pane arrived over Knoxville, one of the hijacker's warned that if the ransom demands were not met, "We'll bomb Oak Ridge." He did not elaborate, but Oak Ridge, Tenn., about 20 miles northwest of Knoxville, is the site of the government's nuclear research station.

As a precautionary measure, officials at the nuclear station shut down all reactors and evacuated employes.

At Knoxville, federal and local lawmen were on the alert and officials said they were trying to meet the hijackers' demands.

Norman Helinske, airport manager, said the trio requested some pep pills while the plane was holding above the airport at 32,000 feet.

THE PASSING OF WILFRED JENKS

Mr. JAVITS. Mr. President, 3 days ago the Honorable Wilfred Jenks, the director-general of the International Labor Organization died suddenly while in Rome, Italy. Mr. Jenks' passing is a tragic loss both for the organization he so ably directed and for the cause of peace and understanding in the world.

Wilfred Jenks became director-gen-

eral of the International Labor Organization in May 1970, after a career spanning nearly 40 years of the ILO's half century of existence. For many years, Mr. Jenks had primary responsibility for the ILO's work in relation to labor standards and human rights as well as for the preparation and organization of the annual international labor conference and the work of the ILO's governing body.

Prior to his being made director-general, he was actively involved in the establishment of all of the ILO's major operational programs and the development of the ILO's regional activities in Latin America, Asia, and Africa.

When Wilfred Jenks assumed his duty as director-general of the ILO, a crisis immediately arose in the relationship to the United States to the ILO. Our action in withholding dues payments, which I opposed at that time, created serious problems for the ILO, but under Mr. Jenks' leadership, the crisis was weathered and the difficulties resolved.

Under Wilfred Jenks' leadership also the ILO has moved in important new directions, including the commencement of the development of international fair labor standards to deal with the sensitive problems collateral to the new type of international business of multinational corporations as well as the general political repercussions of the enormous increase in international trade which we have witnessed in recent years.

The twin themes running through Wilfred Jenks' work and his public statements were the need to provide both economic equity and true freedom of association for workers everywhere. An example of his devotion to these principles is a speech he made to the 10th anniversary ceremonies of the heads of state and government of the Organization of African Unity in May 1973. I ask unanimous consent that a copy of the speech be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. In short, Mr. President, with the tragic passing of Wilfred Jenks, the world has lost a great international servant. His tenure as director of the ILO, although brief, will unquestionably have a lasting impact on that organization and the important causes which constitute its work. His party and I extend our profound condolences to his friends and the family.

EXHIBIT 1

UNTIL FREEDOM HAS NO FRONTIERS

(By Wilfred Jenks)

Your Imperial Majesty, Mr. Current Chairman and Excellencies: I am much honoured to be your guest at these Ceremonies.

You, the Heads of State and Government of the Organization of African Unity, have long recognised the part which the ILO can play in your great task of translating the political concept of the freedom in unity of Africa into the human reality of the well-being of individual human lives, the lives of the common people, of villagers and tribesmen no less than of organised workers in the sophisticated sectors of the economy.

It is because you regard this as the central task of the highest statesmanship that you have given so important a place in these ceremonies to the anniversary of the Conference of African Labour Ministers.

This a fitting recognition of the importance of the contribution of your Ministers of Labour to your central task.

I am happy to pay tribute on this occasion to the contribution which the Conference of African Labour Ministers, in the development of which your Secretary General Mr. Nzo Ekangaki played so outstanding a part, has made to the work of the ILO.

It is natural that the OAU and the ILO should have acted in the closest association from the moment of birth of the OAU.

These last ten years have been a momentous decade for Africa and all mankind.

A still more momentous decade lies ahead.

In these last years the whole pattern of world politics has changed.

Freedom, throughout history the privilege of the few, has become the acknowledged birthright of all.

National freedom, the privilege of a minority a generation ago, is now the secure heritage of the immense majority; though it still remains to win national freedom for those who do not yet enjoy it, in Southern Africa and elsewhere, the main battle of the next decade lies on a much broader front; it is to make a reality of freedom in everyday life.

What are the prospects of achieving something so wholly new in human history?

We start with some incomparable assets.

There is a new emphasis throughout the world on the social responsibility of political power and the decisive place of social purpose in economic growth and change.

The United Nations system, however grave its imperfections, provides a wholly new range of opportunities for grappling with our problems.

The new dialogues recently initiated among the most powerful states may, if so conducted as to strengthen rather than weaken the United Nations system as a whole, provide an opportunity to substitute a stable structure of peace for the strain and stress of ideological conflict.

The decade which lies ahead will determine whether we achieve the promise of these brave beginnings.

Let us not underestimate the task.

Freedom is precarious until freedom has no frontiers.

Freedom remains inert without the fullness of opportunity which makes it a positive reality.

The immense majority of mankind still live stunted lives: lives stunted by poor food, wretched housing, bad health, little education, and by lack of the good jobs, good wages and good social services that would put good food, good housing, good health and good education within their reach.

They live stunted lives at a time when science and technology have created possibilities of human welfare wholly new in human history.

Taking the world as a whole, the grave inequalities between man and man, and people and people, which have run throughout history, are becoming graver at a time when we are more aware than ever before, and more conscious than ever before that, given vision and resolve, we are much better equipped to cope with them than ever before.

This is an explosive paradox in an age with an unprecedented degree of questioning of authority, an unprecedented momentum, scale and rhythm of change, an unprecedented willingness to reject the old and explore the new.

This explosive paradox is the fundamental problem of world society today.

It is a problem for the highest level of statesmanship; it involves the whole of economic policy but goes far beyond economic policy; it is of decisive importance for the viability of the state and the stability of society.

It is because so much of the work of the ILO is so directly related to this fundamental problem which lies at the crux of the responsibilities of the highest statesmanship that Your Imperial Majesty and so many of Your Excellencies, the Heads of State and Government of Africa, have taken so keen a personal interest in the work of the ILO, have honoured us with your personal participation in ILO meetings both in Africa and in Geneva, and have authorised and encouraged your Ministers of Labour to play so positive a part in shaping the ILO contribution to human freedom. You look to us to help you to achieve the fullness of opportunity for the common people necessary to give them the reality of freedom. What specific and concrete contribution can you expect of us as you wrestle with the current preoccupations of high statesmanship?

You have consistently laid the immediate emphasis on jobs and skills. Unemployment and underemployment are a cancer threatening the whole life of society; they are a threat to political stability, economic development and social progress alike. The employment problems of the developing world remain a top priority in all our work. I have, as you know, entrusted the general direction of all this work on a world wide basis to an outstanding international servant from Africa, Abbas Ammar.

Jobs and skills involves much more than manpower planning, placement, vocational training, management development, the treatment of migrant labour from Africa in other countries and suchlike matters. We will continue and expand our work in Africa on all these matters through the Jobs and Skills Programme for Africa and the Turin Centre for Advanced Vocational and Technical Training and will keep the African Labour Ministers informed of progress, but much more is involved. Employment involves the whole of development policy and decisions at the highest levels of government. There will be no solution to the problem unless you make employment the focus of development policy. Inspired by this belief, eight African Heads of State have now requested our co-operation in the framing of comprehensive employment policies. In every case we have responded positively. May I thank you for confidence and co-operation at the highest levels of government which has made this positive response possible and assure every Head of State or Government present here of my personal co-operation in ensuring an equally positive response to any further requests of this nature which I may receive from you.

Jobs and skills are vital but they are not enough. A second cancer threatens the body politic of Africa, the ever growing challenge of the unequal distribution of the good things of life. Has the time not come to balance the World Employment Programme with a comparable emphasis on greater equality of income distribution? It is not vital to give much greater emphasis to social objectives in the forthcoming international negotiations on trade, investment, monetary, and development co-operation policies? Has it not become urgent to give the more equitable distribution of income a more central place in national development policies and to avoid the concentration of development on the welfare of a privileged minority? This will be the theme of the general debate at this year's session of the International Labour Conference in which your Ministers of Labour will be playing a leading part. I hope the debate will give us with your full approval an unequivocal and comprehensive mandate to launch new world wide initiatives on the problem of income distribu-

tion and focus sharply the social objectives which should set the key note for the forthcoming international economic negotiations.

These immense tasks far exceed what governments can achieve alone. They require a mobilization of national and international effort which calls for the participation of the whole community. In matters of economic development the full co-operation of employers and workers is of the utmost practical importance. It involves a most delicate balance of freedom and responsibility. The unique tripartite co-operation pioneered by the ILO, the essence of which is that all three groups maintain their own freedom and independence and respect for each others but act in responsible co-operation with each other for the common good, provides a pattern for the necessary balance of freedom and responsibility.

There is a fundamental issue involved. You cannot give people the reality of freedom unless you give them a real voice in shaping their own lives. Trade union freedom is a vital element in the freedom of the common man.

In the ILO we have followed with much interest the recent establishment of the Organisation of African Trade Union Unity. We look forward to the full co-operation with the ILO pledged by its Constituent Congress. I have already here in Addis Ababa initiated personal discussions with its officers concerning the modalities of this co-operation. The relationships which should exist between the Organisation of African Trade Union Unity and other international trade union bodies are regarded by ILO policy and standards as a matter for the organisations concerned to settle among themselves, but I would like to mention briefly two broad principles which involve matters of the highest policy. I submit them to you with respect as the distillation of our world-wide experience.

The essence of trade unionism is its freedom and independence from governments and employers, and, may I add, from political parties. If trade unionism loses its freedom and independence it forfeits its value, not only for workers but equally for governments and employers. As the authentic voice of the working class, trade unionism is on the lowest reckoning an invaluable early warning system of trouble ahead and, on a higher plane, the natural ally of imaginative statemanship in achieving far-reaching social change by rational dialogue and orderly progress. If trade unionism, by losing its freedom and independence, ceases to be the authentic voice of the working class, it loses its value for the community both as a factor of stability and as a force for change. By making trade unionism a political instrument you destroy its fundamental political value.

You will expect such a plea for trade union freedom from the Director-General of the ILO. May I add to it an unequivocal recognition of your concern that trade union freedom should be exercised with responsibility within the broader discipline of the general interest of the community as a whole. We share this natural and proper concern. All the work of the ILO presupposes trade union freedom and organised tripartite co-operation by orderly procedures as essential to each other. Neither can subsist without the other. Our task is to make a reality of both.

Equally vital is the second principle. Trade unionism has always been a world movement. If African trade unionism isolates itself in Africa it will forfeit its influence on the world scene. By so doing it would weaken the African voice in circles with a vast and growing influence on major questions of world economic policy vitally affecting African interests. It is wholly understandable that there should be a widespread desire to reassess the place of African trade unionism in world trade unionism in the light of the changed position of Africa, but it would be a tragic mishap if this reassessment were to impair rather than enhance the influence of a free and independent African trade unionism in world trade union affairs. The ILO, the only place where all the trade union movements of the world meet together in a partnership of common action, is the natural forum and framework within which the parties concerned should work out among themselves, with due regard to the provisions of the ILO Freedom of Association Conventions, the new modalities of the place of African trade unionism in world trade unionism. This is a matter of special importance at a time when African trade unions are seeking and receiving through the ILO world-wide trade union support in an intensified campaign against apartheid and when we are increasingly preoccupied with the labour problems of multinational corporations.

May I conclude by saying how much personal pleasure it has given me to be with you today. I have accepted your invitation as an expression of your confidence in the ILO, but I have also welcomed it as an opportunity to confirm my personal identification with your ideals. No man can fulfill the responsibilities of high international office with his own strength. He can do so only with the strength which comes from the confidence of those he serves.

May I thank you for your confidence?

As Director-General of the ILO I am sworn to the impartial service of all mankind.

It is, however, no secret, in Africa or elsewhere, that the emergence of Africa as a full partner in the world community has been among my constant preoccupations for a lifetime and that the forging of a partnership of mutual confidence between Africa and the ILO was among my special responsibilities before my election as Director-General. I am here to confirm to you my dedication to that task.

I am humbly proud to have been privileged to write both the first solemn international commitment to the principle of racial equality, the grand affirmation of the equal rights of all human beings, irrespective of race, creed or sex, set forth in the Declaration of Philadelphia, and the first practical programme for racial equality in employment in Southern Africa, the ILO Declaration against Apartheid.

Here in the presence of the Heads of State and Government of the Organization of African Unity I solemnly renew my personal pledge of unswerving dedication to the ideal which binds us in a common cause, the freedom and dignity of all mankind.

This personal pledge means much to me, but much less to you than the pledge which I bring you on behalf of the ILO.

I am here to pledge you the full co-operation of the ILO in making a reality throughout Africa of freedom from man's inhumanity to man.

G. B. NALLEY

Mr. THURMOND. Mr. President, one of the outstanding citizens of South Carolina, G. B. Nalley of Easley, died last week at the age of 56. He was truly a dynamic man who accomplished much for the good of his community and State.

The example of his life is one which could be emulated by others in setting their goals and applying themselves toward reaching them. Mr. Nalley had a broad vision and recognized few limitations in achieving the course he set for himself.

At the age of 15, G. B. Nalley entered the business world by operating a sawmill. Later he combined his sawmill and lumber business with a very successful contracting firm. In more recent years, he was instrumental in the development of a number of businesses and industries in the South Carolina Piedmont. He served as either a director or trustee for quite a few other companies and organizations.

Mr. Nalley's stature had not escaped the recognition of his neighbors and hometown associates. Nineteen years ago he was named "Citizen of the Year" by both the Easley Exchange Club and the Easley Business and Professional Women's Club. He had served as either president or chairman of several civic organizations or community institutions. His church was an important part of his life and, indeed, at his death he served as chairman of the board of stewards at Fairview United Methodist Church.

G. B. Nalley was my friend throughout the years. I knew him as a patriotic, public spirited, fine citizen, and his community, State and Nation will miss him in many ways. He was a true friend, and I feel a great loss in his passing.

Mr. President, in closing, I wish to express my deepest sympathy to his devoted wife, Mrs. LaVonne Edmunds Nalley; his fine son, George B. Nalley, Jr., of Easley, S.C.; his lovely daughter, Mrs. Ashton Phillips of Charleston, S.C.; his four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, S.C., and Mrs. N. N. Newton of Clemson, S.C.; and his two brothers, W. E. Nalley and R. Eugene Nalley, both of Palatka, Fla. He also left seven splendid grandchildren: Leslie LeAnn Nalley, Kathryn LeVonne Nalley, and George Weston Nalley of Easley; and Ted Ashton Phillips, Jr., George Mark Phillips, Alton Clarence Phillips, and Sarah LaVonne Phillips of Charleston, S.C. Mrs. Thurmond joins me in extending sympathy to all the members of the family and to their many friends.

No lady was ever more devoted to her husband than the capable and talented Mrs. "Tincey" Nalley. She stood by him through thick and thin and represents the highest qualities of loyalty and dedication in a marriage. She is an example of Christian womanhood at its finest.

At the time of his death a number of articles and editorials about the life and death of G. B. Nalley appeared in newspapers of South Carolina. I ask unanimous consent that several of them be included in the RECORD at the conclusion of my remarks as follows: "G. B. Nalley Dies At 56," Greenville Piedmont, Greenville, S.C., October 1, 1973; "Easley Civic, Business Leader Dies," the Greenville News, Greenville, S.C., October 2, 1973; "G. B. Nalley Of Easley Dies At 56," the News and Courier, Charleston, S.C., October 2, 1973; "G. B. Nalley, Sr., Dies In Easley," the State, Columbia, S.C., October 2, 1973; "G. B. Nalley, Sr., Local Civic, Business Leader, Dies Monday," the Progress, Easley, S.C., October 3, 1973; and "G. B. Nalley, Sr.," the Progress, Easley, S.C., October 3, 1973, two articles from the Greenville Piedmont; an article from the State newspaper; an editorial from the Greenville News; and letters addressed to Mr. G. B. Nalley, Jr., the son of the late Mr. Nalley.

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

G. B. NALLEY DIES AT 56

EASLEY.—George Burdine Nalley Sr., 56, of 200 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, he was the son of the late L. Elford and Olivia Smith Nalley and was a member of Fairview Methodist Church.

Surviving are his wife, LaVonne Edmonds Nalley of the home; a son, George B. Nalley of Easley; a daughter, Mrs. Ashton (Sarah LaVonne) Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul (Clara) Lamar of Easley, Mrs. Ray (Anne) Howard of Hendersonville, N.C., Mrs. James Ella (Ruth) Stewart of Pickens, and Mrs. E. N. (Sarah) Newton of Clemson; two brothers, W. E. Nalley and R. Eugene Nalley of Palatka, Fla.

Funeral services will be at 11 a.m. Wednesday in Robinson Funeral Home with the Revs. Ford Philpott and Kenneth Bobo. Burial will follow in Hillcrest Memorial Park.

The body is at the funeral home, where the family will receive friends from 7 to 9 p.m. Tuesday.

EASLEY CIVIC, BUSINESS LEADER DIES

EASLEY.—George Burdine Nalley, 56, of 200 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, a son of the late L. Elford and Olivia Smith Nalley, he was chairman of the board of stewards of Fairview United Methodist Church.

Nalley started in business at the age of 15, operating a sawmill. In 1949–50 he organized a sawmill and lumber business in Easley and began a thriving contracting business.

He was instrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the board of directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Corp., and chairman of the board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president of Easley Chamber of Commerce, a charter member of Planning and Development Board of Pickens County, chairman of the initial fund raising group for Easley Hospital and March of Dimes in Pickens County and honorary member of Easley Rotary Club.

Nalley was named "Citizen of the Year" in 1954 by both the Easley Exchange Club and the Easley Business and Professional Woman's Club.

Surviving are his wife, Mrs. Lavann Edmonds Nalley; a son, George B. Nalley Jr., Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, Mrs. N. N. Newton of Clemson; two brothers, W. E. and R. Eugene Nalley of Palatka, Fla., and seven grandchildren.

Funeral services will be Wednesday at 11 a.m. at Robinson Funeral Home, with burial in Hillcrest Memorial Park.

The body is at the funeral home where the family will receive friends from 7 to 9 p.m. Tuesday.

G. B. NALLEY OF EASLEY DIES AT 56

EASLEY.—George Burdine Nalley, 56, business and civil leader and head of Easley lumber Co. and Nalley Commercial Properties, died here Monday.

He was intrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the Board of Directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Cory and Chairman of the Board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president of the Easley Chamber of Commerce, a charter member of Planning and Development Board of Pickens County, chairman of the initial fund raising group for Easley Baptist Hospital and the March of Dimes in Pickens County and an honorary member of the Easley Rotary Club.

The funeral will be 11 a.m. Wednesday at Robinson Funeral Home. Burial will be in Hillcrest Memorial Park.

Surviving are: his widow, Mrs. LaVonne Edmonds Nalley of Easley; a son, George B. Nalley Jr. of Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens and Mrs. N. N. Newton of Clemson; two brothers, W. E. Nalley and R. Eugene Nalley of Palatka, Fla.; seven grandchildren.

G. B. NALLEY SR. DIES IN EASLEY

EASLEY.—George Burdine Nalley Sr., 56, business and civic leader, died Monday in a local hospital.

Born in Anderson County, he was a son of the late L. Alfred and Olivia Smith Nalley. He lived all his life in Easley.

In 1949 he organized the Easley Lumber Co., a sawmill and lumber business which has grown to encompass building in the Southeast. In addition to developing scores of shopping centers during the past two decades, Mr. Nalley was instrumental in the development and location of industry in Upper South Carolina. Industry located included Swirl Inc., Stayon Products, Piedmont Shirt Co., Dan Manufacturing Co. and Emb-Tex Embroidering Co.

Mr. Nalley was past president of the Easley Exchange Club and the Easley Chamber of Commerce. He was chairman of the board of directors of Nalley Commercial Properties, Inc., Easley Lumber Co. and Quality Construction Co.

He was named Citizen of the Year in 1954 by the Easley Exchange Club and the Easley Business and Professional Women's Club. He was chairman of the initial fund raising group of the Easley Baptist Hosiptal.

Mr. Nalley was a director of the Real Estate Investment Fund, the Palmetto Real Estate Investment Trust and the Charlotte Motor Speedway. He was formerly president of New Galax Mirror Corp. and a member of Ford Philpot Evangelistic Association.

Mr. Nalley was a charter member of the Planning and Development Board of Pickens County. He served as chairman of the March of Dimes in Pickens County and was an honorary member of Easley Rotary Club.

Surviving are his widow, Mrs. LaVonne Edmonds Nalley; a son, George B. Nalley Jr. of Easley; a daughter, Mrs. Ashton Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C.; Mrs. James Stewart of Pickens and Mrs. N. N. Newton of Clemson; and two brothers W. E. and R. Eugene Nalley of Palatka, Fla.

Services will be 11 a.m. Wednesday in Robinson Funeral Home, with burial in Hillcrest Memorial Park.

G. B. NALLEY, SR., LOCAL CIVIC, BUSINESS LEADER, DIES MONDAY

Funeral services for George Burdine Nalley, 56, of 200 Dogwood Lane, local business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, who died Monday, were to be conducted today (Wednesday) at 11 a.m. at Robinson Funeral Home, with burial in Hillcrest Memorial Park.

Born in Anderson County, a son of the late L. Elford and Olivia Smith Nalley, he was chairman of the board of stewards of Fairview United Methodist Church.

Nalley started in business at the age of 15, operating a sawmill. In 1949–50 he organized a sawmill and lumber business in Easley and began a thriving contracting business.

He was instrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the board of directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Corp., and chairman of the board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president Easley Chamber of Commerce, a charter member of planning and Development Board of Pickins County, chairman of the initial fund raising group for Easley Hospital and March of Dimes in Pickins County and honorary member of Easley Rotary Club.

Nalley was named "Citizen of the Year" in 1954 by both the Easley Exchange Club and the Easley Business and Professional Women's Club.

Surviving are his wife, Mrs. Lavonne Edmonds Nalley; a son, George B. Nalley Jr., Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, Mrs. N. N. Newton of Clemson; two brothers, W. E. and R. Eugene Nalley of Palatka, Fla., and seven grandchildren.

G. B. NALLEY, SR.

In 1954, both the Easley Exchange Club and the Easley Business and Professional Woman's Club named George Burdine Nalley Sr., who was then 37 years old, "Citizen of the Year."

G. B. Nalley died Monday at the age of 56, leaving as one of his memorials a staggering list of ambitions and well fulfilled projects for the benefit of the City of Easley and South Carolina and a quiet lost of private philanthropies to individuals and groups who will not forget those philanthropies.

Farm-reared, G. B. Nalley got his start in the business world at 13, when he took over the responsibility of family farms as a school dropout and at the age of 15 was running a sawmill. He was successful at both. In 1949, he organized a sawmill and lumber business in Easley and began a contracting business which did approximately $4 million in business in 1964, much of it in developing shopping centers.

He built shopping centers for leasing purposes in a dozen or more cities throughout North and South Carolina and Florida. He built more than 150 A&P stores and over 300 service stations throughout the South. He built his company into one of the strongest commercial building firms in the Southeast.

Enterprising, intelligent, forthright and energetic, G. B. Nalley gave much of his business acumen and his time and efforts to Easley and Pickens County. He was a charter member of the Planning and Development Board of Pickens County, chairman of the initial fund-raising group of Easley Hospital and for the March of Dimes in Pickens County. He was a former chairman of the Board of Stewards of Fairview United Meth-

odist Church, past president of the Easley Exchange Club, past president of the Easley Chamber of Commerce and an honorary member of the Easley Rotary Club.

G. B. Nalley was initially and directly instrumental in the development of industry and other civic improvements in upper South Carolina.

In an editorial in The Easley Progress in 1954, the late Editor Julien Wyatt wrote of G. B. Nalley, ". . . It is suspected that the big secret of G. B.'s success is that infectious smile and good nature that is always with him. It's not that alone, however, as the large volume of his business transactions indicates an ability to back up the ever-present smile."

G. B. Nalley leaves behind him a long list of accomplishments which made his church, his home town, and his state a better place for his having backed up that smile by earnest and successful action.

The total community is diminished by his death. He spent his entire life in Easley. Individuals of the stature of G. B. Nalley are needed—and are not found often.

NALLEY RITES ARE PLANNED WEDNESDAY

EASLEY, S.C.—Funeral services will be conducted Wednesday for George Burdine Nalley, a business and civic leader in Easley for many years.

Nalley died Monday at the age of 56.

He was president of the Easley Lumber Co. and the Nalley Commercial Properties.

He had served on the board of directors of the Real Estate Investment Fund, the Palmetto Real Estate Investment Trust, and the Charlotte Motor Speedway.

Nalley also was a past president of the Easley Exchange Club and the Easley Chamber of Commerce, and a charter member of the Pickens County Planning and Development Board.

Funeral services will be Wednesday at 11 a.m. at Robinson Funeral Home by Revs. Ford Philpott and Kenneth Bobo with burial in Hillcrest Memorial Park.

The body is at the funeral home where the family will receive friends from 7 to 9 p.m. today.

G. B. NALLEY DIES AT 56

EASLEY, S.C.—George Burdine Nalley Sr., 56, of 210 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, he was the son of the late Elford and Olivia Smith Nalley and was a member of Fairview Methodist Church.

Survivors are his wife, LaVonne Edmonds Nalley of the home; a son, George B. Nalley of Easley; a daughter, Mrs. Ashton (Sarah La Vonne) Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul (Clara) Lamar of Easley, Mrs. Ray (Anne) Howard of Hendersonville, N.C., Mrs. James Ella (Ruth) Stewart of Pickens, and Mrs. E. N. (Sarah) Newton of Clemson; two brothers, W. E. Nalley and R. Eugene Nalley of Palatka, Fla.

Funeral services will be at 11 a.m. Wednesday in Robinson Funeral Home with the Revs. Ford Philpott and Kenneth Bobo. Burial will follow in Hillcrest Memorial Park.

The body is at the funeral home, where the family will receive friends from 7 to 9 p.m. Tuesday.

G. B. NALLEY SR. DIES IN EASLEY

EASLEY.—George Burdine Nalley Sr., 56, business and civic leader, died Monday in a local hospital.

Born in Anderson County, he was a son of the late L. Alfred and Olivia Smith Nalley. He lived all his life in Easley.

In 1949 he organized the Easley Lumber Co., a sawmill and lumber business which has grown to encompass building in the Southeast. In addition to developing scores of shopping centers during the past two decades, Mr. Nalley was instrumental in the development and location of industry in Upper South Carolina. Industry located included Swirl Inc., Stayon Products, Piedmont Shirt Co., Dann Manufacturing Co., and Emb-Tex Embroidering Co.

Mr. Nalley was past president of the Easley Exchange Club and the Easley Chamber of Commerce. He was chairman of the board of directors of Nalley Commercial Properties, Inc., Easley Lumber Co. and Quality Construction Co.

He was named Citizen of the Year in 1954 by the Easley Exchange Club and the Easley Business and Professional Women's Club. He was chairman of the initial fund raising group of the Easley Baptist Hospital. Mr. Nalley was a director of the Real Estate Investment Fund, the Palmetto Real Estate Investment Trust and the Charlotte Motor Speedway. He was formerly president of New Galax Mirror Corp. and a member of Ford Philpott Evangelistic Association.

Mr. Nalley was a charter member of the Planning and Development Board of Pickens County. He served as chairman of the March of Dimes in Pickens County and was an honorary member of Easley Rotary Club.

Surviving are his widow, Mrs. LaVonne Edmonds Nalley; a son, George B. Nalley Jr. of Easley; a daughter, Mrs. Ashton Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, and Mrs. N. N. Newton of Clemson; and two brothers, W. E. and R. Eugene Nalley of Palatka, Fla.

Services will be 11 a.m. Wednesday in Robinson Funeral Home, with burial in Hillcrest Memorial Park.

EASLEY CIVIC, BUSINESS LEADER DIES

EASLEY.—George Burdine Nalley, 56, of 200 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, a son of the late L. Elford and Olivia Smith Nalley, he was chairman of the board of stewards of Fairview United Methodist Church.

Nalley started in business at the age of 15, operating a sawmill. In 1949–50 he organized a sawmill and lumber business in Easley and began a thriving contracting business.

He was instrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the board of directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Corp., and chairman of the board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president Easley Chamber of Commerce, a charter member of Planning and Development Board of Pickens County, chairman of the initial fund raising group for Easley Hospital and March of Dimes in Pickens County and honorary member of Easley Rotary Club.

Nalley was named "Citizen of the Year" in 1954 by both the Easley Exchange Club and the Easley Business and Professional Woman's Club.

Surviving are his wife, Mrs. LaVonne Edmonds Nalley; a son, George B. Nalley, Jr., Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, Mrs. N. N. Newton of Clemson; two brothers, W. E. and R. Eugene Nalley of Palatka, Fla., and seven grandchildren.

Funeral services will be Wednesday at 11 a.m. at Robinson Funeral Home with burial in Hillcrest Memorial Park.

The body is at the funeral home where the family will receive friends from 7 to 9 p.m. Tuesday.

GEORGE BURDINE NALLEY

George Burdine Nalley was a self-made man who applied his vast energy and ability to the growth and progress of his home community of Easley and upstate South Carolina, He was a rare individual.

His business success was based on shrewd common sense and hard work. Hundreds of persons in this area owe their jobs directly to the industrial development he promoted.

G. B. Nalley believed strongly in the future of South Carolina. Over the years he participated in a long list of business, civic and church endeavors dedicated to making his community and state better places in which to live and work.

Essentially, Mr. Nalley was a contractor, a builder. And he was instrumental in building an attitude for progress in the upstate. As a key business leader, he helped set the pace for personal involvement in total community growth.

He was a man with a big heart, who was never too busy to talk with a friend or to respond to a plea for help. His recent death is mourned by the many people with whom he came in contact during his unique life.

SWIRL, INC.,
Easley, S.C., October 1973.

DEAR BUD: It was a shock to me to learn of the passing of your dad.

It is a hopeless task to try to express my feelings by mere words but I do want you to know how much I sympathize with you in your time of sorrow.

Throughout the twenty years I knew your Dad he had my respect and admiration and of everyone who came in contact with him.

To few are granted so warm a personality and so fine an intelligence.

Please accept my deepest and sincerest sympathy for you and your family in your bereavement.

Sincerely,

——— ———.

PICKENS COUNTY PLANNING AND DEVELOPMENT COMMISSION,
Pickens, S.C., October 4, 1973.

Mr. G. B. NALLEY, Jr.,
Easley, S.C.

DEAR BUD: Your associates on the Planning Commission and I extend our sympathy to you and your family in the passing of your father. His untimely death leaves a void in your lives, and his county and state will be of less stature because of his passing.

His contributions to all of us have been substantial and his accomplishments manifest a dynamic personality that held more compassion than many realized. I know that you are proud of all of these positions and permanent contributions, and I hope that they may give you some comfort during the sad days.

We pray for your comfort and acceptance of this inevitable fate of all men and that you are thankful for the gift of his life.

Sincerely,

ERNEST W. COOLER.

HAWTHORNE AVIATION,
MUNICIPAL AIRPORT,
Charleston, S.C., October 2, 1973.

Mr. G. B. NALLEY, Jr.,
Easley, S.C.

DEAR BUD: I was distressed when I received the news that G. B. had passed away. This is

a genuine personal loss to me, as I was proud to be numbered among his many friends.

We have lost a very unusual gentleman. He was often unorthodox, and actually enjoyed keeping his friends and associates "off balance", but he was one of the most totally honest men I have ever known. He had a fertile and active mind, a sense of humor, and an apparently unlimited supply of energy. These traits combined to "make things happen".

I am sure there is nothing that I will say here that will ease your sense of grief at this time, but I will remind you that your grief will pass for you and your family, but your pride in his accomplishments will live on in his memory.

Please express my deep condolences to your Mother. With deepest sympathy.

Sincerely,

VERNON B. STRICKLAND,
President.

THOMAS B. COLEMAN,
New Bern, N.C., October 1, 1973.

DEAR BUD: I was grieved today to learn of your loss. I will be in Washington Wednesday. However I will be thinking of you.

I have never met anyone who impressed me so deeply on such a short acquaintance as your father.

Often I have thought of a report coming from N.C.'s largest bank, indicating that his character and integrity were beyond reproach but to dismiss from my mind any thought of outtrading him (a most cherished reputation eh.)

Best regards,

TOM.

GABRIEL B. SCHWARTZ,
New York, N.Y., October 1, 1973.

DEAR BUD: I was sorry to learn from Ed Helinke that your dad has passed away. My deepest sympathy to your mother and all of the family.

G. B. was one of the most memorable people I have been privileged to know, and I have the kindest memories of the time we spent together in Easley and New York. His qualities of mind and spirit were in the best traditions of American individualism. He was rough-hewn but always gentle and considerate of others. He appeared as a simple man, yet had a great intellect, a delight in living and always a profound humanitarianism which led him to "do justice, love mercy and walk humbly with God". He will be missed.

Sincerely,

GABE.

QUORUM CALL

Mr. DOLE. 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. GRIFFIN. 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 2:45 P.M. TODAY

Mr. GRIFFIN. Mr. President, with agreement of the distinguished majority whip, I ask unanimous consent that the Senate stand in recess until the hour of 2:45 p.m. today.

There being no objection, at 2:08 p.m., the Senate took a recess until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MCCLELLAN).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 20 minutes.

The motion was agreed to; and at 2:52 p.m. the Senate took a recess for 20 minutes.

The Senate reassembled at 3:12 p.m., when called to order by the Presiding Officer (Mr. MCCLURE).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 318) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. UDALL, Mr. CHARLES H. WILSON of California, Mr. GROSS, Mr. DERWINSKI, and Mr. JOHNSON of Pennsylvania were appointed managers of the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8250) to authorize certain programs and activities of the government of the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 468 Leg.]

Abourezk	Beall	Cook
Aiken	Brock	Dole
Allen	Byrd, Robert C.	Domenici
Baker	Cannon	Eastland
Bartlett	Clark	Fannin
Griffin	Magnuson	Scott, Hugh
Hansen	Mansfield	Stafford
Hatfield	McClure	Symington
Hathaway	Metcalf	Taft
Hruska	Pastore	Tunney
Long	Roth	Young

The PRESIDING OFFICER (Mr. MCCLURE). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the sergeant at arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The sergeant at arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Bayh	Haskell	Pell
Bellmon	Hollings	Percy
Bennett	Hughes	Proxmire
Biden	Jackson	Randolph
Brooke	Javits	Saxbe
Burdick	Johnston	Schweiker
Byrd, Harry F., Jr.	Kennedy	Scott, William L.
Case	McClellan	Sparkman
Chiles	McGovern	Stennis
Church	Montoya	Stevens
Cranston	Moss	Stevenson
Eagleton	Nelson	Thurmond
Fulbright	Nunn	Weicker
Gravel	Packwood	Williams
	Pearson	

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (MI. JOHNSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. BUCKLEY), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

I also announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. MANSFIELD obtained the floor.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from

Arkansas with the proviso that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

FURTHER CONTINUING APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on House Joint Resolution 727, and ask for its immediate consideration.

The PRESIDING OFFICER. 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 amendments of the Senate to the bill (H.J. Res. 727) making further continuing appropriations for the fiscal year 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 at page 33597.)

Mr. McCLELLAN. Mr. President, the purpose of this resolution is to provide continuing appropriations for fiscal year 1974 for those Federal programs for which regular appropriations bills have not as of yet been enacted. The pending resolution would extend the original resolution which had a termination date of September 30, 1973, to the "sine die adjournment" date of this session of Congress.

This resolution also contains a provision which prohibits the Cost of Living Council from using any funds to carry out programs which discriminate between petroleum marketers in the method of establishing prices for petroleum products. The House agreed with the Senate amendment which exempts the Export-Import Bank from the quarterly funding rate requirement for activities covered by the foreign assistance appropriation bill.

In addition to these amendments, the resolution provides for a new distribution formula for title 1–A of the Elementary and Secondary Education Act. Under the agreement reached with the House, States shall receive grants of not less than 90 percent of their 1972 allotment and local educational agencies shall receive not less than 90 percent nor more than 115 percent of the funds received in their 1973 allotment.

The conferees agree that the formula provided in this resolution should only be looked upon as an interim solution to a very complex problem. Deficiencies in the present formula under which eligibility is determined must be corrected. The conferees are aware that new legislation is currently being developed by the appropriate authorizing committees. We urge early action on this matter.

Mr. President, before moving the adoption of the conference report, I ask unanimous consent that, immediately following my remarks on this conference report, a table be inserted in the RECORD which has been provided by the Office of Education which lists the estimated distribution of funds under title 1–A of the Elementary and Secondary Education Act.

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

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PT. A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

			Fiscal year 1974					
	Appropriations, fiscal year 1972	Fiscal year 1973, operating level	House bill—Local educational agency hold harmless at 85 percent of 1973 level		Senate bill—State and local educational agencies hold harmless at 90/110 at 1972 level		Conference bill—State hold harmless at 90 percent of 1972 LEA hold harmless at 90/115 1973 level	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total amount for all parts of title I	$1,597,000,000	$1,585,000,000	$1,629,000,000	$1,810,000,000	$1,629,000,000	$1,810,000,000	$1,629,000,000	$1,810,000,000
Total for States and District of Columbia, pt. A, local grants	[1] 1,364,707,215	[2] 1,316,037,468	[5] 1,305,190,699	[6] 1,444,083,033	1,305,191,181	[7] 1,444,267,379	1,305,203,418	1,444,116,298
Alabama	40,257,134	34,549,166	29,366,791	29,366,791	36,231,421	36,231,421	36,231,421	36,231,421
Alaska	2,054,974	2,415,064	2,682,258	3,112,266	2,260,471	2,260,471	2,396,946	2,777,324
Arizona	8,648,415	8,134,242	7,979,433	9,257,236	7,783,574	9,513,256	7,783,574	9,354,378
Arkansas	24,214,456	20,963,618	17,891,075	17,819,075	21,793,010	21,793,010	21,793,010	21,793,010
California	122,028,439	111,618,375	132,282,520	153,404,740	119,281,010	134,231,283	118,267,550	128,361,130
Colorado	10,100,532	10,237,378	10,662,905	12,638,915	9,612,772	11,110,585	9,530,951	11,772,985
Connecticut	11,813,005	11,747,931	14,075,019	16,324,230	12,690,536	12,994,306	12,582,635	13,510,121
Delaware	2,242,296	2,323,748	2,369,640	2,749,533	2,135,792	2,466,526	2,117,579	2,672,310
Florida	26,445,029	24,111,072	21,409,583	24,848,859	23,800,526	29,089,532	23,800,526	27,727,733
Georgia	39,947,788	40,573,812	34,487,740	34,787,740	35,953,009	43,942,567	36,516,431	36,516,431
Hawaii	3,250,669	3,715,263	4,056,617	4,704,115	3,575,736	3,575,736	3,626,989	4,272,552
Idaho	2,730,118	2,719,220	2,394,164	2,778,090	2,457,106	3,003,130	2,457,106	3,127,103
Illinois	63,243,090	69,554,901	73,322,080	85,026,804	66,117,404	69,567,399	65,555,777	79,988,136
Indiana	16,999,801	18,773,439	16,346,660	18,959,995	15,299,821	18,699,781	16,896,095	21,589,455
Iowa	15,464,659	14,601,661	12,411,412	12,411,412	13,918,193	17,011,125	13,918,193	13,918,193
Kansas	10,427,273	9,147,430	4,775,316	8,991,779	9,384,546	11,470,000	9,384,546	10,519,544
Kentucky	37,131,906	32,212,788	27,380,870	27,380,870	33,418,715	35,180,193	33,418,715	33,418,715
Louisiana	34,683,312	31,322,489	26,624,116	26,624,116	31,214,981	38,151,643	31,214,981	33,117,401
Maine	5,607,754	5,633,673	5,238,765	6,075,788	5,046,979	6,168,529	5,070,306	6,478,724
Maryland	19,423,141	19,380,669	20,745,445	24,059,507	18,705,508	21,365,455	18,546,513	22,287,769
Massachusetts	23,858,101	24,893,505	28,292,810	32,812,419	25,510,812	26,243,911	25,293,979	28,627,531
Michigan	47,708,517	51,768,916	53,125,904	61,617,453	47,898,993	52,479,369	47,491,650	59,534,253
Minnesota	21,120,043	20,897,155	17,762,582	18,307,236	19,008,039	23,232,047	19,008,039	23,204,280
Mississippi	42,074,152	35,922,629	30,534,235	30,534,235	37,866,737	37,866,737	37,866,737	37,866,737
Missouri	25,579,100	23,367,302	19,862,207	19,862,207	23,021,190	28,137,010	23,021,190	24,352,345
Montana	3,013,338	2,865,542	2,435,711	2,776,673	2,712,004	3,314,672	2,712,004	3,295,373
Nebraska	7,523,056	7,187,530	6,109,400	6,236,637	6,770,750	8,275,362	6,770,750	7,905,410
Nevada	883,771	923,899	1,198,736	1,390,428	972,148	972,148	1,062,484	1,062,484
New Hampshire	1,908,409	2,007,413	2,123,746	2,463,298	1,914,737	2,099,250	1,898,450	2,308,525
New Jersey	44,860,594	44,232,287	51,451,480	59,670,251	46,392,502	49,346,653	45,998,194	50,857,130
New Mexico	9,629,504	7,393,185	7,094,925	8,229,186	8,666,554	10,592,454	8,502,163	8,502,163
New York	193,459,929	196,835,764	229,434,700	266,054,680	206,893,830	212,805,922	205,136,640	226,361,130
North Carolina	56,269,988	51,556,663	43,823,164	43,823,164	50,634,889	50,634,889	50,634,889	50,634,889
North Dakota	4,271,181	4,101,267	3,486,077	3,486,077	3,844,063	4,698,299	3,844,063	3,844,063
Ohio	41,269,978	42,248,122	41,720,277	48,388,037	37,615,984	45,396,976	38,023,310	48,585,340
Oklahoma	18,199,914	16,649,246	14,151,859	14,151,859	16,379,923	20,019,905	16,379,923	17,243,236
Oregon	9,382,231	8,421,321	9,086,136	10,541,490	8,444,008	10,320,454	8,444,008	9,684,519
Pennsylvania	67,113,702	64,998,125	63,512,670	73,654,917	60,402,332	73,825,072	60,402,332	74,747,849
Rhode Island	5,189,238	4,873,849	5,122,679	5,940,772	4,670,314	5,708,162	4,670,314	5,604,926
South Carolina	34,313,120	29,853,231	25,375,246	25,375,246	30,881,808	30,881,808	30,881,808	30,881,808
South Dakota	6,266,048	5,470,551	4,649,968	4,649,968	5,639,443	6,433,549	5,639,443	5,639,443
Tennessee	36,288,395	31,273,191	26,582,212	26,582,212	32,659,556	32,659,556	32,659,556	32,659,556
Texas	69,566,731	67,675,754	57,524,391	57,524,391	62,610,058	76,523,404	62,610,058	67,124,681
Utah	3,593,198	3,894,921	4,233,235	4,909,818	3,816,769	3,952,518	3,784,313	4,479,159
Vermont	2,107,682	2,093,957	1,846,465	2,142,393	1,896,914	2,318,450	1,896,914	2,408,051
Virginia	33,803,541	31,522,692	26,794,288	26,794,288	30,423,187	37,183,895	30,423,187	30,423,187
Washington	12,255,022	13,445,639	15,206,163	17,638,391	13,480,524	13,480,524	13,592,353	15,462,485
West Virginia	20,524,496	17,319,813	14,721,841	14,721,841	18,472,046	18,472,046	18,472,046	18,472,046

	Appropriations, fiscal year 1972	Fiscal year 1973, operating level	Fiscal year 1974					
			House bill—Local educational agency hold harmless at 85 percent of 1973 level		Senate bill—State and local educational agencies hold harmless at 90/110 at 1972 level		Conference bill—State hold harmless at 90 percent of 1972 LEA hold harmless at 90/115 1973 level	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Wisconsin	$16,546,374	$17,340,875	$16,008,791	$18,567,927	$14,891,737	$18,201,011	$15,606,788	$19,942,006
Wyoming	1,235,793	1,170,817	1,019,105	1,182,467	1,112,214	1,359,372	1,112,214	1,346,440
District of Columbia	8,187,278	10,096,368	11,469,287	13,301,211	9,006,006	9,006,006	10,253,775	11,610,823

[1] Fiscal year 1972 authorization for Public Law 89-10, title I, pt. A ($2,000 p.a. income level and 50 percent State or national average current expenditure per pupil in average daily attendance) ($3,605,868,234; 50 States and District of Columbia) reduced to title I, pt. A, allotment amount ($1,489,919,683; 50 States and District of Columbia) with the State agency amounts established at the fiscal year 1972 authorization amounts, and county LEA grants not less than the State received for LEA grants in fiscal year 1967. Under Public Law 92-184 Supplemental Appropriation Act, fiscal year 1972 LEA grants for 15 States were adjusted to the fiscal year 1971 funding level, with adjustment of administration amounts as necessary.

[2] Amended estimated allotment by State for county local educational agencies as ratably reduced from authorization under provisions of Public Law 93-9 and Public Law 89-10, title I.

[3] Allotment at fiscal year 1972 State LEA amounts.

[4] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,444,076,531, with no State receiving less than its fiscal year 1972 LEA grant amount.

[5] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,305,190,699 with no State receiving less than 85 percent of its fiscal year 1973 allotment.

[6] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,444,083,033 with no State receiving less than 85 percent of its fiscal year 1973 allotment.

[7] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,444,267,379 with no State or local educational agency receiving less than 90 percent or more than 110 percent of what they received in 1972.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG. Mr. President, I join the chairman of the Appropriations Committee (Mr. McCLELLAN) in endorsing this conference report and urge immediate approval by the Senate so that the various departments and agencies that still do not have a regular appropriations bill may continue to operate in an orderly manner.

As the Senate will recall, the ranking minority member of the Labor-HEW Appropriations Subcommittee, the distinguished Senator from New Hampshire (Mr. COTTON) and I offered an amendment regarding the Elementary and Secondary Education Act Title I funds when House Joint Resolution 727 was before the Senate last week. This amendment, which was approved by the Senate by a vote of 52 to 43, provided that the amounts made available to the local educational agencies would not be less than 90 percent nor more than 110 percent of the amount that was available for fiscal year 1972. Conforming action was taken the following day when the regular HEW appropriations bill was before the Senate so that the school districts that have had to go ahead and contract for their staffs for this school year—relying on the 100 percent hold harmless provision of the original continuing resolution—would not be faced with a chaotic situation this late into the school year.

In the conference it was suggested that we combine the provisions of the House and Senate bills in a manner that would have only safeguarded these school districts at 85 percent of last year's level. The Senate conferees successfully resisted that proposal and retained the 90 percent hold harmless of the Cotton-Young amendment. However, it should be remembered that we took note of the concerns raised by the distinguished Senator from New York (Mr. JAVITS), and have changed the base year for the local educational agencies from 1972 to 1973, and also raised the ceiling for the school districts that stand to receive more money from 110 to 115 percent.

In sum, I believe this is a fair compromise that safegaurds the school districts that are least able to make a major financial adjustment at this late date; while affording more flexibility to the losing States; and at the same time allows an increasing amount to the gaining school districts during an interim period while the basic formula is being reworked by the authorizing committees.

I urge adoption of the conference report.

Mr. McCLELLAN. Mr. President, I move the adoption of the conference report.

Mr. JAVITS. Mr. President, will the majority leader yield to me under the same reservation?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. Mr. President, I shall be glad to yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I rise to state to the Senate my reasons for voting "no" on this conference report, because I believe that, while this particular matter—that is, the continuing resolution—has only limited applicability and limited time, there is no question about the fact that the provision which is established here will be followed in the conference report on the Labor-HEW appropriation. That is of such significance to all of us in the various States that it deserves a little time in order to consider what has been done.

In the first place, Mr. President, let me say that there is an improvement over the provision as it was passed here in the Senate, in the sense that 115 percent as an upper limit is better than 110 percent, but the fundamental proposition against which I feel, as a Senator from New York, I must protest is the fact that there should be a ceiling, not only a floor, because this defies the concept of a "hold harmless" provision. It is one thing to say we want to phase out the disadvantaged in the shift of population of needy children who are entitled to funds under title I of the ESEA, and we do not want to impact that too heavily on any educational district, but it is a very different thing to limit the amount which any district will gain by virtue of any shift in that population and which defies the rule which the Senator from New Hampshire said we should follow—to wit, that the money should go where the children go.

This difficulty is compounded also by the fact that in both the House and Senate versions of the Labor-HEW appropriation bill to which this is applicable—mind you, not by this conference report, which is only a continuing resolution, but it is inevitable if we take this conference report as is—there is an increase of 20 percent, from $1.5 billion to $1.8 billion, so more money is provided, and with greater unfairness to the districts which have received the impact of the needy children by virtue of population shifts.

In addition, it should again be clear that the fact that there is only a "hold harmless" floor insofar as States are concerned is really not very important. The key factor is the local educational agencies where you have a ceiling, and the reason for that is the following:

Under this distribution of money under title I of the USEA, the State total is only the sum of what the localities received. It is nothing but a transmission belt, and each locality is impacted separately depending upon its compliance with the criteria. But the State only gets a minor amount of the funds to administer it.

The fact that there is no limit on what the State gets is a minor matter. The fact that there is a limit on what the local educational agency gets is a very major and very unfair provision of the conference report.

No one knows better than I the good faith which is involved in the actions of the Senator from Arkansas (Mr. McCLELLAN) and the Senator from North Dakota (Mr. YOUNG) and the fact that they have tried to resolve this situation in the best manner in which they can. And to indicate my own good faith, the fact is that my State, as I began by stating, does better than it would have done under the Senate version.

The point is that if we begin to build on this concept a ceiling guarantee defying the basic criterion of substantive law—which is a very sound criterion based upon where the needy children are—then we get into the mischievous field of thwarting the purpose for which the legislation is passed.

My position is that the floor is entirely proper in this particular area. I sought 85 percent. The general feeling was for 90 percent. I would not lose any sleep over that if I had to go that route for the ceiling. It was the basic objection to the legislation, for which the money of the United States is being used, that does not go where the children are.

Therefore, as it is going to be carried over in other legislation—and that is already clear from the fact that it is probably going in the Labor-HEW conference report as well—it is my duty to protest against it.

I wish to make one other observation. It is noteworthy and is a good change that, instead of applying the floor and

ceiling for local educational agencies to the 1972 payment, it is now applied to the 1973 entitlement, which is a change for the better.

The common denominator is more in line with the factual situation. However, it does seem to me that it also lifts that 115 percent ceiling perhaps a little higher than it ought to be in balance with the floor, and obviously is a strictly pragmatic problem having no basic consideration to the funds going into title I of ESCA.

There is more contained in this matter. There are a whole gamut of bills which represent Federal aid in this field and in many other fields, including the health field—notably the Hill-Burton Act—and the major population impacted areas and the major industrial States. We all know that about 50 percent of the population lives in eight States and most of them live in the big cities. And these formulas have been handed down in a way which on the whole, taking them all, are prejudicial to the heavily populated concentrations of the United States.

I really feel that it is our duty—those of us in States like mine—to bring out in the most vivid way we can the injustices of these formulas which come from another day, the day of great ruralization in our country.

This concentration of population is in the States which not only pay the bulk of the Federal taxes, but underwrite through their local taxation—which therefore become very high—the demographic shifts which have taken place in our country.

This has an economic effect upon the population of our States, because the competition between States for business is so keen that the amount of local taxation is a factor as to who gets what particular plant, what particular office, and what particular set of residential people.

For all those reasons and because this is rather broad and operates on a broad form, I feel that men and women from States like my own are undertaking this struggle to right the formula situation as it affects the demographic shifts in population, because we must constantly appeal to the sense of justice of our colleagues who can outvote us and generally have, but who nonetheless, I believe, are susceptible to the demands of reason as well.

I have therefore presented this argument and will record my vote in this way.

Mr. McCLELLAN. Mr. President, if the Senator would yield, I am sure that the distinguished Senator from New York will agree that the conference had a very, very difficult problem in trying to resolve this issue. The result that we were finally able to come up with and agree upon is not entirely satisfactory to anyone. However, we do have a more tragic situation—and that word is perhaps a little too strong—with respect to this program throughout the States of the Nation and many of the school districts. Except for some provision comparable to what we have in this conference report, except for some comparable provision, at least the consensus would be that in many school districts throughout the Nation they do not have money enough and they do not have adequate funds to carry on the school for the rest of this year. They will either have to curtail the school term or would be compelled to discharge a number of teachers in order to curtail expenses and have enough money to operate on for the rest of the year.

I think we can all agree—and I do not think anyone can disagree—with the proposition that the money should go where the children are. There are differing opinions now as to whether the present formulas in these bills are desirable. There are many who feel that there is a strong indication that the funds under the present formula do not always go where the children are.

It is the consensus of many that the formula needs to be revised. And it is our hope—and we so indicated, as I indicated in my opening statement—that in the meantime a proper appropriate legislative committee will give attention to that aspect of this problem and come up with a formula which we hope will undertake to accomplish what we all seek to do, to let the money go where the children are, which will in the meantime be enacted into law.

Mr. JAVITS. Mr. President, if the Senator will yield briefly, I wish to make the point again that I am not objecting to the hold harmless clause, which means a floor. However, I am objecting to the hold harmful clause which means a ceiling.

I wanted to make that crystal clear.

Mr. BENTSEN. Mr. President, I would be less than candid if I did not express my strong disapproval of section 2 of this continuing resolution, which sets limits on the amounts school districts can receive under title I–A of the Elementary and Secondary Education Act.

On October 3, we had a very protracted debate on this issue on the Senate floor. I offered an amendment which would have allowed every school district in the Nation to receive no less in title I funds than they received last year. In addition, the amendment would have also assured that school districts which had been allocated funds at increased levels as a result of the previous continuing resolution would have been able to retain those gains.

I offered my amendment because I knew of no other way to bring equity to a very complicated situation. When we passed the last continuing resolution, which contained a State "hold harmless" clause, many school districts were cut back severely from their previous year's levels; some in my State were cut as much as 90 percent. However, other school districts, including the large urban districts in my State received substantial gains, and they had budgeted on the basis of those gains.

I offered my amendment to eliminate some of the uncertainty facing school districts and to tide them through this year. The Office of Education and the States had not notified them until late in the year, after budgets were made, of the levels of funding they could expect. The principal problem was that 1970 census data was being utilized for the first time in making those determinations.

If the census data had been available to the districts at the time they were making up their budgets, this problem would not have been so severe. But, in my view, it was unwise and unfair to punish the school districts because of our delays in getting this data to them.

Unfortunately, my amendment failed when a substitute was adopted on a narrow vote of 52 to 43. Now, with the continuing resolution, we have a companion problem. We have some school districts in my State and throughout the Nation which have been promised gains and are now finding that those gains will not be available to them. That is because of the 115 percent ceiling imposed on local school districts and the unfairness of the title I formula.

For example, in my own State, Dallas was scheduled to receive $5.5 million; now, even if it receives 115 percent, it will be cut to $4 million. Houston was scheduled to receive $8 million; now, it can probably expect only $5 million. El Paso may be cut back in excess of $400,000; Fort Worth approximately $400,000; and San Antonio perahps in excess of $500,000.

I must stress, Mr. President, that these cuts come after the beginning of the school year and after these districts had received word of large increases. In effect, we have reneged on our promises to them.

I frankly do not believe that is the way we want to do business around here. The school districts are confused enough as it is without our changing the rules of the game in mid-year.

The lesson of this, Mr. President, is that we must move rapidly on the 1975 appropriation and have the issues settled before the school year begins. Then we will not confront this very unfortunate situation next year.

Moreover, I want to pledge my efforts to fight for an adequate title I formula. The present formula, with its heavy reliance on AFDC payments, clearly discriminates against my State and many other Southern States which do not have the affluence or the desire to make substantial increases in welfare contributions. As I said on the Senate floor last week, welfare payments are a very poor standard of measurement in determining where the poor children are. Let us look more directly at population shifts and family income levels; those are the key factors we should consider.

I believe the solution reached on title I–A is an unjust one, and I believe that as more Senators realize the consequences of this action for individual school districts in their States, they will be compelled to reach the same conclusion.

Mr. DOLE. Mr. President, it has come to my attention that the formula for the allocation of title I ESEA funds contained in the conference report may not cover every possible situation.

I know that the formula has not been available long enough to fully determine its impact in all the States, and therefore this problem may not arise. However, I would like to express my concern

regarding one potential problem which might arise in Kansas.

The title I ESEA formula provides for a "hold harmless" at the State level at 90 percent of the 1972 payment level. The resolution also contains a "hold harmless" clause for the local education agencies at a minimum of 90 percent of the 1973 funding level and a maximum of 115 percent of the 1973 funding level.

In Kansas, LEA's in 1972 received total Federal title I payments amounting to $10,427,273. A 90 percent "hold harmless" figure on this amount comes to approximately $9.3 million. In 1973, Kansas local education agencies received $9,147,430. A 90 percent minimum "hold harmless" figure on that amount comes to approximately $8.2 million. Thus, under the formula Kansas LEA's would be guaranteed use of $8.2 million of the $9.3 promised under the 90 percent of 1972 "hold harmless" clause, and it is assumed that the additional $1.1 million would be spent on those districts which have a 15 percent increase in entitlements over the 1973 payment level. My question is what could happen in Kansas if the authorized increases did not fully utilize the additional $1.1 million promised by the "90 percent of 1972 funding" floor provision?

I would hope that the answer to this question is that the funds would be retained within the State to be allocated proportionately among the local education agencies, otherwise the purpose of the 1972 hold harmless provision would be negated to a large degree.

Kansas school districts budgeted for the coming year based on the provisions of the continuing resolution passed in June providing a 100 percent "hold harmless" at the 1972 funding level. It is important that we stay as close as possible to that figure in order to avoid complications and a disruption of the on-going programs in these districts. I am therefore hopeful that the 1972 "hold harmless" portion of the formula will be given due consideration in the administration of the title I program under this formula.

Mr. JAVITS. Mr. President, I demand the yeas and nays on the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. 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 proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON) is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. BUCKLEY), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

I also announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Florida (Mr. GURNEY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 73, nays 2, as follows:

[No. 469 Leg.]

YEAS—73

Abourezk	Eastland	Packwood
Aiken	Fannin	Pastore
Allen	Fulbright	Pearson
Baker	Gravel	Pell
Bartlett	Griffin	Percy
Beall	Hansen	Proxmire
Bellmon	Hatfield	Randolph
Bennett	Hathaway	Roth
Biden	Hollings	Saxbe
Brock	Hruska	Schweiker
Brooke	Hughes	Scott, Hugh
Burdick	Jackson	Scott, William L.
Byrd, Harry F., Jr.	Johnston	Sparkman
Byrd, Robert C.	Kennedy	Stafford
Cannon	Long	Stennis
Case	Magnuson	Stevens
Chiles	Mansfield	Stevenson
Church	McClellan	Symington
Clark	McClure	Taft
Cook	McGovern	Thurmond
Cranston	Metcalf	Tunney
Dole	Montoya	Weicker
Domenici	Moss	Williams
Eagleton	Nelson	Young
	Nunn	

NAYS—2

Haskell	Javits

NOT VOTING—25

Bayh	Goldwater	McGee
Bentsen	Gurney	McIntyre
Bible	Hart	Mondale
Buckley	Hartke	Muskie
Cotton	Helms	Ribicoff
Curtis	Huddleston	Talmadge
Dominick	Humphrey	Tower
Ervin	Inouye	
Fong	Mathias	

So the conference report was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

The joint resolution was subsequently signed by the President pro tempore.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Saturday.

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

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 11 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. Monday.

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

THE VICE-PRESIDENCY

Mr. MANSFIELD. Mr. President, I should like to read to the Senate, if I may, the preliminary statement I made at the Democratic conference this morning before the prepared remarks I made at that time.

The preliminary remarks read as follows:

Gentlemen, the Government is still functioning. The Constitution is still in effect. The line of succession has been broken only momentarily. But the issue is before the Senate and the Congress. The constitutional issue of filling the vacancy caused by the resignation of former Vice President Agnew will be before the Senate shortly, when the President sends up a nomination.

This is a unique experience for the Senate and the Congress because it is the only occasion which calls for the ratification or the approval of a nomination by both bodies of the Congress.

It is a situation which has been created by the passing of the Twenty-fifth Amendment. In facing up to our responsibilities, I would hope that the Senate would conduct itself with the same dignity, the same integrity which it has shown throughout this most troubled year. This is just another added difficulty, another added situation placed on many others which have confronted this country this year—and perhaps others which will confront us in the weeks and months ahead.

The Democratic leadership of the Senate has conducted three meetings in the past three days. The purpose of those meetings was to give recognition to the seriousness of the problem, the need for working out procedures, and to make certain to the people at large that we were not taking our responsibilities lightly.

The meetings themselves were held, first, immediately following the receipt of a letter by the joint leadership from the Vice President on Wednesday afternoon, announcing his resignation. That meeting lasted about two hours. There were a good many arguments back and forth as to what the Senate would do in establishing a procedural pattern for the carrying out of this new responsibility.

Yesterday we met for about an hour and a half—the same group, though smaller; and this morning the Democratic Policy Committee met for the purpose of its being made

aware of what the Democratic leadership had done in conjunction with the Republican leadership and with the people most interested in this particular problem based on committee practices.

Except for the first meeting on Wednesday, very few of the younger Members have been in attendance. There were some the first day. As you are well aware, I am one of those who believe that the youngest member has just as much in the way of rights as the oldest member—in other words, so far as egalitarianism is concerned, it applies to all Senators, not just a selected few based on seniority or the holding of committee chairmanships or whatever.

With those few prefatory remarks, I should like to read to the conference a statement I made to the policy committee this morning, with its knowledge that this statement would be made at this time.

Mr. President, I ask unanimous consent that that statement be printed in the RECORD.

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

Mr. MANSFIELD, Gentlemen: We are convened to discuss and hopefully to agree on the method of selecting the Vice President insofar as the Senate's participation in this process is concerned. What we confront is a unique event and calls in my estimation for a response by Congress of a similarly unique and extraordinary nature. In the case of an impeachment trial, for example, the Senate sits as a body to judge an accused Vice President. Many Senators have suggested that a parallel Committee-of-the-Whole procedure be invoked to judge the merits of a Vice President nominated under the 25th Amendment. Senator Chiles introduced a resolution to this effect yesterday. It has been suggested by others.

On the other hand, some Senators urge that upon submission, the nominee properly should be referred to either one of at least two Standing Senate Committees. In this connection, a persuasive case has been made for Rules Committee jurisdiction. Others have urged jurisdiction in behalf of the Judiciary Committee. Ultimately questions of jurisdiction and the interpretation of the Rules are ones that can be decided only by the full Senate.

Another approach that has been proposed is the appointment of a special Committee (by itself or as a Subcommittee of the Committee of the Whole) which would be comprised of a representative selection of the Senate as a whole, such as, for example, this Conference attempts to achieve in the membership of the Democratic Policy Committee. The idea of joining together with the House in a combined institutional endeavor also has been suggested, although it appears that the House has already decided that its Committee on the Judiciary will handle the responsibility. These, then, or a combination of two or more of them represent the apparent alternatives that confront the Senate in this matter.

It was with this in mind that yesterday the combined joint Senate Leadership (Senators Scott, Griffin, Byrd, Moss and myself) met with the Chairman and ranking minority member of the Committee on Rules and Administration—Senators Cannon and Cook—and with the Chairman and ranking minority member of the Committee on the Judiciary—Senators Eastland and Hruska—and with the Chairman and ranking minority member of the Subcommittee on Constitutional Amendments—Senators Bayh and Fong.

In reporting to you on that meeting, I would say first of all that no decisions were made; nor were firm recommendations agreed upon as to which course of action to take. While all of the apparent alternatives were mentioned, two were most prominently set forth and discussed. One was that the nominee for Vice President of the United States be referred in routine fashion to the Rules Committee, that the consideration of the nomination be handled by that Committee and that it be reported to the Senate with recommendations. The second alternative prominently mentioned and discussed was that a Committee be established comprised of members selected by the Majority and Minority Leaders in part from the Committee on Rules and Administration, in part from the Committee on the Judiciary and in part, from the Senate at large.

It is clear that whatever is decided upon ultimately will serve as a precedent for future actions under the 25th Amendment. For that reason, in my judgment, whatever course is taken should be submitted to the Senate for ratification, perhaps in the form of a resolution. In that way, our action will be spelled out for future generations.

In this connection, one proposal mentioned at the meeting yesterday was that a Committee be asked to recommend permanent procedures to be followed in the case of Clause 2 of the 25th Amendment. Frankly, I doubt that time permits adopting that course of action and, in any case, the decisions ultimately reached in this case as to the course of action to follow will serve the same purpose.

Finally, I should report that it was the prevailing view of those in attendance yesterday that to avoid duplication and accommodate expedition, the idea of conducting joint hearings with the House on the nomination be explored with the Speaker. I have accordingly advised the Speaker of this suggestion.

It was an amicable and productive meeting, but inconclusive. It was, therefore, the view of all of us that the full membership on each side should be consulted on this matter. It is for this reason that the Conference has been convened. The Republicans are scheduled to meet this afternoon. I know that many of you have evinced a deep and special interest in this matter and your views are welcome and most appreciated.

I would only add that I have no knowledge as to the identity of the President's choice or even that the decision has been made. I would add, however, that for our part, the judgment to be exercised is, inevitably, a political decision. A Vice Presidential selection in either party is politics and there is no way of avoiding that reality. Democrats and Republicans alike are going to be confronted with endorsing a man that they may have to be opposing in 1976. Whether undertaken by the Rules Committee, the Judiciary Committee, a Select Committee, the Committee of the Whole, a Subcommittee of the Committee of the Whole, or by whatever institutional device, when we go about choosing the man who must govern we are exercising the highest form of responsibility in the political life of the nation—a responsibility reserved, in all but the rarest circumstances, to the people and the people alone.

Together we in the Senate represent this nation; its geography, its philosophy, its people. Together we must represent the entire electorate in this situation. I think we are capable of performing this responsibility and of doing it properly.

The present rules of the Senate afford the Senate ample opportunity to deal with this situation. I would prefer not to anticipate abuses before they occur. If resort to an agreed upon institutional forum for special investigative tasks is in order then let's get on with the matter of deciding on the course of action to follow. Delaying this initial task unduly would not reflect well on this institution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the memorandum which I drew up and gave to the distinguished Republican leader at the conclusion of the Democratic Conference this afternoon also be printed in the RECORD.

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

The Democratic Conference met this morning to determine the procedures under which the Senate would consider the nomination of a Vice President under the 25th Amendment. After discussing the merits of various proposals ranging from a simple referral to the Rules Committee, to various suggestions of special select committees, to consideration by the Senate as a Committee-of-the-Whole, the Democratic Conference was presented with the following motions:

1. A motion by Senator Moss of Utah, seeking a direct referral of any nomination to the Senate Committee on Rules.

2. A substitute motion was then offered to the Moss motion by Senator Cranston of California which provided for jurisdiction in the Committee on Rules but, for the purpose of the consideration of this nomination, the membership of the Committee on Rules would be expanded by eight additional members, four of whom would be selected by the Majority Leader and four of whom would be selected by the Minority Leader.

3. A substitute motion was then offered by Senator Hollings of South Carolina as a substitute for the motion of Senator Cranston which provided for jurisdiction of any nomination to be within the Committee on Rules but for the purpose of considering this nomination, the Committee on Rules would be expanded by six members, three of whom would be selected by the Majority Leader, three of whom would be selected by the Minority Leader, with the additional proviso that the Majority Leader would be one of the added members.

The motion of Senator Hollings was voted upon and carried by a vote of 24 to 20. The Cranston motion as amended by the Hollings motion also passed by a vote of 24 to 20, and the Moss motion as thus amended by Hollings, passed by a vote of 28 to 11.

Mr. MANSFIELD. Mr. President, as a result of the action of the majority of the Democrats in attendance at the Democratic conference today, I send to the desk a resolution, and I ask unanimous consent for its immediate consideration.

Mr. HUGH SCOTT. Mr. President, reserving the right to object—and I shall not object—I rise for the purpose of making several points.

The first point is that at no time in the Senate's recent history are we likely to be more critically judged by the American people on our responsibility or lack of responsibility than in the manner in which we handle this case of virtually first impression, this extremely important responsibility, of the hearing on the confirmation of a nominee to be Vice President of the United States.

The temptations, of course, are great for persons to argue against immediate or expeditious consideration of our procedures. To do so will gain immediate but evanescent fame for any individual or group who feels that postponement will bring public attention. I would not think for a moment that that would be a motivation. I merely observe that human beings are human beings, and I do not know a more human place than the Senate. I would hope this does not happen.

All that the distinguished majority

leader is doing is asking for immediate consideration of a procedure. One of the things which we in Congress do which makes us more of a laughingstock from time to rally recurring time are those occasions when we bog down over procedures, or when we fight over prerogatives, or when we put our own protocol imaginings beyond the national interest. I am going to plead that we do not do this, that nothing is more important than that we establish, as quickly as possible, the procedures under which we act.

The other body has shown us the way. Over there, they have had no problem in determining how these matters are handled, and they will be handled according to the rules of that body. Our rules provide a way by which we can handle this matter, and the rule has been in existence for a long time.

Under that rule, a reference would be made to a committee, presumably hearings would be held, a recommendation would follow, the Senate would determine how long it wanted to debate it, and a decision would be made. But if we are going to engage in a lengthy argument over who is to have the benefit of what spotlight, or who is to be illuminated by the limelight, or who is to make a decision where rules already indicate the process, the system, the procedure, the course to be followed, I think it would be most unfortunate.

However, if the Senate decides on the majority recommendation of the caucus of the other party, 24 to 20, of course we would all abide by it, and I would again urge expedition. If, however, they decide on referring it to the Rules Committee as this body has unanimously recommended after much discussion in which there were a few dissenting expressions of opinion and show of hands, but an overwhelming majority, in which the minority joined the majority to make it unanimous, then our position is unanimously that the measure go to the Committee on Rules and Administration and there be considered for hearing and report.

Whether Members are on one side or another of this issue, I would sincerely hope that, whatever they do, they give us a chance to vote, and do it before personalities are invoked; because after a personality is involved here, the arguments allegedly to the merits are much more likely to be to the personality.

Nothing could bring more discredit on the Senate of the United States than for us to be tossing from one rhetorical arm to another, with varying degrees of enjoyment, the future of a Vice President of the United States.

My God, Mr. President, have we not suffered enough? Have we not had enough agony? Does the Senate have to add to the agonies of the Nation? I sincerely hope not.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that the resolution be read.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read as follows:

Resolved, That, the nomination by the President of the United States to fill the vacancy in the Office of the Vice Presidency be referred to the Committee on Rules and Administration.

Resolved further, That during the consideration of this nomination by that Committee, the membership of that Committee be increased by six additional members—three to be appointed by the Majority Leader, including himself, and three to be appointed by the Minority Leader. Any member appointed under the provisions of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

Mr. MANSFIELD. Mr. President, I am carrying out the responsibility entrusted to me as majority leader by a vote of a majority of the Democratic caucus held this day. This is what the Democrats agreed to, 24 to 20. I would hope that those who voted for that amendment and were in the majority—I was not—will recognize that responsibility and be aware of the fact that I am carrying out the duty which was imposed upon me by those who voted for the resolution now before the Senate.

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

Mr. CHILES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PASTORE. Mr. President, before the objection is heard, will the Senator yield?

The PRESIDING OFFICER. Will the Senator withhold his objection?

Mr. CHILES. Reserving the right to object.

Mr. PASTORE. May I ask the indulgence of the majority leader to ask a parliamentary inquiry?

Mr. MANSFIELD. Surely.

Mr. PASTORE. My parliamentary inquiry is this: In the event we do not resolve this issue, as to what committee it should go to, by way of the resolution that has been offered by the majority leader, in the event that the President of the United States does send up a nomination, automatically where would that nomination go?

The PRESIDING OFFICER. The Chair would have to take the matter under advisement until the nomination has arrived.

Mr. PASTORE. But if the nomination does arrive, where would it automatically go, under the rules of the Senate?

The PRESIDING OFFICER. The Chair requests the clerk to read rule XXV, section (p). This is the section that apparently would prevail so far as jurisdiction over this matter is concerned.

The assistant legislative clerk read as follows:

(p) (1) Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

(B) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the Senate Library; statutary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

(C) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

Mr. MANSFIELD, Mr. HUGH SCOTT, and Mr. GRIFFIN addressed he Chair.

Mr. MANSFIELD. He has not completed the reading.

Mr. PASTORE. No. Complete the entire reading.

The assistant legislative clerk read as follows:

(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and of the Senate wing of the Capitol; assignment of office space; and services to the Senate.

(F) Matters relating to——

Mr. MANSFIELD. Mr. President, I ask that further reading be dispensed with because the pertinent part has been brought to the attention of the Senate.

Will the Senator yield to me?

Mr. PASTORE. I would like to be more categorical, if I may.

In the event the matter of the resolution being sponsored by the majority is not resolved before the name is submitted by the President, and that name is submitted to the desk of this Senate, where will that nomination go? Will it stay at the desk? Can it be stopped by anyone or will it automatically go to the Committee on Rules and Administration?

The PRESIDING OFFICER. The Chair is advised there are many techniques that can be used. [Laughter.]

The PRESIDING OFFICER. One of the techniques is that a Member could move that the Senate proceed to the consideration of the resolution from the floor. If that procedure were followed, the vote could not come on the same day as the nomination.

Mr. PASTORE. Am I correct in saying that is subject to debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. The Chair has answered my question.

Mr. MANSFIELD. If the Senator will allow me to continue with this thought, I would point out that under the rules the nomination when it arrives automatically is referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. That is the normal procedure.

Mr. MANSFIELD. And under this resolution it would still be referred to the Committee on Rules.

The PRESIDING OFFICER. As provided——

Mr. MANSFIELD. No matter how you cut it, the Committee on Rules has jurisdiction over the nomination for the next Vice President of the United States to

be sent to Congress, the House, and the Senate, at 9 o'clock this evening.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. Is that correct?

The PRESIDING OFFICER. The Chair would assume so.

Mr. MANSFIELD. Will the Chair say so? [Laughter.]

What do you need?

The PRESIDING OFFICER. Would the majority leader restate the question?

Mr. MANSFIELD. When the President sends up the nomination at 9 o'clock this evening it will automatically be referred in the regular course of procedure, or under this resolution if per chance it passes, and it will not, to the Committee on Rules and Administration.

Well, the answer is "Yes."

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUGH SCOTT. The minority leader agrees.

Mr. PASTORE. I do not think we have straightened out this matter. I would like to ask another question if I may.

The PRESIDING OFFICER. The Chair asks that the clerk read the pertinent section of the rules.

The assistant legislative clerk read as follows:

RULE XXXVIII: EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

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

Mr. MANSFIELD. And the appropriate committee in this instance——

Mr. PASTORE. Is the Rules Committee.

Mr. MANSFIELD. I want the Chair to say so.

The PRESIDING OFFICER. Will the Senator restate the question?

Mr. MANSFIELD. And the appropriate committee in the instance of a Presidential nomination to fill the vacancy in the office of the Vice President would be referred to?

The PRESIDING OFFICER. Under rule XXV the Chair is advised it would be the Committee on Rules.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. The parliamentary question I ask is this.

It is true if no object is made to the referral of that nomination I can understand why automatically it would go by reference to the Rules Committee.

My question is, in order to avoid delay—and that is what I am concerned about because I do not want any delay—can that be subject to debate before it goes to the Rules Committee? That is my question.

The PRESIDING OFFICER. The rule states "unless otherwise ordered," and this is where the debate might occur.

Mr. PASTORE. In other words, it can be delayed by debate?

The PRESIDING OFFICER. That is correct.

Mr. HUGH SCOTT. Mr. President, a further point of inquiry. I preface it by saying I urge against unnecessary delay. Is it not a fact that if objection is heard to the request of the distinguished majority leader the resolution goes over until tomorrow for second reading, and then if objection is again heard, it goes over to the next day, or Monday? Is that correct?

Mr. MANSFIELD. On the calendar.

Mr. HUGH SCOTT. On the calendar on Monday.

The PRESIDING OFFICER. If objection is heard today, it will go over to the next legislative day.

Mr. HUGH SCOTT. Which is Saturday.

The PRESIDING OFFICER. But we already have a resolution that is in that predicament so it would be considered before this one comes down.

Mr. MANSFIELD. That is correct. Now, if I may address myself to the distinguished Senator from Florida (Mr. CHILES), would he consider a time limitation on his resolution, the one which calls for the Senate to meet as a Committee of the Whole to consider the nomination for a Vice President of the United States?

Mr. CHILES. As I understand the parliamentary position now, there would be a 2-hour provision normally on the motion. Is that correct?

The PRESIDING OFFICER. The situation is that the question would be open for debate for the first 2 hours tomorrow and if it is not disposed of by that time it would go to the calendar.

Mr. CHILES. The Senator from Florida would be happy to enter into a time agreement on the resolution.

Mr. MANSFIELD. How much time would the distinguished Senator be willing to agree to?

Mr. CHILES. I think 1 hour would be sufficient.

Mr. MANSFIELD. Very well, Mr. President, would the Senator like it this afternoon or tomorrow?

Mr. CHILES. Tomorrow.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the distinguished Senator from Florida calls up his resolution on the nomination of a Vice President of the United States that there be a time limitation of 1 hour, the time to be equally divided between the distinguished Senator from Florida (Mr. CHILES) and the distinguished Republican leader, or whomever he may designate.

Mr. PASTORE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Reserving the right to object, and I do not propose to object unless we do it this afternoon. We can do it right now. This is important and if they agreed to do it for 1 hour beginning at 4:30 I will not interpose an objection.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, the amendment of the distinguished Senator from Florida is entirely different from the resolution that was approved in the caucus this morning and the distinguished majority leader was acting in behalf of the majority in the caucus when he submitted the resolution.

Now, he would abandon the consideration of the resolution approved by the caucus and take up something entirely new and different, which is that the Senate resolve to enter into a committee of the whole to consider this matter and have 100 on the committee rather than 9.

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

Mr. ALLEN. I yield.

Mr. MANSFIELD. It would be my intention, if this unanimous-consent request was agreed to, then to see if it was possible to get a unanimous-consent agreement on the resolution which is now pending at the desk.

Mr. ALLEN. I see no reason to put a resolution calling for action by the Committee of the Whole ahead of what the Democratic caucus considered for 3 hours this morning.

Mr. MANSFIELD. If the Senator will yield, would it be agreeable to all parties concerned if, in addition to the Senate acting as a body of the whole in regard to the nomination of a Vice President of the United States, at the same time we considered——

Mr. CHILES. Mr. President, if the Senator will yield for just a minute, in interposing an objection I made to immediate consideration of the resolution coming from the caucus today, the Senator from Florida would be willing to agree to withdraw his resolution tomorrow. This will then be the pending business that would come up tomorrow. I have no desire to take the time of the Senate on my resolution tomorrow, and I will withdraw it.

Mr. MANSFIELD. Would the Senator consider a time limitation this afternoon?

Mr. CHILES. No, sir.

Mr. HUGH SCOTT. I would like to answer that, too, but I guess it is of no use.

Mr. ALLEN. Mr. President, if the Senator will yield, if the distinguished Senator from Florida would withdraw his objection to the consideration of the resolution offered by the majority leader, if he saw fit to do so he could offer his resolution as a substitute for the majority leader's resolution. That would get the matter before the Senate. But to set a time limitation on something that is absolutely different from what was decided by the caucus would be absolutely illogical in the opinion of the Senator from Alabama.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ROBERT C. BYRD. May I say, with all due respect to the Senator from Alabama, that under the rules, the resolution offered by the Senator from Florida (Mr. CHILES) has precedence over the resolution which is being offered by

the majority leader and to which objection will be interposed. That being the case, on tomorrow the resolution from Mr. CHILES will come up as having gone over, under the rules.

Mr. ALLEN. It will come up, but it will have to be disposed of in 2 hours, and immediately will go on the calendar.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. And the Senator is now guaranteeing a vote on it.

Mr. ROBERT C. BYRD. The majority leader's resolution, on the other hand, would not come up before Monday unless some agreement can be arrived at which would permit us to take it up tomorrow.

Mr. CHILES. The Senator from Florida has offered to withdraw his resolution tomorrow and allow the resolution from from the caucus to come up tomorrow.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. I think it is absolutely necessary for this body to set up the mechanics of procedure before we learn what the name is, and it should be done tonight, even if we have to stay here until 9 o'clock. I say, let us set up the procedure by which we shall act before the name is announced by the President of the United States. I think to wait until tomorow is next to folly. That is why I am insisting we ought to agree, no matter what we do, to resolve the procedure before 9 o'clock tonight.

Mr. MANSFIELD. The Senator from Rhode Island is aware of the practical difficulties which confront the joint leadership and the Senate as a whole in this respect. He, among others, is aware of the tremendous power which can be exercised by one Senator. As far as I am concerned, while I would like to vote on both of these resolutions this afternoon, if I can get a time agreement to vote on them tomorrow I think the Senate will be very much further ahead than if we say we are going to stay here late this evening, with no possibility of getting action on either one of these resolutions today.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. Of course, I do not mean to be facetious about it, but if the name of HUGH SCOTT came up tomorrow, I think all debate is very silly.

Mr. HUGH SCOTT. Oh, I do, too. [Laughter.]

Mr. MANSFIELD. I think it would be a splendid choice. There would be no trouble.

Mr. PASTORE. That is right; we could resolve the question tonight.

Mr. ALLEN. Mr. President, let me suggest to the majority leader that if the resolution is withdrawn at this time to consider the resolution offered by the distinguished majority leader, a time limitation could possibly be agreed upon, and possibly on the amendments that would be offered. In that way, we could get the Senator from Rhode Island home tonight. So I would be agreeable to a time limitation on the resolution if the Senator from Florida would withdraw his objection to the request.

Mr. MANSFIELD. Mr. President, does that proposal appeal to the Senator from Florida?

Mr. CHILES. No.

Mr. MANSFIELD. That is a pretty clear-cut statement.

Mr. President, I ask unanimous consent that at the conclusion of any special orders and the morning hour tomorrow, the resolution at the desk be made the pending business; that there be 1 hour on that resolution, the time to be equally divided between the distinguished Senator from Florida (Mr. CHILES) and the distinguished Republican leader (Mr. SCOTT), or whomever he may designate; that there be a limitation of 1 hour on amendments, debatable motions, and appeals, and whatnot; and that the agreement be in the regular order.

Mr. CANNON. Mr. President, reserving the right to object, may I ask whether the term "what not" includes a motion to table? I would like to ask whether a motion to table would be in order.

Mr. MANSFIELD. That is a motion that any Senator may make; but I would hope that if such a motion is contemplated, sufficient notice would be given to the distinguished Senator from Florida, the distinguished Senator from Illinois (Mr. STEVENSON), and other Senators who are interested, so that they would not be caught short.

Mr. CANNON. The point I am trying to make is that I would like to make it absolutely certain that at the conclusion of the 1 hour limitation, or whatever limitation is agreed upon, a motion to table would then be in order, and I give notice now that I would like to make such a motion.

Mr. MANSFIELD. I hope the Senator will recognize that there might be tabling motions and appeals, so I would like to speak with the Senator on that point.

Mr. LONG. Mr. President, reserving the right to object—regardless of how any party caucus, be it Democratic or Republican, may result—I am going to do my duty as a Senator. It is my judgment that this matter ought to follow the orderly procedure set down by the rules. Therefore, I am not willing to agree to limit debate on some proposal that develops from that. While I was willing to have this matter come up tonight, as the majority leader has suggested, under the circumstances I am compelled to object.

The PRESIDING OFFICER. Objection is heard. The resolution will go over under the rule.

Mr. MANSFIELD. Well, that is that.

Mr. CHILES. Mr. President, there has been considerable talk today about how the Senate should proceed: whether the Senate should establish a procedure prior to the time the nomination is submitted, and that the Senate needs to be careful it does not delay.

I point out to the Senate that we are talking now about exercising our rights under the 25th amendment to the Constitution. We are talking about how we are going to elect the next Vice President of the United States. We are talking about how the Members of the House and Senate will act. We are talking about an obligation heretofore vested in the Senate and in the people. So we are talking about something new.

This is not an appointment of a Secretary of State or a Director of the Office of Management and Budget. This is the appointment of a man who will be a heartbeat away from the Presidency at a time when the country is wondering whether there is an honest man to hold office. Is there someone we can put our trust and confidence in? Everybody else might be concerned about how we are going to act under this proposal. And we ought to set up the procedure before we start. I represent 7.5 million people in my State. I am not going to be stampeded. I am going to try to see in every way possible that we have the right answer to this question and that we get an honest man, a man in whom we can have trust.

If one wants to talk about politics, if that is politics, then let it be politics. However, that is what I am interested in.

I introduced a resolution that would propose that the Senate sit as a Committee of the Whole to decide the question. And my feeling is that if we can sit to impeach a Vice President, we ought to have sense enough to act on the name of one who has been nominated and determine his qualifications.

People object and say that it might be time consuming. Perhaps it is. Perhaps there is a better way. And I am searching to find that way. We have not found that way as yet. And I do not think that going over from today to tomorrow is going to be injurious to that, or even going beyond tomorrow if I or another Senator feels it necessary to exercise the constitutional obligation he is given by the 25th amendment. In fact, we are disenfranchising people and determining who shall sit and determining who shall be the Vice President of the United States. I will be for delay tomorrow and for delay the next day thereafter until I think that we have exercised every right and every obligation and duty to see if we can restore some trust in government, in its policies, and in the people who will run the Government.

Mr. MANSFIELD. Mr. President, I think that every Senator in his own fashion is undertaking to uphold his constitutional responsibility. And I honor every Senator, even though I may disagree with him from time to time. However, let me point out that when the nomination to fill the vacancy in the office of Vice President of the United States is sent up at 9 o'clock this evening—and it will be, even though we will not be here—it will be received. That nomination automatically goes to the Rules Committee. Under this resolution which recognizes the supremacy of the Rules Committee in this particular situation, it goes to the Rules Committee.

All that can be done through delay and stalling—and I want to thank the distinguished Senator from Florida for offering to come to a time agreement on tomorrow—will in no way affect the deliberations of the Committee on Rules and Administration.

I would hope that beginning tomorrow morning the first meeting of that committee would be held so that the organization and the procedure within that committee could be laid down for a scheduling of hearings and investigations and what not in the days ahead.

The hearings and the investigations by

the Rules Committee need not take the rest of this year. There is no reason why moving with deliberate speed that committee should not be able to report out its recommendations by the end of this month. That is not unduly fast.

If the nominee is a public figure, we will probably know a great deal about him or her, as the case may be—and do not read anything into the "her" because I am just playing it safe. The FBI will have looked into it before the President sends the name up. And further, a more thorough inquiry might be needed.

The committee would have its own staff. It would look into the background of the nominee. And I would hope that what we would see developing would not be an extravaganza of any kind, but a solid, substantial set of hearings which would go thoroughly into the background, qualifications, and character of the nominee and which would be reported out as expeditiously as possible to the Senate for its approval or disapproval.

So, to repeat, no matter what we do or do not do, the nomination goes to the Committee on Rules. It starts functioning right away. And when it returns with its recommendations, it comes to the floor of the Senate for final disposition. There it will be subject to the whole Senate for final disposition. There it will be subject to the whole Senate, the Senate acting as a Committee of the Whole. And that whole Senate will be the institutional aspect of this body which will render a final judgment.

So, we will go ahead. I voted against this resolution twice. I will vote for this resolution if I am given the chance to vote. However, I am not fooling myself, and I hope that no one else is fooling himself in this Chamber, because the hearings will go ahead. They will not be delayed. The committee is going to function. It will not be delayed. And the committee will report out its recommendations in due course, and the functions of the Government will continue to work.

Several Senators addressed the Chair.

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

Mr. MANSFIELD. I yield.

Mr. CANNON. I thank the Senator for yielding to me first. May I say that the Rules Committee, as I have heretofore said, if this matter were assigned to it, would proceed expeditiously as an investigatory body to make recommendations to the Senate as a committee of the entire Senate, a committee of the whole, to work its will on whoever the nominee might be.

I have previously given assurance and I give assurance now that the committee will act expeditiously. And I am announcing now that we will have a committee meeting of the Rules Committee at 10 o'clock in the morning in the event we are not held up on the floor because of a vote on one or both of these resolutions. In that event, the meeting will be slipped for whatever period of time is necessary.

In the meantime, the Rules Committee will proceed with its organizational proceedings. I have already been underway as chairman to request the FBI to proceed expeditiously with its investigation as soon as the nominee is announced.

And I assure the distinguished majority leader and the distinguished minority leader and the Members of the Senate that we will report back just as expeditiously as we possibly can.

I do not know that we can do so by the end of the month because we will have to do some investigatory work. However, we will certainly act without delay and with diligence to try to get this most important matter to the floor of the Senate for its consideration.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, knowing the Senator as I do, that is enough assurance for me that it will not be delayed or stalled. I thank the Senator.

Several Senators addressed the Chair.

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

Mr. CHILES. Mr. President, I thought the Senator from Florida had the floor and had yielded to the distinguished majority leader.

Mr. MANSFIELD. I thought I was recognized. However, I yield to the distinguished Senator from Florida.

Mr. HUGH SCOTT. Mr. President, would the Senator from Florida advise me whether he intends to retain the floor? I would like to have it in my own right at some time.

Mr. CHILES. Yes. I am not ready to yield the floor at this time.

Mr. HUGH SCOTT. Will the Senator yield to me?

Mr. CHILES. I am happy to yield without losing my right to the floor.

Mr. HUGH SCOTT. Mr. President, I think it is regrettable that we got into any question of the personality of someone when we do not know who it is going to be. I think it is doubly regrettable that the inference would be that this body is passing on the President of the United States 3 years and 3 months ago. There is not a shadow of reason for that inference at this time.

It seems to me that our judgment, as I said the first time I rose, ought to be on what is our duty in the premises, what is our responsibility. One famous newspaper made the point this morning that we are to look at the character and the ability of a nominee, we are not to try to devise within our own minds what happens at some future date.

We have no idea of the personality involved here. I think the Senate would reach its finest hour, as the Senator from Rhode Island pointed out, if we were to be able to function, as is clearly the will, I suspect, of a great majority of the Senate—if we were allowed to function. I respect the right of every Senator here to breach that, but if we were allowed to function, we would set up orderly procedures tonight, the newspapers would report that the Senate, together with the other body, had acted promptly and responsibly, without bias or prejudice of political motivation against a future appointee, had not tried to prejudge that man or woman on his or her unknown intentions, but had simply done its duty, in the first instance, and established a means by which we could proceed.

This whole controversy serves no purpose, in my judgment, except delay; because, as the distinguished majority leader and others have pointed out, if this nomination comes up tonight, the Rules Committee meets tomorrow.

The Rules Committee is a good deal like the celebrated turtle which is known in myth as a kind of animal—if it is an animal—a kind of creature which, once it grasps hold, never releases its grasp until it thunders; and the thunder will come when the Rules Committee reports.

Why do we criticize the procedure, when the Senate will have its full chance, every Senator will have his full opportunity to speak to the Senate and also will have his full opportunity to speak to the American people? And if any Senator needlessly delays this nomination for reasons other than those which the American public thinks are good reasons, let him be accountable first to his conscience and second to his constituents, because I am not going to be silent in the future if we deviate from our clear duty, which is to judge the capacity of this person to hold this office.

I do not make any judgment as to whether he will be an honest man or woman or not, at this point. I do not think that is a fair way of judgment to present to the Senate. The presumption on every such person sent up here is that they will be fit to perform the functions of the office. If they are not, then we will make the judgment, but not before the name is even before us.

That is why I say I must object to that kind of inference entering this debate, and I hope it will be stricken from the record.

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

Mr. HUGH SCOTT. I yield.

Mr. BROOKE. Mr. President, there are two questions. One is the confirmation of the President's nominee for Vice President of the United States, which is not before the Senate at the present time. The other is the question of Senate procedure, which is before the Senate.

As I understand the ruling of the Chair, when the nomination comes to the Senate it will automatically be referred to the Rules Committee. There are two attempts being made on the floor, one by the majority leader, speaking for the majority of the Democratic caucus, which is that we add six members to the Rules Committee. The other is the resolution of the distinguished Senator from Florida that we consider the nomination as a committee of the whole.

It is fairly obvious that the Senator from Florida does not want to consider the question before the Senate, which is the procedural question. He wants to get into the politics of the nominee. But it is not important for us to consider who the nominee is when we are considering the procedural question. We should resolve the procedural question first; then, when the nomination comes

to us from the President, we will have our right, under Senate procedures, to interrogate, debate, or do anything we want until such time as we come to some definite conclusion and confirm or reject the nomination.

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

Mr. BROOKE. Yes; indeed.

Mr. MANSFIELD. I would have to disagree with the distinguished Senator when he indicates that the distinguished Senator from Florida (Mr. CHILES) is motivated by political considerations.

Mr. BROOKE. I did not say that.

Mr. MANSFIELD. That is what I understood.

Mr. BROOKE. I want to correct the distinguished majority leader. I said there are two questions involved here; one is the procedural question, and the other is the confirmation of the nominee, which we do not have before us at the present time.

If the Senator from Florida is only concerned with the procedural question, we can debate it. We can debate it here and now on the Senate floor. He has already said he would agree to a time limitation on the debate on the procedural question. The only reason, and it is very obvious, why we cannot debate it today on the floor of the Senate is because he wants to go beyond the time when the President will send the nomination over.

For what other reason should we have to wait until Saturday to debate the procedural question? I can see him debating the nominee tomorrow, on Monday, or next month; but why delay the debate on the procedural question? If he would not agree to an hour or two time limitation, and thought we needed 30 hours, 15 hours, or 10 hours to debate the procedural question, I would agree with him, fine, let us take it over until Saturday. I personally do not believe it merits that much attention, but if it does, he can do it.

But why can he not debate that question today, right now, on the Senate floor? I think he should do so.

My question, and it is a parliamentary question, Mr. President, is this: If this matter is referred to the Rules Committee, and the distinguished Senator from Florida's motion or resolution, whatever form it takes, is agreed to by the Senate after the Rules Committee has already begun to consider the President's nominee, which it will begin to do tomorrow, as has been stated by the chairman of the Rules Committee, will the Senate then, in effect, take from the Rules Committee the jurisdiction of this nomination and then bring it back to the full Senate, thus discharging the Rules Committee from its responsibilities?

The PRESIDING OFFICER (Mr. FANNIN). The Chair will take that question under advisement. He would not like to answer that question at this point.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Florida has indicated, when he gave his consent to a time limitation tomorrow, that he would withdraw his resolution; am I correct?

Mr. CHILES. That is correct.

Mr. BROOKE. Meaning he would not call for a vote on that resolution. Is that what I understand?

Mr. CHILES. That is correct. As I understand rule XXXVIII, it says that when nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees.

Now, I think the Parliamentarian tried to say he could not say exactly where the nomination would go until it hit the desk, because, depending on what motions are made at that time, or depending on what is residing on the desk at that time, those factors would certainly come into play. So a lot of us have said that the assumption that jurisdiction automatically resides in the Rules Committee is just not correct. All we have is an indication from the Parliamentarian to the Chair that he is disposed to say this would go to the Rules Committee unless the Senate acted in some way further.

Mr. BROOKE. Will the Senator yield?

Mr. CHILES. I yield.

Mr. BROOKE. I do not understand the Senator's position any more than I did before. Why is the Senator objecting to taking the position today on the resolution presented by the distinguished majority leader, which is the position of the majority of the Senate caucus? Why cannot we dispose of that today?

Mr. CHILES. Because the Senator from Florida was advised that as soon as that motion was accepted with the unanimous consent agreement, a motion to table would have been made, and would have been a straight up-and-down vote and the motion would have been tabled.

Mr. BROOKE. In what position would that leave the Senator from Florida?

Mr. CHILES. My position on the motion would still be pending and it would still have to come up tomorrow before the matter could have been settled.

Mr. BROOKE. I do not object to the issue of the motion, but why can we not dispose of the resolution today which has been made by the majority leader?

Mr. CHILES. Because this is the question we should be on tomorrow, when we will not be facing a motion to table but we will be facing immediately today.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. EAGLETON). What is the will of the Senate?

Mr. BROOKE. Mr. President, I fail to comprehend the logic of the Senator from Florida in not allowing the Senate to vote today on the resolution presented by the distinguished majority leader. I do not see that it is related to his own motion. He has already said that his own motion will not be jeopardized by any action taken by the Senate on the resolution of the distinguished majority leader.

It seems to me the least we can do is to get that much farther along the road. I quite agree with the Senator when he says there will be a motion to table the resolution presented by the distinguished majority leader, but that still does not in any way impair his rights to present this motion. But he has already said he will not do it today but will do it tomorrow and will object to any other arrangement the Senate wants to make. It seems to me that we are left with a procedural hiatus and I guess we will have to wait until tomorrow now, unfortunately, even to act on the resolution that has been introduced by the distinguished majority leader, which represents today's majority vote of the Democratic Caucus.

Mr. President, I just fail to see the logic of it. Perhaps I am the only one on the Senate floor who fails to see that logic.

Mr. HUGH SCOTT. Mr. President, if logic were to become rampant in this Chamber, we could understand what we are trying to do. But, as I see it, the distinguished Senator from Florida is unwilling to agree to a time agreement tonight even if it is an agreement to vote tomorrow, that he is willing to have a vote tomorrow after some events have taken place for reasons which he is unwilling to explain except that he asserts he fears a tabling motion.

Mr. CHILES. Mr. President, I thought I made it very clear in my remarks that the Senator from Florida, in the face of a motion to table, does not think he has the votes tonight, but to wait until tomorrow to see if he can fight on a better field.

Mr. HUGH SCOTT. That is very interesting because now we begin to get the information I was probing for. I am obliged to the Senator. I have been hanging around for quite a while trying to find out what he is up to. Now I know. It is this, that the Senator has said he does not have the votes today. He will be less likely to have them tomorrow, no matter how much assistance he may have generated by reason of this debate tonight, which of course he has a right to do.

I hope the RECORD of today which I hope Members will read tomorrow, will show that the Senate tried to act but that a Senator, using his constitutional right, which we all respect, prevented us from acting for fear he could not prevail. That is the problem. We all do it. But that is the only reason he is doing it.

Mr. BENNETT. Mr. President, if the Senator from Pennsylvania will yield, I am completely confused because I had understood that the Senator was not going to ask for a vote on his resolution tomorrow but would withdraw it, but now he says he wants it to go over until tomorrow because he has not got the votes tonight. [Laughter.]

Mr. HUGH SCOTT. If the Senator's statement is confusing to the Senator from Utah, that indicates that his capacity for confusion has increased during the past hour. [Laughter.]

Mr. CHILES. Mr. President, I hope that the RECORD will reflect all the proceedings here now, as I think it always does, that yesterday the Senator from Florida brought up and asked for unanimous consent to bring up a procedure of how we could settle this question yesterday. Objection was noted, because Senators did not feel they wanted to consider it. So the Senator from Florida stood, yesterday, ready to set forth the

procedure. Amendments could have been had, debate gone on, and gone on all night long yesterday if necessary, and we could have had the procedure settled today. But they saw fit to object. They wanted the resolution a matter of record to reflect the action taken now.

Mr. HUGH SCOTT. It is not my understanding that the Senator from Florida was willing to agree to a time limit vote——

Mr. CHILES. Talking about yesterday?

Mr. HUGH SCOTT. Yesterday.

Mr. CHILES. Oh, yes. I was ready for immediate consideration and so made the motion.

Mr. HUGH SCOTT. On the proposal passed by the Democratic Caucus today?

Mr. CHILES. No. We are talking about the——

Mr. HUGH SCOTT. The Senator has powers of foresight which I lack.

Several Senators addressed the Chair.

Mr. HUGH SCOTT. I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, it is an interesting point the Senator from Florida makes, but the Senator from Florida really should also make the point that when he introduced his resolution yesterday, he asked for its immediate consideration so that it could not be referred to a committee, so that no action could be taken on it, and so that no referral could be made. So it was immediately placed on the calendar. The Senator wanted it considered immediately yesterday.

Mr. CHILES. I was ready for its immediate consideration yesterday——

Mr. COOK. All right, but the Senator did not want——

The PRESIDING OFFICER. The Senator from Pennsylvania still has the floor.

Several Senators addressed the Chair.

Mr. HUGH SCOTT. Mr. President, the Senator from Pennsylvania observes——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield the floor?

Mr. HUGH SCOTT. No, Mr. President, I have not yielded the floor. The Senator from Pennsylvania observes that the Senator from Kentucky is doing as well as he can with the material which is being provided him. [Laughter.]

Mr. CHILES. If I understand it incorrectly, the Senator should enlighten me, but someone had objected, or we would have considered it immediately. But someone——

Mr. COOK. That is what the Senator from Florida wanted.

Mr. CHILES. The Senator from Kentucky——

Mr. BROOKE. Mr. President, will the Senator from Pennsylvania yield?

Mr. HUGH SCOTT. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, may I ask the Senator from Florida a question? I certainly do not like to say this, but I hope the Senator from Florida does not view this colloquy as being in any way a personal attack upon him, as I certainly have very great respect for him. I know what he is trying to do, and he has every right to project his constituency and to pursue what he sees as being right.

But would not the Senator agree today, if we could have, say, a vote on his original motion—and I think he is entitled to a vote—I did not know he had asked for unanimous consent for immediate consideration—so that we could work out something whereby some time limitation could be agreed on, or we could have a time limitation on the Senator's motion for an open confirmation of the whole Senate, as I understand the Senator's motion to be.

If he prevails, so be it. If he does not prevail, could we not then move to the proposal of the distinguished majority leader which comes from the Democratic caucus and after a limited time have an up and down vote on that. Then we could consider all this between 5:10 p.m., which is the time now, and 9 o'clock tonight when the President sends down his nomination.

Does not the Senator from Florida see some real danger in the Senate's waiting to adopt this procedure before a name comes down? Is it not going to be a political matter once a name comes down?

Mr. CHILES. I see this as a political question to start with. We are talking about the election of the Vice President of the United States. The Senator from Florida does not see any way that this is not a political question. So, that being a political question, I see no more danger, because it is still going to depend on how every Senator exercises his duty and his rights. I see no more danger in doing it tomorrow than in doing it today.

I was willing, because I was persuaded that I had a good idea, that it be considered by the Senate as part of the whole. So I made the motion. I was persuaded, ready and willing, to take it up and handle the issue and debate it at that time. Since that time, because of the events that have followed and the conversations I have had with people, I am now persuaded that that is not a procedure that will carry this body, but it is not general agreement that that is the best way to take up that question, that the people feel like if they want 100 Senators asking questions we would not be able to get to the truth, that we would not be able to determine the qualifications of the candidate. I am persuaded there is some reason to what they say. So we have gone through a series of processes on the Democratic side trying to determine what would be a better way of handling that. We came out with a caucus position—by a vote which the Senator from Massachusetts, I am sure, is aware of—that would have provided that we would use the Rules Committee, but that we would broaden the Rules Committee because it is not as large as the other standing committees.

We think this question is important enough, critical enough, that we want the broadest representation we can possibly have. So that position was adopted. I am persuaded that that is a good position.

The Senator from Florida found, when he came on the floor today, that the Republicans had caucused and at this time were taking a position that would say, "The Rules Committee, period," by unanimous vote; that a motion to table was going to be offered, if the motion was considered, and that there would be sufficient votes to carry that motion to table.

Mr. HUGH SCOTT. The caucus did not take any action on the motion to table.

Mr. BROOKE. I made the motion in caucus to refer to the Rules Committee, and it did carry.

Is the Senator saying that we ought to have one procedure for candidate A and another procedure for candidate B?

Mr. CHILES. No, sir.

Mr. BROOKE. Because that would be unconscionable to me. It does not matter to me who the President names. We ought to have a Senate procedure that would apply to any candidate.

Mr. CHILES. I agree with that 100 percent. But the Senator from Florida would like to see that procedure be one that is well considered, that we examine every alternative, that we determine the best way we can possibly find for that procedure. I see the way the Senate has gone from yesterday to today, and I think the Senate tomorrow might go further and might make better progress.

Mr. BROOKE. But the Senator from Florida has already agreed to a 1-hour limitation for tomorrow. Is he going to be any better prepared tomorrow in that procedure, in a 1-hour debate, than today in a 1-hour debate?

Mr. CHILES. If the Senator from Massachusetts follows the rulings, I agreed that we could have a 1-hour time limitation. I do not think that was agreed to.

Mr. BROOKE. But the Senator from Florida suggested it.

Mr. CHILES. I suggested it, first, in disposing of the motion I had, which I said I was willing to withdraw in light of where we were in the new motion. The rules say that unless otherwise ordered, it goes to appropriate committees. Other motions can be made, and other debate can be made.

The Senator from Florida is not saying that after 1 hour tomorrow, it is going to go anywhere. It may be that the Senator from Florida would think it should be discussed further than that, that we should try further than that to find the way we can best handle the election of the Vice President of the United States.

Mr. BROOKE. We already have a ruling from the Chair.

Mr. CHILES. No, we have had no ruling from the Chair.

Mr. BROOKE. The Chair has said that the nomination will automatically go to the Rules Committee. The majority leader made that emphatically clear.

Mr. CHILES. I think the Chair should speak to that question, because I think rule 38 says "unless otherwise ordered." I think that allows the Senate to take any course of action it wants to take in regard to further reference, in regard to a change of committees.

Mr. BROOKE. I agree; nobody disputes that. But initially, immediately, it would go to the proper committee unless otherwise ordered. It may not be otherwise

ordered for 1 hour, 2 days, 3 weeks, or never.

Mr. CHILES. I think the Chair has also said—something was said about devices or ways and that it is not an automatic thing.

Mr. HUGH SCOTT. Would not the Senator agree that no matter what happens or what motion is made, it is subject to a motion to table? If the Senator does not express the majority view of the Senate, the motion to table would dispose of what the Senator has to propose. If that is the case, why not do it now? Why does the Senator feel that tomorrow——

Mr. CHILES. The Senator knows that he does not have the votes now and may have them tomorrow.

Mr. HUGH SCOTT. I think the Senator has been losing votes, and he may lose more tomorrow. I do not say that in an unfriendly way. The Senator knows that I respect him as a friend and colleague. I just could not resist.

Mr. KENNEDY. Mr. President, in light of the continuing discussion with respect to Senate committee jurisdiction over the Vice-Presidential nomination, I wish to make my view clear that the unique and unprecedented nature of the question before us is ample warrant for action by the Senate to name a select ad hoc committee to consider the nomination. I find nothing in the Standing Rules of the Senate to require a contrary result.

Under the 25th amendment, the Senate has the awesome responsibility to confirm the person who may, at any moment, become the next President of the United States. Our vote on the nomination may well be the most important single vote that we shall cast in our lifetime.

And the responsibility becomes even more awesome when we recognize that the President himself is still very much under the dark cloud of Watergate, and that therefore the prospect is correspondingly enhanced that the person we confirm today may accede to the Presidency tomorrow.

It is profoundly in the national interest, therefore, for the Senate to act on the nomination not only in a way that insures the fullest possible scrutiny to the President's choice, but also in a way that inspires the confidence of the country that our procedures have been completely adequate to the task.

My own view is that, on the basis of experience and other criteria, the Senate Judiciary Committee has a preeminent claim to jurisdiction over the nomination, if an existing committee is to be chosen.

Certainly, the role of the Judiciary Committee in the Haynsworth, Carswell, ITT-Kleindienst and Gray confirmation hearings leaves no doubt that the committee is fully qualified to consider the nomination of a Vice President. I believe that a substantial claim to such jurisdiction can be made under the Standing Rules of the Senate.

I also believe, however, that not only the interest of the Senate but also the paramount interest of the Nation will be served best by putting aside the current conflicts over jurisdiction, and by insisting that a Select Committee take on the responsibility. That route is clearly one by which the Senate can meet its responsibility, and meet it well, and I urge the Members to adopt it.

I have listened with a great deal of interest to this debate and the arguments that have been made here, and I listened earlier, in the course of our caucus, to the comments and statements of a number of members of my party.

I have tremendous respect for the thought and good sense that went into the proposal made by the Senator from Florida, the Senator from Illinois and many other like-minded Senators today and yesterday and earlier this week.

But let me reiterate for the membership—and especially for some of the Members on the other side of the aisle who were not in our lengthy caucus this morning—our feeling that perhaps no action taken by the President of the United States will be more important than the action he is going to take in nominating a new Vice President, and that perhaps no responsibility is greater for any of us to fulfill than to respond to our constitutional responsibility in our forthcoming consideration of the nomination.

There is a very deep sense within all Members of this body to insure that we develop a procedure to guarantee the fullest opportunity to examine the nominee who is to come before us.

A number of different proposals have been put forward in private conversations among Members of the Senate and in our caucus. Foremost in our minds, I think, is the realization that these circumstances are unique. Always before the American people have had an opportunity to consider for themselves the qualifications of a Vice President of the United States, and to express their decision at the polls. For the most part, as the political history of our Nation indicates, an individual who has been chosen as Vice President has usually held some prior elective office, so that the American people have had not only a chance to examine him during the course of the Presidential election, as that individual travels the country, but also on the basis of his prior record of public service in other elective office.

Further, the nominee for Vice President is also considered by his party's convention. before he is considered by the people themselves at the time of the general election.

Now, however, under the operation at the 25th amendment, the American people are not going to be entitled to that inspection with respect to the forthcoming nomination. We, their representatives must do the job for them.

Moreover, Mr. President, with all respect to the Parliamentarian, it is not clear in the standing rules that the Rules Committee has jurisdiction over this nomination.

The standing rules do provide that matters of presidential succession shall be considered by the Rules Committee. But there is a strong body of opinion on the part of those who have studied the history and precedents of this situation that the reference to "Presidential succession" in the standing rules applies only to statutes dealing with the succession. We can find other language in other parts of the rules that arguably give jurisdiction to the Committee on the Judiciary, which considers matters relating to constitutional amendments. On another theory, the Committee on Government Operations would have jurisdiction. The point is, that the issue is far from clear, and that the standing rules are simply not dispositive.

I think the American people will be surprised to realize that the Senate is considering the submission of the nominee to a committee with no experience in handling nominations. There has never been an instance in the history of this country in which the Rules Committee has considered a nomination. I say that with no disrespect to the chairman of that committee and with no disrespect to the distinguished members of that committee—no disrespect whatever.

As I urged in the caucus, I had hoped that a select committee would be appointed, and that the chairman of the Rules Committee would have been chosen as the chairman of that committee, because I think all of us have a tremendous respect for the chairman as a former prosecutor and as a person with whom we have had the opportunity to work closely in the Senate. Since the issue of committee jurisdiction is so unclear, I hope that the select committee route will still be considered a possible answer by the members to the current controversy.

To illustrate the point of jurisdiction under the standing rules, let us go back to the 1940's.

Under the statute on succession applicable when Harry Truman became President, the line of succession went next to the Secretary of State. We did not have a Vice President of the United States, and the Secretary of State was next in succession.

Suppose that the Secretary of State had resigned and that President Truman had nominated a new Secretary of State. Certainly, the nominee would be first in line of succession. Perhaps the Rules Committee would have argued that it had jurisdiction, since the issue related to Presidential succession. But how many of us here believe that it would not have been sent to the Committee on Foreign Relations? Quite clearly, it would be.

So we have a blank slate. This matter is completely new. It is extremely important. There is a great sense of restlessness in this country.

As I stated before and as I state here today, I am hopeful that the President will send to the Senate, not a caretaker President, but a strong individual who can win the confidence of the American people that he is qualified to succeed to the Presidency if he is called.

The effort that was made during the caucus was in no sense made to take political advantage of this issue, but to assure that all representatives of the Senate, if they so desire, might attend the hearings and make inquiry of the nominee.

A great deal of extremely serious thought and contemplation went into these suggestions. We came out of the caucus with something to which a majority has agreed. It was not completely satisfactory to all Senators there, but it was satisfactory to a majority. The majority leader, to his credit, has now offered the proposal to the Senate in an attempt to provide the broadest possible opportunity for inquiry, and to indicate to the American people that the Senate is meeting its profound responsibility.

We are asked, "Well, should we not follow the rules and do as they prescribe?" As pointed out by the distinguished Senator from Iowa during the caucus this morning, the rules exist for the benefit of the Senate, so that we can fulfill our responsibilities. We should not be the servant of the rules, the rules should be the servant of us, especially in the present case, where the outcome under the rules is so confused in any event.

In the particular circumstances to which we are drawn now, I think it is important for those who read this record to know that there was certainly no intention by those who support the appointment of a Select Committee or the expansion of the Rules Committee delay action in any way. Our goal is to assure that the nomination will receive the full examination and consideration that the Senate owes the American people.

I sit on the Committee on the Judiciary and I have seen instances where our committee was stampeded where this body as a whole, was stampeded on a nomination for Attorney General of the United States. If we had done our job in pursuing the ITT affair there might have been a different Attorney General in 1972, and there might have been an entirely different situation now with regard to the present nomination and with regard to many of the problems we are facing in this country. I think we are conscious of that, of the enormity of our responsibility.

These efforts and discussions on the floor and in our caucuses are the result of a very deep sense of commitment and concern for the way we carry out our trust. As representatives of the people of Massachusetts and the several States, we who shall cast our votes for the nominee must assure that the fullest opportunity for consideration and examination has been granted. In no way is this effort a reflection on individual Members or on committees of the Senate. It is a legitimate and essential attempt to provide adequate protection and guarantees for us all and for the Nation.

Mr. President, I ask unanimous consent that a brief memorandum I have prepared on the parliamentary question of jurisdiction may be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD.

MEMORANDUM ON: THE STANDING RULES OF THE SENATE AND COMMITTEE JURISDICTION OVER THE VICE-PRESIDENTIAL NOMINATION

1. The argument that the Standing Rules of the Senate give clear jurisdiction to the Rules Committee over the Vice Presidential nomination does not withstand analysis. Under Standing Rule 25 (1) (P) (1) (D), the Rules Committee has jurisdiction over "Matters relating to . . . Presidential succession." History and precedent prove that this phrase does nothing more than give the Rules Committee jurisdiction over *statutes* establishing the Presidential succession.

Strictly construed, however, the Vice Presidential nomination is not a "Matter relating to . . . Presidential succession," but a question of filling a vacancy in a high office in the Executive Branch of Government, an office that happens to be first in line of Presidential succession.

But several other high Executive officers are also in the line of succession. For example, the office of Secretary of State is fourth in line of succession by statute and now actually third in line after Vice President Agnew's resignation. But, surely, the Rules Committee would not have jurisdiction over a vacancy in the office of Secretary of State, simply because the Secretary is high in the line of succession. Obviously, the Foreign Relations Committee would have jurisdiction over such a nomination, because the Standing Rules give clear jurisdiction to that committee.

Or, to take a relatively recent historical example that is clearly analogous to the present case—when Vice President Harry Truman became President in 1945 upon the death of President Roosevelt, the Secretary of State was next in line of succession under the Presidential succession statute in effect at that time. Surely, had there been a vacancy in the office of Secretary of State, President Truman's nomination of a new Secretary, the man who would be next in line to the Presidency, would have been referred to the Foreign Relations Committee, not the Rules Committee.

2. In fact, the argument for Rules Committee jurisdiction is easily countered by an equally strong (or, better, equally weak) argument for Judiciary Committee jurisdiction under the Standing Rules. Rule 25(1)(1)(2), gives jurisdiction to the Judiciary Committee over "matters relating to . . . Constitutional amendments." Filling a Vice Presidential vacancy under the 25th Amendment is as much a "matter relating to a Constitutional amendment" (Judiciary Committee jurisdiction) as it is a "matter relating to Presidential succession" (Rules Committee jurisdiction).

3. Properly considered, under the Standing Rules of the Senate, jurisdiction over the nomination should go to whichever Senate Committee would have oversight or legislative responsibilities with respect to the office and duties of the Vice President, just as jurisdiction over nominations to other high offices in the line of Presidential succession—such as the Secretaries of State, Treasury, and Defense—would go to the standing committee with jurisdiction over the duties of the officer involved. Unfortunately however, the Senate Rules are silent on jurisdiction as to the office of the Vice President.

If, at the time the 25th Amendment was adopted, the Senate had amended its Standing Rules to deal with the question of jurisdiction over a Vice Presidential nomination, it is extremely unlikely that, as a minor committee, the Rules Committee would have received jurisdiction over such a major office. Almost certainly, the jurisdiction would have gone to a major standing committee—perhaps the Judiciary Committee, as the father of the 25th Amendment, or the Government Operations Committee, as the Committee most likely to receive general jurisdiction over matters relating to the duties of the Vice President.

The point is that because the Senate has no existing oversight or legislative responsibility with respect to the office or duties of the Vice President, the Standing Rules do not contain the answer to the question of jurisdiction over the Vice Presidential nomination, and the Senate must look elsewhere for guidance.

4. Thus, jurisdiction in a major Standing Committee or a new Select Committee should not be seen as a challenge to the jurisdiction of the Rules Committee, because there is no clear basis for that Committee's jurisdiction under the present Standing Rules. Rather, the assertion of jurisdiction by the Rules Committee over the Vice Presidential nomination is an effort to fill the vacuum under the existing Senate rules. It can also be seen as a challenge to other standing committees, since under the same argument, the Rules Committee could claim jurisdiction over any other high office in the line of Presidential succession.

CONCLUSION

At best, the Rules Committee, the Judiciary Committee, and the Government Operations Committee have nominal arguments for jurisdiction under the Standing Rules of the Senate, but the Standing Rules are not dispositive of the issue, and the Senate is entitled to write as if on a blank slate.

Mr. SAXBE. Mr. President, I am afraid that the Senate is not presenting its best face to the people of this country today. A nomination will come down tonight and I am sure it will get the fullest investigation and consideration, no matter what committee considers it, whether there are 9 members or 15 members or 100 members, and the issue will only come to determination when it comes back with a recommendation to the full committee or to the full Senate. At that time the votes will be cast and the decision will be made.

With regard to all this concern about what committee the nomination goes to, it could go to the Aeronautics and Space Sciences, or wherever it goes, and there is very little that will not be disclosed about the candidate who is nominated by the President of the United States because everybody is going to be in on the act. I do believe there may be ulterior motives. We have seen the great popularity of the Watergate matter. I am sure there are those who would like to be on the committee, whatever it may be, to get public exposure, to show what great interrogators they are, and to serve as grist for their personal mill.

I hope the Senate will quickly dispose of this matter. I think this concern about what committee it is referred to is of no great moment. When it comes back to the floor of the Senate I guess there will be 100 speeches about the nominee and a lot more placed in the RECORD if not delivered on the floor. But the final vote is going to be here and it will be the determining factor and not what happens in that committee, whatever committee it is, and no matter how many members are on it.

I hope we quickly move or refer it to the committee and await their returning it to the floor.

Mr. JACKSON. Mr. President, I shall be very brief. I think this is a time for all of us to act in a responsible manner. We have the machinery in the Senate to handle the pending matter. I think we look foolish when we talk about some grandiose scheme to handle this problem in a way that is different than something else.

I think the American people expect us to be responsible, with all the trouble we have witnessed this year.

I, for one, am not going to be a party to anything that seeks a solution to the problem in an unusual way. I hope we vote down the pending resolution by an overwhelming vote.

Mr. COOK. Mr. President, I would like to associate myself with the remarks of the Senator from Washington for several reasons. First of all, every time we have moved out of an era into another era, when we moved from the horse and buggy to the automobile, and then to the jet age, we did not change the selections of the Constitution. We did not say that because something new had been created we had to do things a different way. We have created many amendments to the Constitution for particular purposes, to overcome inequities, and to give established equities. But I must say for those who stand here and say these rules are not intended to apply because the 25th amendment came into existence thereafter should answer this question: Are we to say that every time we have a constitutional or statutory problem we have to look at these rules and make a determination whether the rules should be changed?

The point I am trying to make is that at the beginning of every congressional session we adopt these rules. We have the opportunity to change the rules. We have adopted these rules since the 25th amendment came into existence.

Mark ye not that we just sat here and decided to pay no attention to them. We had an opportunity to change these rules. We can do so at the beginning of every congressional session. The 25th amendment to the Constitution came into existence in 1967. It was debated on the floor of the Senate and passed.

The PRESIDING OFFICER. May we have order in the Senate? Will Senators please take their seats. The Senator from Kentucky has the floor and he is entitled to the courtesy of being heard by his colleagues. Please be seated.

Mr. COOK. Mr. President, these rules have been adopted by us since the adoption of the 25th amendment. So here we are; we have a procedure. Now, all of a sudden we are saying, "Let's panic and let's prove it to the American people," who think that periodically and some quite frequently the Senate acts like a circus and acts foolishly. The American people want stability in their economy, the American people want stability in their Government, and they do not want another circus. They want expeditious action by this body to either accept or reject. May I say relative to the statements that have been made on this floor, a committee will hear the matter and make a detailed and voluminous report. I doubt seriously whether some Senators will even open that report, but it will go on their desks. Many times there have been two or three volumes, and these fine young people put them on their desks. As soon as the debate is over, they come along, pick them up, and put another stack there. I challenge any Member of this body to stand up and say how many times he reads them.

But the point is, this nomination, when it comes back to this body, then presents itself to the Senate in the nature of a committee of the whole, and if the desire of the Senate is that it wishes to go into executive session and close the doors and bring that nominee in on the floor to answer questions, then the will of the Senate will be done, if that is what Senators wish to do.

We know—history tells us—that that was requested at one time, and the Senate voted it down. But the point of it is, it can be done.

The idea of a committee of the whole really astounds me, because the greatest stories that the press could have are not in interviewing the man with the most seniority, who is going to ask the first questions, but in asking the 100th Member of the U.S. Senate when he thinks he is going to get to ask his questions, whether it will be in the early spring or the late fall or when he is going to run for office again, because this Senator has been in many committee hearings when his colleagues have gone on and asked questions for 2 or 3 or 4 hours at a time and he waited patiently to see if he could have the courtesy extended to him of asking some questions.

I think we show the country our stability when we say, "We have rules." These rules can be broken. They can be broken by us, but we accepted these rules at the beginning of this session of Congress. We will debate these rules again when the next session of Congress comes up. So to say that this rule, somehow or other, never had any application to the 25th amendment, is beyond me. Why did we continue to adopt these rules after the 25th amendment was approved if we did not have sense enough to know that this was the manner in which they would apply?

It is because we did not want to do our homework then, and we now want to question our homework then?

So I can only say that I have a notion and a terrible suspicion that the House, by reason of its rules, will send the nomination to the respective committee, which it is ready to do, it will have its hearings, it will move that nomination to the floor, it will have its up and down vote, and this distinguished body will still be sitting here making a determination of how it is even going to consider the nomination in the first place. And if we find ourselves in that position, then we have proven to the country that we are the kind of body that, in many of their minds, they think we are.

I for one want no part of it. I for one stand here right now and tell you that as soon as we on the Rules Committee can start those hearings, we will start them. I hope we can set that up by tomorrow and that we can hold our first public hearings on Monday, so that we can exercise our responsibility, and not sit here with some kind of horrible feeling that the country that is looking for leadership, the country that is looking for integrity in Government, the country, by the way, that is looking to the Congress to implement the 25th amendment, which originated in this body, and which we passed, and which we sent to the House, is of the belief that we did not know what in the world we were doing when we did it, but, instead, that we can show we know how to handle the situation now, now that we have what we accomplished in 1967.

So I can only say for those of us who decide that this proposition will languish in this body, we must make a determination now that this is not what the country wants. The country has been through enough of this. The country has been through enough of the headlines that have discouraged them. The country has been through enough of frustrations which have made them ask themselves and their friends which direction the Government is going in and what it all amounts to, and the country is now saying, "If you are a viable, responsible institution, gentlemen, prove it."

I yield the floor.

Mr. BIDEN. Mr. President, being the number 100th Senator in this body and having said nothing on the floor thus far regarding whether or not and how we should handle this procedure; that is, whether or not we should move on it today or wait until tomorrow, I am a bit confused as to which is the better course of action; but since we began to discuss this subject, we got into the merits of considering how we are going to consider who the nominee is, not just when, today or tomorrow.

I would like to take issue with something that the Senator from the State of Washington said about not wanting to alarm the American people by doing anything out of order and letting them think that maybe we do not have things together down here.

I would like to respectfully suggest, No. 1, that the American people really are confused; No. 2, that the American people do not have an overwhelming amount of confidence in us as a Congress; and, No. 3, that if we point out to the American people that we are going to treat this as business as usual, that is not going to create a warm feeling in the American people. I do not see that that is going to make them feel any better. I think what they are going to say is, "If they are going to treat this momentous occasion as business as usual, like they have treated other things as business as usual, we are really in trouble."

That is why today, in the caucus, I said and I am compelled to say it on the floor now, the one thing I think we must impress upon the American people is that we do not think this is business as usual, that the man whom we are going to confirm as the Vice President of the United States may very well be the next President within the next 3 years.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. May we have order in the Senate? Will Senators please take their seats? The Senator from Delaware has the floor. Will Senators please take their seats?

The Senator from Delaware.

Mr. BIDEN. I thank the Chair very much.

I think that there are some problems which we have not discussed which will

be discussed when we debate the issue, I assume, but this is something different from filling any other vacancy than that of the Vice President, not because there is a 25th amendment, but because of the circumstances of the sitting President.

I do not know that there is anyone in the Congress or in this body who is going to say he is absolutely certain that this President is not going to find himself in some trouble with Congress in a constitutional sense. For example, what happens if the Supreme Court says, "Turn over the tapes" and the President says, "I won't turn over the tapes"? Do we then go to impeachment here? Are we then in a position where we are going to be ruling on who is the next President before the next 3½ years are up?

My whole point is that if we treat this as business as usual, if we send it, in a routine manner, to that committee which the Parliamentarian thinks it should go to, then that is not going to do the one thing that absolutely has to be done in this instance, and that is convince the American people that we realize just how much trouble this country is in; that we are just as frightened and concerned as they are; and that we are going to treat it in a manner as nothing else has been treated before because we are so concerned.

The Senator from Kentucky says we do not tamper with the Constitution on other matters. I agree with him.

We are not talking about the Constitution here. We are talking about the rules of the Senate which is no more like—well, one cannot compare the two.

The Senator from Kentucky said that we do not make exceptions in a case. I would like to ask him to explain the Watergate Committee.

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

Mr. BIDEN. I yield.

Mr. COOK. Mr. President, I might say to the Senator that we had no problem of holding up this body. We did it in an expeditious manner.

The only thing the Senator is saying is whether it is not a change in the rules. In that instance, we did it by a majority vote of the U.S. Senate. There were no dissenting votes. On this matter, if we can vote on the proposition before the Senate now. If it is the will of the Senate to make a change, then so be it. However, let us get to the point where we can do so.

Mr. BIDEN. I agree. I will not direct myself to the merits of how we make the determination, but when we make the determination.

The distinguished majority leader points out that we are talking about undue delay. We delayed the Chiles resolution until today. It was not considered undue delay. The Senator from Florida and others want to go over until tomorrow, so that we can vote it up or down tomorrow.

I fail to see how we are not moving with dispatch if we delay it 1 more day. However, I do not want to get into that question.

I wanted to talk about how important this matter was. I do not think that the American people think that we should treat it as business as usual.

The PRESIDING OFFICER. What is the will of the Senate?

QUORUM CALL

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

The PRESIDING OFFICER (Mr. ALLEN). 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.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar, beginning with the U.S. Air Force.

The PRESIDING OFFICER. Without objection, the Senate will go into executive session and will consider the first nomination on the calendar.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the U.S. Air Force be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the U.S. Air Force will be considered en bloc; and, without objection, the nominations are approved en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed with the nominations beginning with the Department of State.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Henry A. Byroade, of Indiana, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Stanley R. Resor, a Connecticut, representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, to the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination of Stanley R. Resor, of Connecticut, representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, to have the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the President will be notified.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the Army and in the Navy, placed on the Secretary's desk, be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc; and without objection, the nominations are confirmed en bloc.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will please 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the nomination of Daniel Parker.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Daniel Parker of Wisconsin, to be Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of legislative business.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes.

The joint resolution was subsequently signed by the President pro tempore.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs; that the House had receded from its disagreement to the amendment of the

Senate No. 9 to the bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate Nos. 5, 13, and 14 to the bill and concurred therein, severally with an amendment in which it requested the concurrence of the Senate.

AUTHORIZATION FOR USE OF MAILING FRANK OF SECRETARY OF THE SENATE TO MAIL OFFICIAL BUSINESS OF THE FORMER VICE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will please state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 164) to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, this joint resolution, if passed would provide that the office of the former Vice President would be authorized to use the frank of the Secretary of the Senate through the date of November 10, 1973, for the mailing of official business connected with the office held by the former Vice President.

This is the same action that is normally taken in the case of a Senator who has resigned. If the term of the Vice President had expired in the normal course as I understand the law, the staff would have had until the 30th day of June following the expiration in which to send out mail under the frank of the Vice President as long as that mail was official business and was the result of the Vice President having held that office. In the current situation, the term did not expire, but there is still official business to be closed out, which business resulted from Mr. Agnew's having held the Office of Vice President. This resolution would authorize use of the frank of the Secretary of the Senate to send out such mail for 30 days only.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time.

The joint resolution was read the third time and passed, as follows:

S.J. RES. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, through November 10, 1973, the Secretary of the Senate may, on behalf of former Vice President Spiro T. Agnew, send as franked mail, matter to a Government official (not to exceed 4 pounds in weight) and correspondence to any person (not exceeding 4 ounces in weight), and send and receive as franked mail, public documents printed by order of Congress, with respect to official business occurring as the result of his having held the office of Vice President. Postage on mail sent and received under this joint resolution is postage sent and received under the franking privilege for purposes of section 3216 of title 39, United States Code.

A STAR FOR GENERAL NOBLE

Mr. LONG. Mr. President, few people realize how close to disaster the residents of the Lower Mississippi Valley came during what is becoming known as the great Mississippi River Flood of 1973. It is difficult to imagine the menace posed to the residents of Louisiana and other valley States by the brown waters of the Nation's mightiest river which reached stages not previously experienced during the lifetime of the vast majority of our people.

In truth, Mr. President, we had grown complacent about floods. We had not experienced a major flood since 1945, and not even an unusually high water period since 1950. We had almost been lulled to sleep by those who, in trying to prevent construction of flood control works, were calling floods a thing of the past. They misled us.

Fortunately for the people of the lower valley, the President of the United States, acting at the request of the U.S. Army, had in 1971, appointed a distinguished engineer and soldier, Maj. Gen. Charles C. Noble, to be president of the Mississippi River Commission. He also serves as division engineer for the Lower Mississippi Valley Division. General Noble was not misled. He knew floods are still possible, and as unusually heavy rains fell throughout the vast drainage area of the Mississippi River all of last fall, General Noble began to prepare for a major flood.

He warned the people of Louisiana, in several speeches, that conditions were ripe for a major flood in 1973. His outlook was summed up in a statement to a Louisiana State legislative committee:

I am paid to worry, so I am worrying.

But, General Noble did more than worry, he began to act. He was responsible for protecting millions of American citizens from Hannibal, Mo., to the Gulf of Mexico, and he was determined to discharge that responsibility.

He ordered that a division-wide flood fight exercise scheduled for the spring of 1973 be held as early as possible and that all possible realism be included in the scenario. In this connection, General Noble directed that civilians—members of levee boards and other local agencies—be invited to fully participate in the exercise. He was—and is—sensitive to the feelings of people who would be affected by a flood, and he wanted those who had the basic responsibility for protecting a community to know that they had a key role to play when the high waters came.

In addition to the exercise, General Noble foresightedly ordered a number of preparatory actions, some of which were skeptically viewed by other competent people. But, these skeptics lacked General Noble's perspicacity as well as his responsibility to the people of the valley.

He made a basic decision very early in his planning that he would follow until all danger of flood was past. This decision was that where there was a choice between added protection and minimal protection, he would give added protection. For the next several months, all actions would be keyed around this humanitarian decision. He also came to another basic decision: that the authorized plan for flood protection in the lower valley, commonly called the M.R. & T. project, represented the best thinking of engineering experts at the time and it was also the will and intent of Congress. And it was not realistic to change a plan in the middle of a flood. The M.R. & T. project would be the basis for fighting a major flood in 1973.

A factor that would plague General Noble throughout the emergency was that the M.R. & T. project is only about 41 percent complete, but he had to make it 100 percent effective against the major flood that was coming.

From December until June, Charles Noble drove himself almost to the limits of human endurance, first trying to prepare for the flood and then to lead the fight to protect our people. He was everywhere along the more than 1,200 miles of rampaging river. No need of the stricken people was too small to command his interest.

I remember in Morgan City, La., when that town was threatened by both Gulf tides and the Atchafalaya River, General Noble met there with me and city officials who were deeply concerned over what the future held for that community. His own concern for Morgan City—indeed, for the whole valley—was very evident. He knew what was going on and what was needed. His determination to assure that our people would receive all the protection that could possibly be provided was reassuring to us who had gathered there. I felt a lot better knowing that a man as capable and as dedicated as Gen. Charles Noble was in charge.

Despite the many pressures on him, he was not too busy to care about the individuals who were caught up in the disaster. As he was leaving the city hall at Morgan City, he was approached by a concerned mother. Her daughter was to be married in a couple of weeks, and this mother was worried over sending out invitations, lest Morgan City have to be evacuated. General Noble gave this woman his undivided attention while she expressed her problem—a problem not too important when measured against the myriad others weighting down upon his shoulders. Charles Noble is also a husband and father, and he appreciated the enigma faced by this worried lady.

He patted her hand, and reassuringly told her to go ahead and mail the invitations; Morgan City would not be evacuated. You can never convince that Louisiana mother that all generals are stuffed-shirt brass hats; she had met a compassionate, understanding gentleman.

Mr. President, it would take too long to detail the many problems created by the 1973 flood, but a brief comparison with other floods is revealing.

Our flood this year was the third greatest flood of the century—exceeded only by the floods of 1927 and 1937. But the human suffering and loss was substantially lower than previous floods. Approximately 40 deaths were attributed to the flood; in 1927 the toll was 216. Some 40,000 persons were orderly evacuated this year; in 1937, more than 800,000 persons had to leave their homes, many of them literally fleeing for their lives from the rapidly rising waters.

The difference is that this year we had both an effective flood control system and a man who was determined that it would work, completed or not.

Many hard decisions had to be made by General Noble to make the system work, and on every occasion he had conflicting pressures. One group wanted him to do something; others were strongly opposed to that same action. This distinguished leader, in his many appearances throughout the valley, listened to the needs of the people; his telephone rang at all hours. He gathered the facts, and when it became time to act, he made his decision. Each time that decision was not designed to win a popularity contest but to carry out his responsibility to safely pass the floodwaters in accordance with the adopted plan for protection of the lower valley.

Now, that the floodwaters have receded we can better observe the soundness of his decisions and appreciate the professional competence displayed by General Noble. He is deserving of the highest honors this Nation can bestow for his masterful handling of these tremendous floodwaters.

However, Mr. President, in one of those vagaries of fate that occur, Maj. Gen. Charles Noble is being forced to retire before the end of a normal 4-year tour as president of the Mississippi River Commission. This tour would end in September 1975. Yet, because a selection board recently passed over him for promotion to the grade of permanent major general, he will be forced to retire in August 1974.

The people of Louisiana and other valley States cannot afford to lose the services of Maj. Gen. Charles C. Noble at this critical time. General Noble has launched an intensive program to repair the damages to flood control works caused by the recent high water and to adapt the system to meeting current conditions. He is the driving force behind this engineering challenge that must be expedited to protect the valley before another major flood occurs—and this flood could come at any time.

The immediate years ahead will require unrelenting effort to develop work programs and push along the repair and construction. The people of the Lower Mississippi Valley would be ill served by the loss of momentum that would inevitably result from a change in the presidency of the Mississippi River Commission.

Mr. President, it is my sincere hope that the next selection board that will consider promotions to the grade of permanent major general will favorably act on Charles Carmin Noble. Failing that, I would hope that the Secretary of the Army would recommend to the President that he invoke his authority and grant an extension of service for this distinguished servant of our people so that we in the lower valley may have the benefit of his understanding and expertise for the full 4-year term normally served by the president of the Mississippi River Commission.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. and will proceed to the consideration of morning business, as provided for under rule VII.

Following the introduction of concurrent and other resolutions, but before morning business is closed, the Chair will lay before the Senate, Senate Resolution 185, relative to the Senate's consideration of a nomination to fill the vacancy in the office of Vice President. This resolution would then be before the Senate for debate until 11 a.m., if not disposed of before that time, and any of the eligible motions would be in order. For example, to table, to postpone indefinitely, to postpone to a day certain, or to refer, and all except a motion to table, would be debatable. If none of these motions is made, an amendment to the resolution would be in order.

At 11 a.m., the resolution would go on the calendar if not disposed of prior thereto.

After 11 a.m., a motion to take up the resolution would be in order, which, too, would be debatable.

In the event the full 2 hours are consumed in the consideration and debate of Resolution 185, the resolution, if not disposed of, would then go on the calendar at 11 a.m. and the resolution which was offered today by the distinguished majority leader would go over, under the rule, until the next legislative day following an adjournment, when it would come up under the same procedures as have just been outlined with respect to Senator CHILES' Resolution 185.

May I ask the Chair if I have stated the matter correctly?

The PRESIDING OFFICER (Mr. ALLEN). Both resolutions have gone over until tomorrow, under the rule. The first resolution, if it is not disposed of by 11 a.m., would go on the calendar. Then, as to the second resolution, if it is not agreed to for consideration at all, it will be carried over, as the Senator has stated, under the same conditions as the Chiles resolution was carried over for the next legislative day.

Mr. ROBERT C. BYRD. I thank the Chair. So that the Chair has stated it much more succinctly than I have, but has stated its approval of the statement I have made.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. In the event the resolution by Senator CHILES, No. 185, is disposed of prior to the hour of 11 a.m. tomorrow, then the resolution offered by the distinguished majority leader, Mr. MANSFIELD, will be laid before the Senate, its having gone over, under the rule, and would be subject to the same motions, the same actions of the Senate until the hour of 11 a.m., as were enumerated with respect to the Chiles resolution.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. In which event, at 11 a.m., if the Mansfield resolution has not been disposed of, it, too, would then go on the calendar.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. It could then be motioned up by unanimous consent or by majority vote, is that not correct?

The PRESIDING OFFICER. That is correct.

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

Yea-and-nay votes may occur on tomorrow. All Senators are so alerted, and a rollcall vote could occur early in the morning.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m.

The motion was agreed to; and, at 6:06 p.m., the Senate adjourned until tomorrow, Saturday, October 13, 1973, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 12, 1973:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Daniel Parker, of Wisconsin, to be Administrator of the Agency for International Development.

DEPARTMENT OF STATE

Henry A. Byroade, of Indiana, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

AMBASSADOR

Stanley R. Resor, of Connecticut, Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, for the rank of Ambassador.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Donavon F. Smith, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Duward L. Crow, [redacted] FR, U.S. Air Force, for appointment as senior U.S. Air Force member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

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 Presi-

dent under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert E. Huyser, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Felix M. Rogers, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

Army nominations beginning Malcolm P. Henry, to be lieutenant colonel, and ending Karen P. Vaira, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1973.

Army nominations beginning Trevor E. Williams, to be colonel, and ending Fernando Zapata, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1973.

Army nominations beginning Anthony T. Alt, to be colonel, and ending Nicholas G. Georgakis, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 4, 1973.

IN THE NAVY

Navy nominations beginning John William Ackerman, to be chief warrant officer, W-3, and ending Joseph P. Venable, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on September 27, 1973.

Navy nominations beginning Henry Hisashi Abe, to be captain, and ending Sue Ella Young, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1973.

EXTENSIONS OF REMARKS

1974 BUDGET SCOREKEEPING REPORT NO. 7

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staffs, and others, excerpts from the "Budget Scorekeeping Report No. 7, as of September 28," prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

This report shows that the impact of congressional actions completed to September 28 would be to increase budgeted 1974 outlays by about $2.8 billion. This, together with certain revenue actions, would have the effect of raising the estimated deficit for fiscal 1974 by more than $3 billion.

In addition, a number of significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction in this session. The report points up the major areas of pending action in both legislative and appropriation bills.

The excerpts from the September 28 report that I am inserting here include the scorekeeping highlights from the text and the main scorekeeping table. These excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 7, AS OF SEPTEMBER 28, 1973

INTRODUCTION AND 1974 SCOREKEEPING HIGHLIGHTS

Budget outlays (expenditures)

The impact of congressional action through September 28 on the President's fiscal year 1974 budget outlay requests, as shown in this report, may be summarized as follows:

[In millions of dollars]

	House	Senate	Enacted
1974 budget outlay (expenditure) estimate	268,671	268,671	268,671
Congressional changes to date (committee action included):			
Appropriation bills:			
Completed action	+663	+990	+869
Pending action	+399	−54	
Legislative bills:			
Completed action	+1,215	+2,118	+1,934
Pending action	+1,288	+3,390	
Total changes:			
Completed action	+1,878	+3,108	+2,803
Pending action	+1,687	+3,336	
Total	+3,565	+6,444	+2,803
1974 budget outlays as adjusted by congressional changes to date	272,236	275,115	271,474

See table 1.

While this report reflects enacted congressional increases in budgeted outlays of about $2.8 billion, many significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction on budgeted 1974 outlays.

Completed actions: A summary of major individual actions composing the $2.8 billion total outlay impact of completed congressional action to date on 1974 budgeted outlays follows:

	Estimated 1974 outlay impact (in millions)
Appropriation bills:	
Regular 1974 bills:	
Agriculture	+250
Interior	+75
Public Works	+20
Transportation	−30
District of Columbia	−3
1973 supplemental bills (1974 outlay impact)	+557
Subtotal, appropriation bills	+869
Legislative bills—backdoor and mandatory:	
Food stamp amendments (P.L. 93-86)	+724
Repeal of "bread tax" (P.L. 93-86)	+400
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+358
Welfare—medicaid amendments P.L. 93-66)	+122
Unemployment benefits extention (P.L. 93-53)	+116
Veterans national cemeteries (P.L. 93-43)	+110
Social Security—liberalized income exemption (P.L. 93-66)	+100
Winema forest expansion (P.L. 93-102)	+70
Veterans dependents' health care (P.L. 93-82)	+65
Airport development (P.L. 93-44)	+15
REA—removed from budget (P.L. 93-32)	−146
Subtotal, legislative bills	+1,934
Total, 1974 outlay impact of completed congressional action	+2,803

Pending action: The major incomplete legislative actions affecting budget outlays which have passed or are pending in one or both House of Congress are shown in detail on table 1 and are summarized below:

Appropriation bills: Incomplete action on four regular 1974 appropriation bills is reflected in this report, with the major impact on budgeted outlays as follows:

[In millions of dollars]

	House	Senate
Labor-HEW	+490	
State-Justice	−40	−20
Treasury-Postal Service	−35	−68

Legislative bills—backdoor and mandatory: Twenty legislative measures authorizing backdoor or mandatory outlays have passed or are pending in one or both Houses of Congress.

House action on 11 such measures would increase fiscal 1974 budget outlays by about $1.3 billion. Senate action on 14 such measures would increase budgeted 1974 outlays at least $3.4 billion, including about $2 billion for social security increases. The undetermined outlay effect of increased contract authority is excluded.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major amounts in excess of the budgeted outlays:

[In millions of dollars]

	House	Senate
Civil Service minimum retirement (including social security increase)	+172	+2,250
Mass transit operating subsidies	+400	+400
School lunch	+129	+300
Federal employee health insurance	+234	
Veterans pensions	+208	+172
Veterans drug treatment		+144

REVENUE LEGISLATION

The June 1 budget revisions estimate revenue for fiscal 1974 at $266 billion. This is an increase of $10 billion over the original January estimate of $256 billion. Completed legislative action to date, has the effect of reducing 1974 revenue estimates by $492 million, as follows:

Railroad Retirement: decrease of $612 million due to failure to provide additional trust fund receipts requested.

Social security wage taxes: increase of $120 million in trust fund revenue due to a wage base increase.

DEFICIT POSITION

The 1974 budget deficit, as revised June 1, is estimated at $2.7 billion—a decrease of $10 billion from the original January estimate