inflicted on the country—if he had any reserves of the humility that is the hallmark of strength. But he has learned nothing. He knows no course other than insisting that all's for the best, that we have peace with honor, that the country grows richer by the hour.

Anyone who still hoped to find some residual dignity or sensitivity in the man should have been disabused by the charade as he announced his choice of Gerald Ford for Vice President. That scene in the East Room of the White House was the most repellent American public ceremony in memory.

The very idea of a televised tease over the name was contemptible. If it was to be a public occasion, it should have been a solemn one before Congress. The man who gave us Agnew—and Mitchell, Stans, Haldeman, Ehrlichman, Colson, Liddy, Hunt, Krogh, Dean, Magruder and Chapin—grinned as he unveiled his next choice. There was not the slightest sense of responsibility for what had passed, not the least reference to the grisly reason for this occasion.

The vulgarity of the scene would not ordinarily be worth noticing. But in this case form and content were uncomfortably mixed. For the viewer inevitably found himself asking: Why should so many leading members of Congress have come to lend themselves to such a performance? (Mike Mansfield did have the sense to stay away.) Can Americans in general respond to such stuff? Is that our country? The answer has to be no: Richard Nixon's values are not America's. Either that or all of us give up our vision of this country. We really have to stop pretending that Mr. Nixon is somehow going to change, going to conform to the old American dream of an enlightened society governed by law. It is a question of character, and he has made clear that his cannot change.

Slowly, inexorably, the country is perceiving that it cannot avoid the fundamental question of Richard Nixon's leadership. Even Congress, that most reluctant body of heroes, is coming to face the difficult truth. And the process cannot be stopped. If Mr. Agnew is condemned for tax evasion, if Mr. Ford understands that he must open his tax and financial records, will Congress let the President continue to shelter his questioned dealings? That is not possible.

It is in the light of the Nixon question that Gerald Ford has to be judged. He is a man who would hardly have been considered for President on his own merits; a dim figure whose most imaginative declaration was that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history." (That statement, in 1970, was aimed at Justice William O. Douglas.)

But on all the evidence so far, Mr. Ford is honorable. He is a viable alternative to Mr. Nixon, in fact a better one than we have had before now. Most important, he has his own political roots, and he cannot therefore be what Mr. Nixon would wish—an absolute assurance of his own survival.

People are still reluctant to think of forcing a President from office, but they are beginning to understand that it may be unavoidable. For as long as Mr. Nixon is there, it will be as Edgar said in "King Lear";

The worst is not
So long as we can say, "This is the worst."

SENATE—*Tuesday, October 16, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Almighty God, whose word has taught us to pray without ceasing, help us to pray mindful of who Thou art and who we are. Thou art holy and we are unholy. Thou art infinite and we are finite. May we pray not alone in times of trouble or to ask a special blessing but help us to pray because we love Thee and seek to do Thy will. Lord, teach us to pray.

Teach us to pray in the morning, noon, and night; in spring and summer and winter.

Teach us to pray while we worship, while we work, and while we play.

Teach us to pray the prayer of confession and cleansing the prayer that relieves the burden of guilt and sin.

Teach us to pray the prayer of brotherhood and unity.

Teach us to pray the prayer that brings peace and power.

As this Nation was born in the spirit of prayer, so may our National Day of Prayer refine and renew the soul of America for Thy glory and the advancement of Thy kingdom. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974;

S. 2282. An act to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga., and S.C., shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. 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.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentenial Administration, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DONOHUE, Mr. MANN, and Mr. BUTLER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 655. An act to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.;

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1920. An act to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project";

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 10203. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

H.R. 10511. An act to amend section 164 of the Federal Aid Highway Act of 1973 relating to financial assistance agreements.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 655. An act to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.;

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1920. An act to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project";

H.R. 10203. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 10511. An act to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements. Referred to the Committee on Banking, Housing and Urban Affairs;

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students. Referred to the Committee on Armed Services;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; and

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims. Referred to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and joint resolution:

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes;

H.R. 8825. An act 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; and

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes.

The above bills and joint resolution were subsequently signed by the President pro tempore.

THE JOURNAL

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXTENSION OF COMMITTEE CONSIDERATION OF S. 2176

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), a previous order was entered into by unanimous consent whereby S. 2176, a bill to provide for a national fuels and energy conservation policy, was referred jointly for 15 days to the Committees on Public Works and Commerce following its being reported by the Senate Interior and Insular Affairs Committee.

I ask unanimous consent that the order be modified and that the bill be referred to both committees through close of business Tuesday, November 6, unless acted upon sooner.

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

DEATH OF ROBERT C. ALBRIGHT

Mr. MANSFIELD. Mr. President, over the weekend, I was saddened to read of the passing of an old friend, an outstanding reporter, a man who was beloved by Democrats and Republicans of all persuasions.

I refer to Robert C. Albright, who was a Capitol Hill reporter for so many years that most of us cannot even cover that length of time.

He was a gentle man. He was an accurate man. He was a fair man. He was a good reporter. I was sorry to see Bob Albright retire from his position in the Capitol. I am saddened to note that he has passed away.

I extend to Bob Albright's family the deepest sympathy and condolences of Mrs. Mansfield and myself, because we feel that with the passing of Bob Albright we have lost a good, understanding, and decent friend. May his soul rest in peace.

Mr. President, I ask unanimous consent that the obituary, entitled "Robert C. Albright, Capitol Hill Reporter"—a great title—be printed at this point in the RECORD.

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

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

ROBERT C. ALBRIGHT, CAPITOL HILL REPORTER

(By Cathe Wolhowe)

Robert C. Albright, Capitol Hill reporter for The Washington Post for almost 40 years, died Friday night of Parkinsons Disease. He was 70.

"Bob was the sweetest and gentlest man, the best Senate correspondent I ever knew," said Howard Simons, managing editor of The Post.

Mr. Albright came to The Post in 1926 and reported on legislation during the New Deal, the Fair Deal, the New Frontier, the Great Society and part of the Nixon Administration.

His beat was Congress and included a Sunday column on the lighter side of the Capitol called "Gallery Glimpses." But he ranged far from Capitol Hill: his assignments included the birth of the United Nations at San Francisco in 1945 and the presidential campaigns of Roosevelt, Landon, Willkie, Dewey, Eisenhower, Stevenson, Kennedy, Goldwater and Nixon.

"Bob was far from being a Hollywood-style reporter though," said Edward T. Folliard, who covered the White House for many of the years Mr. Albright covered Capitol Hill.

"He was extremely shy in his personal life, but he developed a dual personality—he had to. In his professional role, he was one of the most persevering, tenacious newspapermen in American journalism.

"He would buttonhole people in the Senate corridor and you couldn't get past the robust 6-footer. He was devoted to his work and was a wonderful friend."

In the 40 years the two worked together, Folliard can recall having one minor quarrel with him at the Republican National Convention in 1940 over who would send the first story about Willkie's nomination with The Post's one Morse telegraph operator. They arrived at a compromise solution, but Folliard could not recall who filed first.

J. Russel Wiggins, former Executive editor of The Post, called Mr. Albright "a great reporter who always was a credit to The Post and to his profession."

Wiggins added, "There had not been a more conscientious, accurate and perceptive reporter of Congress since Gales and Seaton covered the House and Senate proceedings in The National Intelligencer in the 19th century."

Carroll Kilpatrick, The Post's present White House correspondent, said Mr. Albright was one of the most careful reporters he had known. "He was an amazing, hardworking man who was extremely modest in spite of the fact he covered the Hill all by himself and did an excellent job."

One veteran Post editor recalled that if an error would slip into Mr. Albright's copy, Mr. Albright was eternally grateful to the editor finding the error, and that Mr. Albright would thank the editor for months afterward for his help.

Last December, Mr. Albright, in spite of ill health, went to a National Press Club election in order to vote for a longtime colleague on The Post, Robert A. Alden.

The next morning, when Mr. Albright found that Alden had lost by one vote, he was the first to call and express his deep disappointment.

Mr. Albright recalled that he always remembered the importance of one vote in an election, because he, too, had lost a National Press Club election 35 years earlier by one vote. Apparently his "campaign manager" had forgotten to vote, went to the polls at the last minute and found himself ineligible to vote because of an unpaid bill.

Alfred E. Lewis, who has been The Post's police reporter since 1935, remembers Mr. Albright as "a compassionate, friendly man over-willing to help, a man loved by everybody here."

Don C. Womack, superintendent of the Senate Press Gallery, called Mr. Albright "a gentlemanly, quiet fellow who became a distinguished member of our gallery."

Chalmers Roberts, a former Post correspondent who worked with Mr. Albright, said "Bob was the most conscientious Capitol Hill reporter I ever knew and 'Gallery Glimpses' was eagerly read by both Senate and House members for news and for its sparkle."

He was born in Alexandria, but his family moved to the District when he was 2 years old. He attended public schools here and then went to George Washington University, where he was editor of "The Hatchet."

Mr. Albright joined The Post immediately after college. He started on the police beat, but later was shifted to general assignment.

Three years after his arrival at The Post, he left to become a reporter for United Press.

The Post called him back in 1933 when its national affairs bureau was established. He originally covered the House, but soon was reporting all aspects of Congress.

He left the Post briefly during the war to write for Time Magazine in New York, returning within a few months. This time he stayed until 1969, when he retired.

He belonged to the National Press Club, the White House Correspondents' Association and the Senate Press Gallery's Standing Committee of Correspondents. But his main extracurricular interests were fishing and hunting, interests that brought him publicity in 1939 when he appeared before the Montgomery County Commissioners to ask for an increase in the tax assessment on his summer camp at Seneca.

"You mean you want it reduced?" asked the commissioners, who for two weeks had been listening to taxpayers complain of too high assessments.

"No, I want it increased," Mr. Albright said, explaining if the camp's assessment of $450 was increased to $500, he would be entitled to a county hunting license at a property owner rate of $1.50 rather than the $15.50 fee he was paying.

He received the increased assessment.

Mr. Albright is survived by his wife, Irma, of the home at 5509 Glenwood Rd., Bethesda; a daughter, Mrs. Ronald Hubka, and two grandchildren of Nesconsent, Long Island.

The family requests that sympathy contributions be made to St. Johns Episcopal Church in Chevy Chase.

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

Mr. MANSFIELD. Yes, indeed.

Mr. SPARKMAN. Mr. President, I wish to join in the tribute that our leader has paid to Bob Albright. I knew him over the years and was pleased to read in the obituary the kind remarks made about him. He was one of the finest, squarest gentlemen I have ever known and was a great and able reporter. I am sorry to learn of his passing.

STATEMENT BY MICHEL JOBERT BEFORE UNITED NATIONS GENERAL ASSEMBLY

Mr. MANSFIELD. Mr. President, the distinguished Foreign Minister of France, Michel Jobert, made a most interesting speech at the United Nations on October 10 relative to the situation in the Middle East and elsewhere.

I ask unanimous consent that the remarks of this outstanding statesman be printed in the RECORD.

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

STATEMENT BY MICHEL JOBERT ON THE SITUATION IN THE MIDDLE EAST MADE AT THE CLOSE OF HIS ADDRESS BEFORE THE UNITED NATIONS GENERAL ASSEMBLY, OCTOBER 10, 1973

Mr. President,

I prepared my speech several days ago. Before coming here today I changed nothing except the tenses of two verbs from the present to the past, and inserted two phases quite spontaneously, actually.

This address is a statement of our policy, showing its concepts, duration and determination. I have struck nothing out; I have added nothing.

However, since last Saturday, fighting has been resumed and evidence indicates that it is particularly bloody. I offer my country's assistance to the end that the war may quickly subside and not flare up again.

We could make suggestions to contribute to a peaceful settlement on the condition that everyone wants this and truly wants a just and lasting peace.

I am convinced that our European friends share this wish.

I hope that these sincere wishes are not offered in vain.

ADDRESS BY HIS EXCELLENCY MICHEL JOBERT, MINISTER OF FOREIGN AFFAIRS BEFORE THE 28TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 10, 1973

Mr. President,

On this last day of the general debate, I would like to pay tribute to the authority and distinction with which you are presiding over our work.

I shall be relatively brief, for I wish to avoid repetitions and, besides, have no taste for, nor am concerned with, propaganda. I would prefer, however, that truth find its way, even if it should emerge as that which is manifest on the banks of the Seine, the Loire, the Garonne and the Rhone, the four main rivers of my country.

This debate proceeds toward its conclusion without surprises—except those we never ceased to warn against—or extremes. Indeed, everyone feels gratified by this, albeit, to achieve it one had to keep silent on many a question and take for granted what is merely announced, in the same way that a fad seizes upon minds and secures them before it prevails in the street.

Doubtless, you see what I am alluding to. To speak of peace does not call for great accuracy. On the other hand, to invoke détente, to believe in it as one would in spring when the latter is suddenly upon one around the bend of winter, would warrant more industry and curiosity. Who does not wish for détente or could renounce it?

At the risk of irritating, I would recall that we have a long-standing concept of détente and fair experience of it. For the past 15 years, it has been the concern of our foreign policy. Judge for yourselves: decolonization; the establishing of East-West relations; friendly and active cooperation with the Soviet Union; the fundamental treaty between France and Germany in 1963; the construction of a European entity; as early as 1964, understanding of and respect for China, where the President of the French Republic has, as you know, just made a far-reaching trip; unfailing support for the Third World, the independence of nations and a more equitable distribution of resources. Such approaches shelter us from naiveté, but they have shown us that lucidity and generosity should always go together.

Meanwhile, we learn that 1973 is to be primarily the year of détente. And the latter is referred to at every turn, as if a single year were sufficient to meet its needs and this year contained exceptional developments. To be quite truthful, I see but two such events, much discussed, but the full expression of which is not completely manifest as yet nor, you will agree, are their consequences entirely ascertained.

In the first place, I see the Conference on European Security and Cooperation. Of course, it is not completed as yet, as everybody is aware. Its main merit is to gather together 33 European countries and the United States and Canada. Beside this essential fact, the results, if good, will be thrown, so to speak, into the bargain. Besides, they will serve the concept of détente mainly by representing compromises between opposing stands which one will not have been able to develop at leisure. In the long run, their contents will matter less than the way in which they were obtained. We are doing all we can on our part for the Conference to succeed and that, I am sure, is known.

This conference, therefore, is an important fact, an unwonted event, unusual in recent international practice, a comforting development to note. For all that, it is not an Eden of détente, the alpha and the omega of conciliation. It is a common, a difficult effort, and one pertaining to all. It is a state of mind being born, a miracle indeed, among the poisonous flowers of armaments. The latter remain, however, and fraught with the mistrust or ambitions they secrete.

Let us therefore be reasonable in our appreciation, wary in our enthusiasm, realistic in our behavior. Let us not immure ourselves in the all-too-easy syllogism: the Conference serves the idea of détente; détente can nourish all speeches; therefore, he who refers to the Conference assuredly practices détente.

In the second place, on the 22nd of last June, the United States and the Soviet Union published the news of an agreement they had reached on nuclear strategy. This agreement is but a beginning to be followed up, so it is stated, in 1974. Its authors were gratified and they invited the whole world to share in their gratification. Why so? Because this is undoubtedly an agreement between two very great powers and consequently it concerns, or rather affects, us all. Because it can be clothed in the chaste cloak of détente. Those two reasons are not sufficient to conceal the reality which gradually became manifest to all. In order not to go bankrupt, and with political designs in view, the two powers preferred to limit the development of some of their nuclear armaments, while maintaining a sufficiently strong mutual vulnerability to deter the one or the other from upsetting the balance.

Thus this type of détente would be limited to this exercise in balance between the two treaty partners. When children fight, one often notices that the strongest avoid clashing head-on and attack the gangs' light-footed soldiers, easily knocked down by a few unsophisticated strokes. It is the same with nations. And if the light-footed soldiers are at present worried, who could be surprised? The only astonishing thing could be that it took them so long to become nervous, finding themselves holding a mere rifle whereas pressures and presences remain the same at their frontiers. A very famous actress wore only a perfume: I fear that so scantly clothed by détente we yet run the risk of shivering....

My analysis of recent months would perhaps have been less cruel as concerns détente—after all a French term to which we have conferred its full significance by our actions—were not some slanderous campaigns attempting to slur our very idea of national independence, shared by many others.

The past and geography have taught us lessons that we are not likely to forget. We are like a too-often-stalked prey that the hunter can no longer approach. Illusions, then wars, more illusions and, again, war: such has been our fate. Henceforth, we count foremost on ourselves, on our own efforts. I fail to see who, unless he be misled, could think of making us renounce this.

We have been distressed, I would say hurt, to hear from our friends or peoples of whom we are fond, statements made here or there, the unreality of which, as compared to facts or to the world situation, is quite surprising to me. Still more surprising are those steps taken to convince us that the questions in point are mere "figures of speech" that we would be mistaken to feel uneasy about, but merely justified by domestic considerations of a given state.

Is it really possible to deal so lightly with a serious matter of concern to us all? Indeed, it has to do with national independence, and that of a nation which does not want to be the pawn of a world strategy. In her turn, after many others, and left to her sole resources, France provided herself with nuclear armament, not in order to indulge in dreams of vain greatness, but because her very existence was at stake. Alone, we covered the ground of difficult research, with a considerable time lag. And today some are indignant that we dared tread this path, presumably the royal way reserved to those in power today; that we placed our footsteps in their tracks, such deep tracks. And yet what protests did they raise? I look for them in vain.

Nowadays one is indeed bolder, doubtless because one knows that with France, a peaceful power whose only ambition is to live in harmony with all and not to be taken unawares, one does not run a great risk. Well, one does!

I shall not refer to the risk of ridicule. One is essentially exposed, however, to the risk of not understanding that one is being manipulated, used, propelled against one's own interests. More serious still is the risk of being wholly mistaken about the analysis of the world situation, to have understood nothing, with gaping mouth and, alas, closed eyes. Lastly, the risk is to rise against the will for independence, which should be that of all peace-loving peoples and which France is convinced she is serving while securing her own fate as a free nation.

We shall at least keep a vivid memory of the moment of collective blindness in which some have foundered, dragging with them, by means of false evidence, some quarters of public opinion whose irrational fears were nurtured at leisure. And then, we shall abide by our conduct so that our fate cannot be settled otherwise than by ourselves, since from now on everyone can guess that we could not disappear without damage to others.

And then again, we are convinced, we know for sure, that in so doing we strengthen the ground on which Europe must be built by averring our firmness, our independence, our determination not to slacken our defense efforts.

Indeed, how could I fail to refer to Europe? Everyone rightly wonders: does Europe already exist, and more so in the consciousness of the others than in Europe's own? Is it really going to exist?

I refer to it only as one of the citizens of the states composing it, attached as so many others, to those landscapes and shores that have witnessed such diverse activity and sheltered so many meditations.

I speak about Europe only from a certain memory of the past and with the reasonable hope of a more just, more secure and fuller daily life.

Such is the deep aspiration, I am sure, of all these European peoples who live on a diminutive territory, densely populated, closely partitioned, the internal boundaries of which are crumbling a little more each day under the thrust of time, a universal thing.

There is no collective will for power, only the certainty that in gathering together, everything will eventually become simpler, even if the road toward it is not entirely mapped out. This effort could perhaps also deserve the fair name of détente—the effort that nine states, often so distinct, pursue untiringly in order to forget antagonisms, everything will eventually become simpler, adjust their policies, ensure their well-being. It would deserve to be hailed often from this rostrum; better still, to be encouraged from the bottom of the heart. It would deserve that an organization such as the United Nations henceforth show it less indifference. Lastly, it would deserve that one appreciate the extent to which Europe undoubtedly would be useful to the international order. Indeed, besides the virtues of its own congregation, Europe would become a pole of peace in a world adrift from one vertigo to another.

Recently, in Copenhagen, the Nine—as they have come to be called nowadays—were agreed to define their common identity among themselves, and with one voice to express their opinion on an important case—their relationship with the United States—as they already did on other cases, for instance the European security conference. Nothing unwonted in such behavior nor in the approaches which are to follow, because some state will also have wished to establish such a dialogue. Nothing unwonted either if. in the coming weeks, a common view is expressed within the framework of the Atlantic alliance, where thinking is being pursued in function of world developments.

Perhaps even—but I dare not dream too much—the latter will have to take into account this common will that may animate European countries so that a more equitable and better-shared universal order may prevail.

A more equitable and better-shared universal order; this is where genuine détente will truly be able to flourish.

As long as the independence of each one is not fully recognized and respected, as long as the living conditions of every country are not made more secure, where indeed is détente?

It is not in the restoration of international monetary regulations, which would give equal opportunities to all, and in stability, lacking which the weaker will be trampled down?

Is it not in the establishment of normal trade practices that would limit emergency measures interfering unexpectedly with markets?

Is it not in a rational, generous and far-reaching view of production and trade, sharing big commodities equally between producers and consumers?

Is it not in the establishment of an international code defining the rights and obligations of each state in the world commercial order?

Everything has been said about these topics. Should one be irritated that nothing can yet be attributed to international cooperation? Irritated that the monetary organization has been blown to smithereens under the pressure of its own deficiencies? Irritated that nations' selfishness hinders any progress toward agreements on basic products? That dearth replaces affluence? That technicians' forecasts are not borne out and that humble and innumerable lives, often wrecked by hurricanes and droughts, also suffer unforeseen onslaughts, the origin of which they do not know, and that even waste the slender resources of days of starvation?

Should one become disheartened enough to accept false pretenses, abortive texts, proposals aiming at politics and not at the well-being of our fellow-men?

For our part, we shall go crying out certain truths, perhaps in the desert of some meetings too densely populated with words. We shall continue, through national action, and also in Europe with our partners, and everywhere in the world where the ties of history and friendship retain us, we shall continue to affirm that stability, generosity, responsibility, respect for others are concepts without which there is no monetary or commercial future for the world, and but one prospect: that of bitterness and violence.

In this year 1973, had one wished, it would have been easy to restore equanimity to the whole world. Away from dialectics which make one lose sight of realities and lead astray people's deep inclination for peace, could not those claiming the highest responsibilities find the way toward true glory?

Only too well-understood and thoroughly weighed interest, however, seems to have led their thoughts and action. Here is Southeast Asia—where fighting takes so long to die out after having been endless—and on other frontiers it is still the eve of battle, with sudden outbursts.

Here is the Middle East where the situation, one thought, was under control. And so why should it change? And being so sure of the coming day one had left to tomorrow what should have been done today. The results are there for all to see. . . . Did not so much certainty, such assurance, deserve that the present be dealt with before the irreparable occurred?

Let these conflicts of another era—anachronistic to the point that they last thus without causing inconvenience except, alas, for unfortunate populations—let these conflicts cease. Let the collective conscience be heard before they go further astray, those who must without delay understand, in keeping with their tremendous present responsibilities, the friendly and urging message that we put to friends in order that they be inspired by tolerance, led by the will of concerted action not only in their own meetings, but also in their relations with all peoples who, powerless, follow the progress of such merciless games.

On the subject of these absurd, ruthless, unfair wars, my country has for a long time now, and over and over again, voiced its judgment and stated its courses of action. Therefore I shall not dwell on that.

In this assembly of nations we have many friends; we feel that we commune in thought with many peoples, many states, young or old, who, as we do, seek their way in order to assert their dignity by taking upon themselves the responsibility of their destiny.

We believe with them that this rostrum, this international gathering, this periodical and organized pooling of world preoccupations are indispensable so that peoples' souls may sometimes throb and some cries be uttered here; and these, heard by the multitude, would so animate the latter that nothing would ever be as before; that falsehood would lose its assurance, indifference be infused with concern; that demands also hear the voice of responsibility; friendship cease to be subservient and influence burdensome; that the veiled but ever-present threat no longer weigh on minds, if not on hearts, and that, from now on, nobody dare give expression to it.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the acting minority leader desire recognition?

Mr. GRIFFIN. No, Mr. President.

TRANSACTION OF MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of morning business for not to exceed 1 hour, with statements therein limited to not to exceed 5 minutes each.

The Chair recognizes the Senator from Missouri (Mr. SYMINGTON).

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. SYMINGTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2408.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, which was to strike out all after the enacting clause, and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $897,000.

Fort Devens, Massachusetts, $2,749,000.

Camp Drum, New York, $1,099,000.

Fort Eustis, Virginia, $4,782,000.

Camp A. P. Hill, Virginia, $535,000.

Indiantown Gap Military Reservation Pennsylvania, $1,657,000.

Fort Knox, Kentucky, $7,305,000.

Fort Lee, Virginia, $18,326,000.

Fort George G. Meade, Maryland, $5,924,000.

Camp Picket, Virginia, $476,000.

(Third Army)

Fort Benning, Georgia, $21,904,000.

Fort Bragg, North Carolina, $32,400,000.

Fort Campbell, Kentucky, $51,881,000.

Eglin Air Force Base, Valparaiso, Florida, $2,950,000.

Fort Gordon, Georgia, $20,230,000.

Fort Jackson, South Carolina, $2,902,000.

Fort McClellan, Alabama, $19,505,000.

Fort McPherson, Georgia, $1,804,000.
Fort Rucker, Alabama, $3,987,000.
Fort Stewart, Georgia, $264,000.

(Fifth Army)

Fort Bliss, Texas, $6,087,000.
Fort Benjamin Harrison, Indiana, $3,-893,000.
Fort Hood, Texas, $7,921,000.
Fort Sam Houston, Texas, $11,738,000.
Fort Polk, Louisiana, $29,276,000.
Fort Riley, Kansas, $30,943,000.
Fort Sill, Oklahoma, $9,447,000.
Fort Leonard Wood, Missouri, $44,482,000.

(Sixth Army)

Fort Carson, Colorado, $5,651,000.
Fort Lewis, Washington, $8,327,000.
Fort Ord, California, $9,812,000.
Presidio of San Francisco, California, $5,751,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,472,000.
Aeronautical Maintenance Center, Texas, $1,088,000.
Fort Monmouth, New Jersey, $8,401,000.
Tobyhanna Army Depot, Pennsylvania, $411,000.
Natick Laboratories, Massachusetts, $466,000.
Picatinny Arsenal, New Jersey, $255,000.
Pine Bluff Arsenal, Arkansas, $294,000.
Redstone Arsenal, Alabama, $4,971,000.
Sacramento Army Depot, California, $412,000.
White Sands Missile Range, New Mexico, $3,715,000.
Yuma Proving Ground, Arizona, $4,695,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Fort Huachuca, Arizona, $6,539,000.
Fort Ritchie, Maryland, $1,394,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Oakland Army Terminal, California, $343,000.
Sunny Point Army Terminal, North Carolina, $1,628,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $3,060,000.
Fort Richardson, Alaska, $2,140,000.
Fort Wainwright, Alaska, $2,715,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $9,592,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $7,295,000.
Various Locations, Water Pollution Abatement, $6,799,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,095,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $1,568,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $517,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $1,434,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Various Locations, $2,097,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $12,517,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $3,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. (a) Public Law 92-545 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Walter Reed Army Medical Center, District of Columbia," strike out "$13,161,000" and insert in place thereof "$15,866,000".

With respect to "Military Ocean Terminal, Bayonne, New Jersey," strike out "$3,245,000" and insert in place thereof "$3,603,000."

(b) Public Law 92-545, is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND," in section 101 as follows: "with respect to "Various Locations," strike out "$1.412,000" and insert in place thereof "$1,649,000".

(c) Public Law 92-545 is amended by striking out in clause (1) of section 702 "$441,-704,000"; "$117,074,000"; and "$558,778,000" and inserting in place thereof "$444,767,000"; "$117,311,000"; and "$562,078,000", respectively.

SEC. 105. (a) Public Law 92-145, as amended, is amended under the heading "OUTSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Germany, Various Locations," strike out "$1,946,000" and insert in place thereof "$2,553,000".

(b) Public Law 92-145, as amended, is amended by striking out in clause (1) of section 702 "$41,374,000" and "$404,500,000" and inserting in place thereof "$41,981,000" and "$405,107,000", respectively.

SEC. 106. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Fort Benning, Georgia," strike out "$2,855,000" and insert in place thereof "$3,383,000".

(b) Public Law 91-511, as amended, is amended by striking out in clause (1) of section 602 "$181,306,000" and "$266,503,000" and inserting in place thereof "$181,834,000" and "$267,031,000", respectively.

SEC. 107. (a) Public Law 90-110, as amended, is amended under the heading "UNITED STATES ARMY, ALASKA" in section 101 as follows:

With respect to "Fort Richardson, Alaska," strike out "$1,800,000" and insert in place thereof "$2,100,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802 "$288,055,000" and "$391,448,000" and inserting in place thereof "$288,355,000" and "$391,748,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $135,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,158,000.
Military Ocean Terminal, Bayonne, New Jersey, $1,806,000.

FOURTH NAVAL DISTRICT

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $180,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $4,655,000.
Naval Academy, Annapolis, Maryland, $4,-334,000.
National Naval Medical Center, Bethesda, Maryland, $1,546,000.
Naval Medical Research Institute, Bethesda, Maryland, $6,327,000.
Naval Ordnance Station, Indian Head, Maryland, $1,528,000.
Naval Hospital, Quantico, Virginia, $484,-000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $5,-959,000.
Naval Amphibious Base, Little Creek, Virginia, $3,211,000.
Naval Air Station, Norfolk, Virginia, $2,-525,000.
Naval Station, Norfolk, Virginia, $18,183,-000.
Navy Public Works Center, Norfolk, Virginia, $567,000.
Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,470,000.
Naval Air Station, Oceana, Virginia, $3,-386,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $11,133,000.
Naval Weapons Station, Yorktown, Virginia, $1,327,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $3,636,000.
Naval Air Station, Ellyson Field, Florida, $75,000.
Naval Air Station, Jacksonville, Florida, $14,366,000.
Naval Training Center, Orlando, Florida, $6,109,000.
Naval Coastal Systems Laboratory, Panama City, Florida, $3,663,000.
Naval Air Station, Pensacola, Florida, $2,-699,000.
Naval Communications Training Center, Pensacola, Florida, $10,690,000.
Naval Air Station, Whiting Field, Florida, $3,568,000.
Naval Home, Gulfport, Mississippi, $9,444,-000.
Naval Air Station, Meridian, Mississippi, $4,532,000.

Charleston Naval Shipyard, Charleston, South Carolina, $252,000.

Naval Station, Charleston, South Carolina, $1,498,000.

Naval Air Station, Memphis, Tennessee, $4,478,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $3,386,000.

Naval Support Activity, New Orleans, Louisiana, $13,880,000.

Naval Air Station, Chase Field, Texas, $2,875,000.

Naval Air Station, Kingsville, Texas, $3,040,000.

NINTH NAVAL DISTRICT

Naval Complex, Great Lakes, Illinois, $15,148,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $2,946,000.

Long Beach Naval Shipyard, Long Beach, California, $6,808,000.

Naval Hospital, Long Beach, California, $878,000.

Naval Air Station, Miramar, California, $1,873,000.

Naval Air Station, North Island, California, $2,415,000.

Fleet Combat Direction Systems Training Center, Pacific, San Diego, California, $1,118,000.

Naval Electronics Laboratory Center, San Diego, California, $3,518,000.

Naval Station, San Diego, California, $11,996,000.

Naval Training Center, San Diego, California, $2,944,000.

Navy Public Works Center, San Diego, California, $2,471,000.

Navy Submarine Support Facility, San Diego, California, $3,920,000.

Naval Weapons Station, Seal Beach, California, $807,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $3,827,000.

Naval Air Station, Lemoore, California, $1,333,000.

Naval Air Station, Moffett Field, California, $2,650,000.

Naval Hospital, Oakland, California, $5,839,000.

Hunters Point Naval Shipyard, San Francisco, California, $250,000.

Mare Island Naval Shipyard, Vallejo, California, $1,874,000.

THIRTEENTH NAVAL DISTRICT

Naval Complex, Adak, Alaska, $2,695,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,300,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $4,306,000.

Naval Ammunition Depot, Oahu, Hawaii, $457,000.

Naval Station, Pearl Harbor, Hawaii, $845,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,013,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,863,000.

Naval Communication Station, Honolulu, Wahiawa, Hawaii, $2,324,000.

MARINE CORPS

Marine Corps Air Station, Quantico, Virginia, $831,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,541,000.

Marine Corps Base, Camp Lejeune, North Carolina, $8,902,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,821,000.

Marine Corps Air Station, New River, North Carolina, $3,245,000.

Fleet Marine Force Atlantic, Norfolk, Virginia, $686,000.

Marine Corps Supply Center, Albany, Georgia, $5,204,000.

Marine Corps Air Station, Beaufort, South Carolina, $126,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $2,580,000.

Marine Corps Air Station, Yuma, Arizona, $7,834,000.

Marine Corps Supply Center, Barstow, California, $3,802,000.

Marine Corps Base, Camp Pendleton, California, $10,920,000.

Marine Corps Air Station, El Toro, California, $747,000.

Marine Corps Recruit Depot, San Diego, California, $3,825,000.

Marine Corps Base, Twentynine Palms, California, $2,992,000.

Marine Corps Air Station, Kanehoe Bay, Hawaii, $5,988,000.

TRIDENT FACILITIES

Various Locations, Trident Facilities, United States, $118,320,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $27,466,000.

Various Locations, Water Pollution Abatement, $51,112,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Complex, Puerto Rico, $1,707,000.

Naval Facility, Grand Turk, The West Indies, $1,145,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $3,010,000.

Naval Complex, Guantanamo Bay, Cuba, $8,376,000.

Naval Station, Keflavik, Iceland, $6,092,000.

EUROPEAN AREA

Naval Detachment, Souda Bay, Crete, Greece, $4,153,000.

Naval Air Facility, Sigonella, Sicily, Italy, $3,086,000.

Naval Security Group Activity, Edzell, Scotland, $778,000.

Naval Station, Rota, Spain, $85,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,192,000.

Naval Complex, Guam, Mariana Islands, $9,508,000.

Naval Complex, Subic Bay, Republic of the Philippines, $278,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $3,995,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Navy Mine Defense Laboratory, Panama City, Florida, strike out "$7,411,000" and insert in place thereof "$9,397,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,682,000" and "$246,547,000" and inserting in place thereof "$241,668,000" and "$248,533,000", respectively.

SEC. 204. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Weapons Laboratory, Dahlgren, Virginia, strike out "$530,000" and insert in place thereof "$779,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602 "$246,955,000" and "$274,093,000" and inserting in place thereof "$247,204,000" and "$274,342,000", respectively.

SEC. 205. (a) Public Law 92–145 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Station, Norfolk, Virginia, strike out "$19,316,000" and insert in place thereof "$22,716,000".

With respect to Naval Air Station, Meridian, Mississippi, strike out "$3,266,000" and insert in place thereof "$3,859,000".

(b) Public Law 92–145 is amended by striking out in clause (2) of section 702 "$266,068,000" and "321,843,000" and inserting in place thereof "$270,061,000" and "$325,836,000", respectively.

SEC. 206. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Ammunition Depot, McAlester, Oklahoma, strike out "$6,336,000" and insert in place thereof "$8,778,000".

With respect to Naval Air Station, Miramar, California, strike out "$4,372,000" and insert in place thereof "$5,144,000".

(b) Public Law 92–545 is amended by striking out in clause (2) of section 702 "$474,450,000" and "$515,667,000" and inserting in place thereof "$477,664,000" and "$518,881,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $7,843,000.

Tyndall Air Force Base, Panama City, Florida, $1,020,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Grandview, Missouri, $3,963,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $11,343,000.

Kelly Air Force Base, San Antonio, Texas, $2,306,000.

McClellan Air Force Base, Sacramento, California, $92,000.

Robins Air Force Base, Warner Robins, Georgia, $4,125,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $11,166,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $12,887,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $889,000.

Eglin Air Force Base, Valparaiso, Florida, $7,039,000.

Satellite Control Facilities, $192,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $8,786,000.

Lackland Air Force Base, San Antonio, Texas, $6,509,000.

Laughlin Air Force Base, Del Rio, Texas, $4,635,000.

Lowry Air Force Base, Denver, Colorado, $20,350,000.

Mather Air Force Base, Sacramento, California, $310,000.

Randolph Air Force Base, San Antonio, Texas, $1,463,000.

Reese Air Force Base, Lubbock, Texas, $4,211,000.

Sheppard Air Force Base, Wichita Falls, Texas, $2,753,000.

Vance Air Force Base, Enid, Oklahoma, $371,000.

Webb Air Force Base, Big Spring, Texas, $3,154,000.

Williams Air Force Base, Chandler, Arizona, $347,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $1,557,000.

Various Locations, $1,698,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $16,639,000.

Bolling Air Force Base, Washington, District of Columbia, $1,500,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,078,000.

Dover Air Force Base, Dover, Delaware, $2,558,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,698,000.

Norton Air Force Base, San Bernardino, California, $1,283,000.

Scott Air Force Base, Belleville, Illinois, $3,092,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $7,331,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $1,200,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $232,000.

Dyess Air Force Base, Abilene, Texas, $730,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $514,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $5,834,000.

Kincheloe Air Force Base, Kinross, Michigan, $2,430,000.

Malmstrom Air Force Base, Great Falls, Montana, $600,000.

McConnell Air Force Base, Wichita, Kansas, $1,042,000.

Offutt Air Force Base, Omaha, Nebraska, $617,000.

Pease Air Force Base, Portsmouth, New Hampshire, $526,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $286,000.

Vandenberg Air Force Base, Lompoc, California, $220,000.

Whiteman Air Force Base, Knob Noster, Missouri, $3,892,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $616,000.

Various Locations, $1,988,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,273,000.

Cannon Air Force Base, Clovis, New Mexico, $162,000.

England Air Force Base, Alexandria, Louisiana, $183,000.

Holloman Air Force Base, Alamagordo, New Mexico, $1,524,000.

Langley Air Force Base, Hampton, Virginia, $503,000.

Little Rock Air Force Base, Little Rock, Arkansas, $1,165,000.

Luke Air Force Base, Glendale, Arizona, $1,220,000.

MacDill Air Force Base, Tampa, Florida, $2,657,000.

Mountain Home Air Force Base, Mountain Home Idaho, $253,000. ,

Shaw Air Force Base, Sumter, South Carolina, $306,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $483,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $6,115,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $3,689,000.

Various Locations, Water Pollution Abatement, $5,381,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $18,000,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,355,000.

PACIFIC AIR FORCES

Various Locations, $7,950,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,181,000.

United Kingdom, $9,313,000.

Various Locations, $800,000.

UNITED STATES AIR FORCE SOUTHERN COMMAND

Howard Air Force Base, Canal Zone, $927,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $221,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $750,000.

WORLDWIDE COMMUNICATIONS

Various Locations, $330,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,000,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified to this section prior to that date.

SEC. 304. (a) Public Law 92-145 is amended under the heading "INSIDE THE UNITED STATES", section 301 as follows: Under the subheading "Strategic Air Command" with respect to Malmstrom Air Force Base, Great Falls, Montana, strike out "$522,000" and insert in place thereof "$735,000."

(b) Public Law 92-145 is amended by striking out in clause (3) of section 702 "$226,484,000" and "247,347,000" and inserting in place thereof "$226,697,000" and "$247,560,000", respectively.

SEC. 305. (a) Public Law 92-545 is amended under the heading "OUTSIDE THE UNITED STATES," in section 301 as follows: Under the subheading "UNITED STATES AIR FORCES IN EUROPE" with respect to Germany, strike out "$11,422,000" and insert in place thereof "$18,755,000".

(b) Public Law 92-545 is amended by striking out in clause (3) of section 702 "$32,565,000" and "$284,150,000" and inserting in place thereof "$39,898,000" and "$291,483,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

DEFENSE NUCLEAR AGENCY

Kirtland Air Force Base, Albuquerque, New Mexico, $374,000.

Atomic Energy Commission Nevada Test Site, Las Vegas, Nevada, $200,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,188,000.

Defense Depot, Mechanicsburg, Pennsylvania, $2,048,000.

Defense Depot, Memphis, Tennessee, $360,000.

Defense Depot, Ogden, Utah, $250,000.

Defense Depot, Tracy, California, $747,000.

Defense General Supply Center, Richmond, Virginia, $250,000.

Defense Logistics Services Center, Battle Creek, Michigan, $160,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $560,000.

Regional Office, Defense Contract Administration Services, Chicago, Illinois, $404,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $8,156,000.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, six thousand one hundred thirty-five units, $178,208,000.

Fort Carson, Colorado, two hundred units.

Eglin Air Force Base, Florida, twenty-five units.

United States Army Installations, Oahu, Hawaii, one thousand units.

Fort Riley, Kansas, nine hundred one units.

Fort Campbell, Kentucky, one thousand units.

Fort Polk, Louisiana, five hundered units.

Aberdeen Proving Ground, Maryland, one hundred sixty-six units.

Fort Bragg/Pope Air Force Base, North Carolina, one hundred thirty-six units.

Tobyhanna Army Depot, Pennsylvania, eighty-six units.

Fort Hood, Texas, nine hundred units.

Red River Army Depot, Texas, twenty-one units.

Fort Belvoir, Virginia, seven hundred units.

Fort Eustis, Virginia, three hundred units.

Fort Monroe, Virginia, two hundred units.

(2) The Department of the Navy, four thousand four hundred sixty-six units, $137,-666,000.

Marine Corps Base, Camp Pendleton, California, eight hundred units.

Naval Facility, Centerville Beach, California, sixty units.

Naval Complex, San Diego, California, three hundred twenty-five units.

Marine Corps Base, Twentynine Palms, California, two hundred units.

Naval Complex, Jacksonville, Florida, four hundred units.

Naval Training Center, Orlando, Florida, land, six units.

Naval Complex, Oahu, Hawaii, six hundred units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Support Facility, Thurmont, Maryland, six units.

Construction Battalion Center, Gulfport, Mississippi, one hundred units.

Naval Home, Gulfport, Mississippi, five units.

Naval Complex, South Philadelphia, Pennsylvania, three hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred seventy units.

Naval Complex, Guam, Marianas Islands, eight hundred units.

Naval Station, Keflavik, Iceland, one hundred fifty units.

(3) The Department of the Air Force, one thousand eight hundred units, $55,501,000.

Blytheville Air Force Base, Arkansas, one hundred units.

Avon Park Weapons Range, Florida, fifty units.

Eglin Air Force Base, Florida, two hundred fifty units.

United States Air Force Installations, Oahu, Hawaii, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Grand Forks Air Force Base, North Dakota, two hundred units.

Sheppard Air Force Base, Texas, two hundred units.

Andersen Air Force Base, Guam, Marianas Islands, three hundred units.

(b) Mobile home facilities—

(1) The Department of the Army, eight hundred twenty-five spaces, $3,300,000.

(2) The Department of the Navy, one hundred spaces, $400,000.

(3) The Department of the Air Force, four hundred fifteen spaces, $2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $28,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $45,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $38,000 and in no event shall the cost of any unit exceed $45,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $28,160,000.

(2) for the Department of the Navy, $10,600,000.

(3) for the Department of the Air Force, $23,750,000.

SEC. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, twelve family housing units. This authority shall include the authority to acquire land and interests in land. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided*, That the cost shall not exceed a total of $520,000 for all units nor $60,000 for any one unit, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 506. (a) Subsection 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, is amended to read as follows:

"SEC. 610. (a) None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $15,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section the term "improvement" includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed.".

(b) The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in subsection (a) of this section as follows:

Elmendorf Air Force Base, Alaska, one unit, $35,800.

Marine Corps Base, Twentynine Palms, California, one unit, $17,000.

Fort McNair, Washington, District of Columbia, five units, $165,000.

Naval Complex, New Orleans, Louisiana, four units, $119,600.

Ramstein Air Base, Federal Republic of Germany, one unit, $26,500.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended to read as follows:

"SEC. 515. During fiscal years 1974 and 1975, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase in temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than ten thousand such units may be so leased at any one time. Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit.".

SEC. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is further amended to read as follows:

"SEC. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders or other sponsors of such housing a rental return equivalent to a specified portion of the annual rental income which the builders or other sponsors would receive from the tenants if the housing were fully occupied: *Provided*, That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1974 and 1975 shall not exceed such amount as may be applicable to five thousand units: *Provided further*, That no such agreement shall guarantee the payment of more than 79 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $275 per unit per month, including the cost of maintenance and operation.".

SEC. 509. Notwithstanding the provisions of any other law, the Secretary of the Air Force is authorized to settle claims regarding repairs and improvements to public quarters at F. E. Warren Air Force Base, Wyoming, in the amount of $41,221.92.

SEC. 510. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of not more than nine thousand seven hundred and twenty-five family housing units, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $330,901,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit

Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m) an amount not to exceed $826,793,000.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, and V, shall not exceed—

(1) for title I: A total of $572,963,000.

(2) for title II: A total of $539,933,000.

(3) for title III: A total of $246,656,000.

(4) for title V: Military family housing, $1,157,694,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total of the amounts authorized for projects in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the erection of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. As of Ocober 1, 1974, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 25, 1972, Public Law 92–54 (86 Stat. 1135), and all such auhorizations contained in Acts approved before October 26, 1972, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1974, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansion, or extensions to existing family housing, and all authorizations for related facilities projects under said Act are hereby continued and shall remain in effect until October 1, 1974; and

(4) notwithstanding the repeal provisions of section 705(a) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), authorizations for the following items which shall remain in effect until October 1, 1975:

(a) Enlisted women's barracks construction in the amount of $437,000 for Fort Rucker, Alabama, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(b) Airfield expansion in the amount of $882,000 for the United States Army Security Agency, that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(c) Environmental Health Effects Laboratory in the amount of $4,500,000 for the Naval Medical Research Institute, Bethesda, Maryland, that is contained in title II, section 201, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 397).

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $28.50 per square foot for permanent barracks;

(2) $30.50 per square foot for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act: *Provided further*, None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize the construction of permanent barracks providing for the planned occupancy of fewer than four persons per room for enlisted grades E4 and below nor fewer than two persons per room for enlisted grades E5, E6, and E7.

SEC. 607. Section 709 of Public Law 92–145 (85 Stat. 394, 414), as amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however*, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code, and section 961 of title 43, United States Code.

SEC. 608. Chapter 159 of title 10, United States Code is amended as follows:

(1) Section 2674(f) is amended by striking out the phrase "every six months" in the second line and inserting "anually" in place thereof.

(2) Section 2676 is amended by changing the period at the end thereof to a colon and adding the following: "*Provided*, That this limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)."

(3) Section 2672 is amended to redesignate the existing section as subsection "(a)" and by adding a subsection "(b)" as follows:

"Upon a determination by the Secretary

of Defense that deferral of acquisition under this subsection for inclusion in the next Military Construction Authorization Act would be inconsistent with the interest of national defense, and after notifying the Committees on Armed Services of the Senate and House of Representatives, the Secretary of a military department may acquire, without regard to the limitations in subsection (a) above and under such terms as he deems appropriate, any interest in land required to maintain the operational integrity of a military installation. This authority includes authority to make surveys and acquire such interests in land (including temporary use) by gift, purchase, or otherwise."

(4) The catchline of section 2672 is amended by adding the following at the end thereof: "and for other purposes".

SEC. 609. (a) Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the National Capital Planning Commission and other interested agencies, but without being subject to the approval of the Commission or any other agency, is directed, within available authorizations and appropriations, to proceed with the further planning, development, and construction of the Bolling-Anacostia Complex. The Secretary shall use as a guide to such further planning and development the Bolling-Anacostia Base Development Concept included with the final environmental impact statement filed with the Council on Environmental Quality on July 26, 1973, under the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969.

(b) Section 607(b) of Public Law 89-188, as amended, is amended by deleting the words "January 1, 1975" wherever they appear, and inserting in lieu thereof "January 1, 1980."

SEC. 610. (a) The Secretary of the Army, or his designee, is authorized to convey to the San Antonio Country Club, subject to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all rights, title, and interest of the United States, except as retained in this section, in and to certain two parcels of land containing, in the aggregate, 2.39 acres, more or less, situated in the county of Bexar, State of Texas, being part of the Fort Sam Houston Military Reservation and more particularly described as follows:

PARCEL NO. 1

From boundary marker numbered B-88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes, east, 48.3 feet to boundary marker numbered B-87;

Thence north 15 degrees 11 minutes east, 546.15 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located north 78 degrees 10 minutes west, 298 feet from boundary marker numbered B-81;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club properties for the point of beginning, said point of beginning being located north 68 degrees 59 minutes west, 695 feet from boundary marker numbered B-79;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north 68 degrees 59 minutes west, 300 feet to boundary marker numbered B-78;

Thence north 00 degrees 32 minutes west, 1197.6 feet to boundary marker numbered B-77 for the corner common to said San Antonio Country Club and United States of America properties, situated in the south right-of-way line for Burr Road;

Thence departing from said common line, along the south right-of-way line for said Burr Road, north 89 degrees 58 minutes east, 50 feet to a point;

Thence south 00 degrees 32 minutes east, 1028.08 feet to a point;

Thence south 21 degrees 26 minutes east, 114.79 feet to a point;

Thence south 48 degrees 05 minutes east, 254.90 feet to the point of beginning, containing 1.73 acres, more or less.

PARCEL NO. 2

From boundary marker numbered B-88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker B-87 for the point of beginning;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north, 102.2 feet to boundary marker numbered B-86;

Thence north 07 degrees 15 minutes east, 117.4 feet to boundary marker numbered B-85;

Thence north 12 degrees 30 minutes east, 88.1 feet to boundary marker numbered B-84;

Thence north 07 degrees 10 minutes west, 168.4 feet to boundary marker numbered B-83;

Thence north 51 degrees 05 minutes east, 104.4 feet to boundary marker numbered B-82;

Thence south 78 degrees 10 minutes east, 50 feet to a point;

Thence departing from said common line, south 15 degrees 11 minutes west, 546.15 feet to the point of beginning, containing 0.66 acres, more or less.

(b) In consideration for the conveyance by the United States of America of the property described in paragraph (a), the San Antonio Country Club shall convey to the United States, for incorporation with the Fort Sam Houston Military Reservation, a parcel of land containing 6.47 acres, more or less, being described as follows:

From boundary marker numbered B-88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B-87;

Thence north 15 degrees 11 minutes east, 546.15 feet to the point of beginning, situated in the common line between said San Antonio Country Club and United States of America properties, said point of being located south 78 degrees 10 minutes east, 50 feet from boundary marker numbered B-82;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located south 68 degrees 59 minutes east, 300 feet from boundary marker numbered B-78;

Thence along said common line as follows: south 68 degrees 59 minutes east, 695 feet to boundary marker numbered B-79 for a re-entrant corner for said United States of America property and a northeast corner for said San Antonio Country Club property;

Thence south 44 degrees 07 minutes west, 333.7 feet to boundary marker numbered B-80;

Thence south 42 degrees 04 minutes west, 261 feet to boundary marker numbered B-81 for a re-entrant corner for said United States of America property and a southeast corner for said San Antonio Country Club property;

Thence north 78 degrees 10 minutes west, 298 feet to the point of beginning containing 6.47 acres, more or less.

(c) The legal descriptions in paragraphs (a) and (b) may be modified as agreed upon by the Secretary, or his designee, and the San Antonio Country Club, consistent with any necessary changes which may be disclosed as a result of accurate survey.

(d) The conveyance of property authorized in paragraph (a) of this section shall be subject to the following provisions, conditions, and reservations, which shall be incorporated in the deed of conveyance to be executed by the Secretary of the Army:

(1) Reservation to the United States of rights-of-way for any existing utility lines or access roads.

(2) Provision that the grantee, in accepting the deed, shall agree (1) to relocate fences between its property and the boundary lines of Fort Sam Houston, at no expense to the United States, and (2) to hold the United States harmless from any damage that may result from drainage from the property conveyed to the United States under paragraph (b).

(e) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this section shall be borne by the San Antonio Country Club.

SEC. 611. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act of 1974".

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $29,900,000.

(b) Army Reserve, $35,900,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $21,458,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $16,000,000.

(b) Air Force Reserve, $9,000,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. With respect to the preceding authorization contained in section 701 for the Army Reserve, no portion of such authorization or any other prior Army Reserve authorization granted by the Congress may be utilized to construct replacement facilities for Army Reserve units at Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

SEC. 704. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1974".

Mr. SYMINGTON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 2408 and request a conference with the House on the disagreeing vote of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. HARRY F. BYRD, JR., Mr. TOWER, Mr. THURMOND, and Mr. DOMINICK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Missouri for the speed he is showing and for the dedication he is indicating in trying to expedite the work of the Senate insofar as it is affected in its relationship to the House. I just want the Senator to know how grateful I am that he has named these conferees and that the military construction bill will be in conference shortly.

Mr. SYMINGTON. I thank the distinguished Senator from Montana.

Mr. ROBERT C. BYRD. Mr. President, I wish to join in the statement of the distinguished Senator from Montana. I express my appreciation for the fine cooperation which the majority leader and I have received in connection with the military construction authorization bill, and, earlier, with the military procurement authorization bill. The Senator from Missouri has performed a remarkable job under extremely difficult circumstances, and I wish to thank him.

Mr. SYMINGTON. I thank the able majority leader and the able assistant majority leader for their kind remarks. It is always a pleasure to work with and for them in matters of this character.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1973

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 386.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Urban Mass Transportation Assistance Act of 1973".

ASSISTANCE FOR OPERATING EXPENSES

SEC. 2. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following new sentence: "The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation service in urban areas, allocating any funds made available for assistance under this sentence among the various State and local public bodies and agencies thereof in the manner provided in subsection (g): *Provided*, That no assistance shall be provided under this sentence to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed with such assistance will not exceed one-half of the rates generally applicable to other persons, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

(b) Section 3(c)(2) of such Act is amended by inserting "(including grants for payment of operating expenses)" after "project grants".

(c) Section 3 of such Act is further amended by adding at the end thereof the following new subsections:

"(f) No financial assistance shall be provided to any State or local public body or agency thereof for payment of operating expenses incurred in connection with the provision of mass transportation service unless the applicant State or public body or agency has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the urban area or areas involved, and for placing mass transportation operations in such area or areas on a sound financial basis.

"(g) The funds made available for assistance in the payment of operating expenses under the third sentence of subsection (a) for any fiscal year shall be allocated by the Secretary among the various States and local public bodies and agencies thereof (without regard to section 15) on the basis of a formula under which the urbanized areas of eligible applicants in any State will be entitled to receive an amount equal to the sum of—

"(1) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total population of the urbanized areas of eligible applicants in that particular State, and the denominator of which is the total population of the urbanized areas of eligible applicants in all the States;

"(2) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total number of revenue passengers carried by mass transportation systems in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total number of such passengers carried by mass transportation systems in the urbanized areas of eligible applicants in all the States; and

"(3) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in all the States."

(d)(1) Section 4 of such Act is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) To finance grants to assist States and local public bodies and agencies thereof in the payment of operating expenses under the third sentence of section 3(a), there is authorized to be appropriated not to exceed $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for either such fiscal year may be appropriated for any succeeding fiscal year."

(2) The first sentence of section 4(c) of such Act is amended by inserting after "under sections 3, 7(b), and 9 of this Act" the following: "(other than grants made under the third sentence of section 3(a))".

(e) Section 12 of such Act is amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under the third sentence of section 3(a) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

INCREASE IN GRANT RATIO

SEC. 3. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expense) shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

INCREASE IN BASIC ASSISTANCE AUTHORITY

SEC. 4. (a) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out all that follows "which amount may be increased" in the third sentence; and

(2) by inserting in lieu thereof "to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $1,000,000,000 prior to July 1, 1973, not to exceed an aggregate of $2,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $3,000,000,000 prior to July 1, 1975, not to exceed an aggregate of $4,500,000,000 prior to July 1, 1976, not to exceed an aggregate of $5,500,000,000 prior to July 1, 1977, and not to exceed an aggregate of $6,100,000,000 thereafter."

(b) The first sentence of section 4(c) of such Act is amended by inserting immediately before the period at the end thereof the following: "to the extent that such amounts are or were appropriated to finance such grants and loans and have not been reserved or made available for any other purpose".

PROHIBITION AGAINST CHARGING OF EXTRA FARES ON ASSISTED TRANSIT FACILITIES

SEC. 5. Section 3 of the Urban Mass Transportation Act of 1964 (as amended by section 2(c) of this Act) is further amended by adding at the end thereof the following new subsection:

"(h) No financial assistance shall be provided under this Act to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged for transportation utilizing or involving the facilities and equipment financed with such assistance will be uniform (subject to any reasonable charges which may be made for transfers), and will not vary on the basis of length of route or distance traveled except in accordance with a zone system or other uniform system which is in effect throughout the area served by such facilities and equipment, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

ELIGIBILITY OF QUASI-PUBLIC DEVELOPMENT CORPORATIONS

SEC. 6. (a) The first sentence of section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" after "financing", and by inserting before the period at the end thereof the following: ", and (2) the establishment and organization of public or quasi-public transit corridor development corporations or entities".

(b) The second sentence of section 3(a) of such Act is amended to read as follows: "Eligible facilities and equipment may include personal property including buses and other rolling stock and real property including land (but not public highways), within the entire zone effect by the construction and operation of transit improvements, including station sites, needed for an efficient and coordinated mass transportation system which is compatible with socially, economically, and environmentally sound patterns of land use."

COORDINATION OF URBAN MASS TRANSIT PROGRAMS WITH MODEL CITIES PROGRAMS

SEC. 7. Section 103(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) any program which includes a transportation component as a project or activity to be undertaken meets the requirements of section 3(a) of the Urban Mass Transportation Act of 1964;".

LIMITATION ON MASS TRANSIT FUNDING RELATED TO PUPIL TRANSPORTATION

SEC. 8. (a) Section 3(e) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "(e)";

(2) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

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

"(2) No financial assistance shall be provided under this section to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions, or proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions, in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such schoolchildren and school personnel; except that this paragraph shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such schoolchildren and school personnel along with facilities to be used therefor) was so engaged at any time during the twelve-month period immediately prior to the date of the enactment of this paragraph."

(b) Section 12(e) of such Act is amended by inserting before the period at the end thereof the following: ", or from enforcing the limitation described in section 3(e)(2)".

ELIMINATION OF ASSISTANCE IN FORM OF PROJECT LOANS

SEC. 9. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 (as amended by section 2(a) of this Act) is amended—

(1) by striking out "or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise)" in the first sentence;

(2) by striking out "or loan" in the fourth sentence; and

(3) by striking out "The Secretary may make" in the fifth sentence and inserting in lieu thereof "The Secretary is also authorized to make".

(b) Section 3(c) of such Act (as amended by section 2(b) of this Act) is amended by striking out "No loans" in the first sentence and all that follows down through "this section" in the second sentence, and insert in lieu thereof "Interest on loans made under subsection (b)".

(c) Section 3(d) of such Act is amended by striking out "or loan".

(d) Section 12(b) of such Act is amended by striking out "loan or".

(e) Section 13(a) of such Act is amended by striking out "loans or" and "loan or".

(f) Section 16(b) of such Act is amended by striking out "and loans" each place it appears.

STUDY OF RURAL TRANSPORTATION NEEDS

SEC. 10. The Secretary of Transportation shall conduct a full and complete study and investigation of the public transportation needs of rural and other nonurban areas in the United States, giving particular attention to the needs of cities, towns, and other political subdivisions (outside urban areas) having a population of 50,000 or less, and of any changes in the Federal law which would be required in order to meet such needs. The Secretary shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

INVESTIGATION OF SAFETY HAZARDS IN URBAN MASS TRANSPORTATION SYSTEMS

SEC. 11. The Secretary of Transportation shall investigate unsafe conditions in any facility, equipment, or manner of operation financed under this Act which creates a serious hazard of death or injury for the purpose of determining its nature and extent and the means which might best be employed to eliminate or correct it. If the Secretary determines that such facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or implemented.

SEC. 12. Section 3(a) of the Urban Mass Transportation Act of 1964 is further amended by adding after the word "expenses", and before the period in the fifth sentence, the following: ", nor shall any grant or loan funds be used to support sole source procurements (except in unusual, justifiable circumstances) or procurements utilizing exclusionary or discriminatory specifications".

SEC. 13. Nothing contained in this Act shall require the charging of fares to elderly and handicapped persons.

And amend the title so as to read: "An Act to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on S. 386 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. TOWER, and Mr. BROOKE conferees on the part of the Senate.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, I have given some thought to the situation which has been developing in the Middle East. It becomes more dangerous by the day, it spreads far beyond the area of the Middle East itself. At the present time, it seems that it stretches from the Atlantic coast clear across the Magreb and the rest of Northern Africa, over into Syria, Jordan, Iraq, possibly Saudia Arabia, and the Lord or Allah only knows where it is going to end. It is a most serious situation in that area, which we cannot avoid paying attention to.

With that in mind, Mr. President, I would like to state to the Senate some of my feelings on this subject as they were put down this morning.

First, my feeling is that we should operate on a policy that tries to achieve a balance of sorts in the Middle East.

Second, insofar as the shipment of United States arms is concerned, it must be said that Secretary Kissinger first tried to find a diplomatic solution based on no arms shipments to either side. Finding that impossible because of continuing and increased Soviet shipments to Syria and Egypt, on Sunday last, 9 days after the war started, he—Secretary Kissinger—announced that the United States would replenish the losses of Israel in certain categories. This was done, in my opinion, to achieve a semblance of an arms balance in the area.

Third, I do not believe that we should become involved with American forces anywhere except as our national interest and security are at a vital stake. One Vietnam is one Vietnam too many.

Fourth, the United States and the Soviet Union, the two major outside powers, obviously have been unable to prevent the conflict or to bring about its termination. In view of the increasingly dangerous situation which has been developing, therefore, I would suggest that the President of the United States issue an urgent invitation to Chairman Brezhnev of the U.S.S.R., President Pompidou of France, Prime Minister Heath of the United Kingdom, Chancellor Willy Brandt of West Germany, and Prime Minister Tanaka of Japan for an immediate summit conference for the purpose of bringing about a cease fire and using their collective efforts toward the Middle East to have the parties enter into negotiations as expeditiously as possible.

Fifth, if a summit cannot be accomplished expeditiously, then I would suggest as an alternative that the Foreign Ministers of the countries mentioned convene in conference at a mutually convenient place and as rapidly as possible.

The time, Mr. President, is short.

Mr. JAVITS. Mr. President, when I came on the floor this morning, I did not know that the majority leader was going to make the statement he has made about the Middle East.

If he would allow me, I should like to join him in the proposal for a summit meeting. I think it is important enough to warrant a summit meeting. I had in mind an analysis of the course of events and an outline of the policies which the United States should pursue, which did not include a summit meeting, and I think that is an excellent initiative. I would like very much to express my support of it.

THE MIDDLE EAST WAR

Mr. JAVITS. Mr. President, as the Middle East war proceeds on its bloody course, the problems and dangers are laid bare as though by some cosmic surgery. So, too, are laid bare the openings for a possible resolution, not only of this crisis, but of the whole Middle East crisis situation.

First, it becomes clear that the objective of Egypt and Syria is by no means limited even to an effort to restore the ground situation to what it was prior to the 1967 six-day war. Rather, their total objective seems to be the elimination of Israel as a State.

In the stress of war today President Sadat, while protesting sweet reasonableness, gave this away in uttering the threat to Egypt's Parliament, as follows:

> Our Egyptian rockets of the Zafir type which can cross Sinai are now on their launching pads ready to be fired at one signal to the deepest points in Israel.

Second, the Soviet Union may be willing even to jeopardize the opportunities for détente with the United States by repeating in the Middle East the policies which characterized the suppression of self-determination in Czechoslovakia and which gave rise to the Brezhnev doctrine, a doctrine which alarmed Western Europe more than anything since the post-World War II pressure as Joseph Stalin laid a stranglehold on Eastern Europe and sought to blockade Berlin.

Third, the effort to use Arab oil to blackmail the United States and the world into submission, by seeking to make the United States require the capitulation of Israel, thereby asking this valiant small country to officiate at its own destruction and opening the door to other demands the U.S.S.R. might induce the radical Arab States to require of the United States, Western Europe, and Japan, all in the name of oil.

Indeed, it begins to be impressively realistic to note that the Secretary-General of NATO, Joseph Luns, said about the Arab boycott over the weekend:

> Without oil, the situation for the West would be very difficult . . . but this would come very close to being a hostile act.

That certainly speaks for itself as to the NATO Security Alliance.

Fourth, the United States, in pursuance of our policy and our national interest and security, as well as the peace of the world, has undertaken to supply Israel to endeavor to insure its survival, and to frustrate the Soviet design inherent in the Soviet Union's tremendous supply and training of the forces of Egypt and Syria which led them to the attack on Israel on the very eve of Yom Kippur, the holiest day of the Jewish people.

Fifth, the danger that in this atmosphere some untoward and unwished for confrontation may occur between the United States and the U.S.S.R. The recklessness of this course on the part of the U.S.S.R. is epitomized by the enigmatic statement emerging from a conference participated in by the leaders in the Kremlin with the President of Algeria, reported this morning concerning the U.S.S.R., which states that the Soviet Union is pledged "to assist in every way" to recapture the—Arab—territory "seized by Israel"; and Mr. Kosygin's statement:

> All our actions are aimed at helping the peoples of the Arab countries to liberate their lands that were seized by Israel.

Mr. President, under all these circumstances, it is interesting to note the reported opinion of the American people sampled according to a Gallup poll survey. It is reported that 47 percent of those surveyed sympathize with Israel, only 6 percent with the Arab States, 22 percent demurred, and 25 percent have no opinion.

Under these circumstances, what are the lines of action for our country? I list them for our country:

First. To support President Nixon and Secretary of State Kissinger in the determination that Israel will not be eliminated or bested through any failure of supply;

Second. To reaffirm the U.S. position as supported by the Senate resolution passed October 8, 1973:

> To urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities;

Third. To make clear to the U.S.S.R. that we seek and invite no confrontation in the Middle East as between us and them, and we hope that they will not seek one either, but that we and the rest of the world have the right to demand of them their cooperation in effectuating a cease-fire without gain to either side notwithstanding their backing of the aggression which brought on the conflict by Egypt and Syria; and

Fourth. Notice especially to the moderate Arab States, our principal suppliers insofar as we have any dependence on Arab oil, that they should resist the pressure of the Arab radicals and terrorists on them and that we will be neither intimidated nor blackmailed; on the contrary, that the United States is prepared to take the necessary conservation and other measures which will make us invulnerable to reduction or cutoff of oil from these Arab countries;

Fifth. Notice to our European allies and Japan that the time is long overdue for us to coordinate our response to any effort to impede the flow of oil to them or to us from the Arab States, and that we are prepared to negotiate with them an agreement for such coordination which will relate to purchase, transport, storage, reserves, conservation measures and allocation of short supplies. Such an agreement has been shockingly long in coming and all of us do not have a minute to lose in putting it in place. Indeed, the cut-throat competition among the oil consuming states which has already begun in the face of the trust under the acronym OPEC primarily of the Arab oil producing states, could rapidly become like some dark cloud cast over the hopes of all free peoples; and,

Sixth. Signature by the President of the war powers resolution—rather than its veto—which would enormously strengthen the hand of the President and our country in notifying the U.S.S.R. and all others that our country will be united in whatever decision it takes, and that any idea that either the radical Arab leaders or the leaders in the Kremlin may have that the United States is weakened, uncertain or divided by Watergate or Vice President Agnew's resignation is indeed a most dangerous delusion.

If we can successfully resolve this crisis, there is a glowing light at the end of the tunnel. The U.S.S.R. might then realize that playing with fire—in the paradox of attacking mankind with one hand while offering the olive branch with the other—is the most difficult trick of all and probably will not work. The Arab States might realize that there is simply no use in trying to liquidate Israel; that Israel is here, is permanent, and will remain. As to Israel, it has already stated most authoritatively its willingness to negotiate any issue between it and the Arab States, and there is no evidence whatever that even the vissisitudes of cruel and aggressive attack have changed this situation. I believe that our country and the world can have every confidence that if it were up to the Israelis a settlement with their Arab neighbors in return for a durable Middle East peace will be just, reasonable and designed to be durable.

Mr. President, I want to thank the Senator from West Virginia for his, as always, courtesy in facilitating the time I needed for these remarks.

Mr. ROBERT C. BYRD. The Senator is welcome.

The PRESIDENT pro tempore. Is there further morning business?

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask uanimous consent that the order for the quorum call be rescinded.

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

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. HRUSKA. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7446.

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the

Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HRUSKA. Mr. President, on October 10 the Senate passed H.R. 7446, a bill to establish the American Revolution Bicentennial Administration and for other purposes, with Senate amendments.

On October 15, the House of Representatives disagreed to the Senate amendments to the bill and requested a conference.

In view of the action taken by the House of Representatives, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. McCLELLAN, Mr. KENNEDY and Mr. HRUSKA conferees on the part of the Senate.

The PRESIDENT pro tempore. Is there further morning business?

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

SENATE ADJOURNMENT FROM OCTOBER 18, 1973, TO OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished majority leader, I send a concurrent resolution to the desk and ask that it be stated.

The PRESIDENT pro tempore. The clerk will read the concurrent resolution.

The assistant legislative clerk read the concurrent resolution. (S. Con. Res. 54) as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, October 23, 1973.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

AMENDMENT OF NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS—CONFERENCE REPORT

Mr. ALLEN. Mr. President, I submit a report of the committee of conference on H.R. 9639, and ask for its immediate consideration.

The PRESIDENT pro tempore. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 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 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 PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 3, 1973, at pp. 32827–32828.)

Mr. ALLEN. Mr. President, I am delighted to submit for consideration of the Senate a conference report on H.R. 9639. This legislation is an emergency measure to provide financial relief for school systems around the country. It will provide additional Federal assistance to school lunch and school breakfast programs.

On September 24 the Senate passed H.R. 9639 with some amendments which were considered more generous than the House-passed bill. The conferees met on two occasions and a report was filed on October 3. The conferees were able to reach an agreement on all points. However, due to the provisions of the House rules, the committee reported four amendments in disagreement so that these amendments could be the subject of separate votes when the conference report was considered in the House. The House did agree to each of these amendments, with amendments as described in the statement of managers with respect to amendments Nos. 5, 13, and 14. The conferees were able to reach agreement on the important issues of Federal funding of the child nutrition programs in a manner which will be quite beneficial to school systems struggling to make ends meet. The House bill had provided an increase of general cash reimbursement under section 4 of the National School Lunch Act from 8 to 10 cents per lunch. The Senate increased this amount to 12 cents. The House conferees were adamant on this point and insisted on retaining a reimbursement of 10 cents. However, as a compromise the House conferees agreed to ask the House to amend Senate amendment No. 5 to make improvements in the escalator clause that had been approved by the Senate. Under the Senate amendment, schools would have received an annual increase in payments under section 4 of the National School Lunch Act—general cash reimbursement—section 11 of the National School Lunch Act—free and reduced price lunches—and section 4 of the Child Nutrition Act—breakfasts—to reflect changes in the cost of operating a school lunch and school breakfast program. However, this provision would not have taken effect until fiscal year 1976.

Under the amendment to Senate amendment numbered 5 which has now been agreed to by the House, the schools will receive semiannual adjustments in the rates of reimbursement for the school breakfast program. The first such semiannual adjustment will take place on January 1, 1974. The first adjustment will reflect changes in the cost of food away from home during the period September 1973, through November 1973. Each subsequent adjustment will reflect the most recent 6-month period for which data are available.

Thus the schools will receive another adjustment in their reimbursement rates for the child nutrition program on January 1 if food costs continue to rise. Moreover, this escalator clause will relieve Congress of the burden of acting each year to increase the minimum reimbursement rates for the child nutrition programs.

Mr. President, the House and Senate bills did not differ on other important areas involving the reimbursement rate for the school lunch and school breakfast program. Both the House and the Senate bill provided a minimum average payment of 45 cents per free meal served and 35 cents per reduced price meal served under section 11 of the National School Lunch Act. Both House and Senate bills establish a basic minimum reimbursement for breakfast at 8 cents, with an additional minimum reimbursement of 20 cents for free breakfasts and 15 cents for reduced price breakfasts.

The Senate did, however, add another significant factor to the reimbursement of nutrition programs by mandating the continued availability of the special milk program to all schools and nonprofit institutions requesting such a program. In addition, it required that children who qualify for free lunches shall also be eligible for free milk. The House accepted this amendment without change.

The House conferees also agreed to several other significant Senate amendments which make the child nutrition programs more generous, and the House has now concurred in the Senate amendment to extend the special supplemental food program for the fiscal year 1975 at a $40 million level rather than the $20 million level provided for in the House bill.

The House also concurred in the Senate amendment to raise the guidelines to be used in determining eligibility for reduced price lunches. Existing law provides that such income guidelines shall not be more than 50 percent above the applicable income levels in the income poverty guidelines prescribed by the Secretary of Agriculture. Under the amendment of the Senate that was agreed to by the House the income guideline may, in fiscal 1974, be established at not more than 75 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture.

Thus, the conferees agreed on several Senate amendments which increased the Federal financial responsibility to child nutrition programs. The conferees also adopted other Senate amendments which made other changes in the child nutrition program:

First. To increase the membership of

the National Advisory Council on Child Nutrition from 13 to 15 members by adding an urban and a rural school lunch program supervisor;

Second. To make agencies of Indian tribes eligible to administer the special supplemental food program.

The Senate conferees receded from an amendment submitted by the Senator from Alaska (Mr. STEVENS) to provide 25 percent greater reimbursement for the school lunch and school breakfast program in Alaska. However, the conferees agreed to modify the Senate amendment to provide for study and child nutrition programs to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The conferees also agreed to other language making the study a broader and comprehensive study of our child nutrition programs.

The House conferees also receded on an amendment unrelated to child nutrition programs. This amendment would suspend for fiscal year 1974 the application of section 5(d)(2) of Public Law 91–84 in determining eligibility of a State to receive impact aid funds if such State has adopted an education equalization program.

Mr. President, the conference report represents substantial funding increases for the child nutrition programs. In fiscal year 1974, alone, it will require the expenditure of $224 million above the President's budget request. I hope that it will be unanimously approved by the Senate.

Mr. President, I ask unanimous consent that the joint explanatory statement of the committee on conference be printed at this point in my remarks.

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

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment Numbered 1: The bill, as passed by the House, amends section 4 of the National School Lunch Act by increasing the national average payment per lunch used in determining food assistance payments from eight cents to ten cents per lunch.

Senate amendment numbered 1 increases the national average payment per lunch used in determining food assistance payments to twelve cents per lunch. The Senate recedes.

Amendments Numbered 2, 3, 4, 6, and 7: These amendments offered by Senator Stevens provided that funds which would otherwise be paid to Alaska under sections 4, 5, and 10 of the National School Lunch Act in any fiscal year, and under sections 4 and 4(f) of the Child Nutrition Act of 1966 in any fiscal year shall be increased by 25 percent. The Senate recedes. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 13, and concur therein with an amendment which provides, in part, that the study conducted under Senate amendment numbered 13 will include a study of differences among regions, including Alaska, in the cost of preparing lunches and breakfasts.

Amendment Numbered 5: Senate amendment numbered 5 amends section 11 of the National School Lunch Act by providing that for fiscal years subsequent to fiscal year 1975, the national average payment per lunch under section 4 of the National School Lunch Act, the special-assistance factors for lunches under section 11 of such Act, and the national average breakfast payments under section 4 of the Child Nutrition Act of 1966 shall reflect changes in the cost of operating a school lunch and a school breakfast program. Senate amendment numbered 5 also provides that, in determining such changes, the Secretary of Agriculture must give equal weight to changes in the wholesale prices of all foods and in hourly wage rates for employees of eating establishments.

The bill as passed by the House contains no such provision.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement ot the Senate amendment numbered 5, and concur therein with an amendment described and set forth below, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment of the House, referred to above, would provide (*a*) that changes in the cost of operating a school lunch and a school breakfast program shall be reflected in the reimbursement rates listed in Senate amendment numbered 5, (*b*) that the Secretary shall make an adjustment of such reimbursement rates on January 1, 1974, and semiannually thereafter, (*c*) that such adjustments shall reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, and (*d*) that such adjustments shall be computed to the nearest one-quarter cent. The adjustment for January 1, 1974, shall reflect the change in the series for food away from home during the period September 1973 through November 1973.

The text of the amendment follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 5, insert the following:

"The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent."

Amendment Numbered 8: Under Senate amendment numbered 8, the Secretary of Agriculture shall make grants under section 17 of the Child Nutrition Act of 1966 (the Special Supplemental Food Program for pregnant or lactating women, infants, and children determined to be at nutritional risk) to agencies of Indian tribes, bands, or groups, or the Indian Health Service of the Department of Health, Education, and Welfare, as well as to State agencies as provided under existing law. The bill as passed by the House contains no such provision. The House recedes.

Amendment Numbered 9: The bill as passed by the House amends section 17 of the Child Nutrition Act of 1966 by extending the authorization and expenditure level (section 32 of the Act of 1935) of the Special Supplemental Food Program for pregnant or lactating women and children determined to be at nutritional risk for one additional fiscal year (the fiscal year ending June 30, 1975) at the same level.

Senate amendment numbered 9 also extends such authorization for such additional year, but increases the level of authorization and expenditure from $20,000,000 as contained in the bill as passed by the House, to a level of $40,000,000.

Senate amendment numbered 9 is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 5 and concur therein.

Amendment Numbered 10: Senate amendment numbered 10 amends section 3 of the Child Nutrition Act of 1966 by adding to the requirements of that section a mandate that any school or nonprofit child care institution shall receive the special milk program on its request, and a mandate that children who qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk.

The bill as passed by the House contains no comparable provision.

The House recedes.

Amendment Numbered 11: Senate amendment numbered 11 amends section 14 of the National School Lunch Act—

(*a*) by increasing the number of members on the National Advisory Council from 13, as in existing law, to 15, and

(*b*) by requiring that one of the members of such Council shall be a school lunch program supervisor from an urban school system and one member of such Council shall be a school lunch program supervisor from a rural school system.

The bill as passed by the House contains no comparable provision.

The House recedes.

Amendment Numbered 12: Senate amendment numbered 12 amends that part of section 9(b) of the National School Lunch Act which directs each State educational agency to prescribe, each fiscal year, income guidelines to be used during such fiscal year to determine eligibility for reduced-price lunches. Existing law provides that such income guidelines shall not be more than 50 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture. Senate amendment numbered 12 provides that, for fiscal year 1974, such income guidelines may be established at not more than 75 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture

The bill as passed by the House contains no comparable provision.

The House recedes from its disagreement to the Senate amendment and concurs therein with a technical amendment which inserts "June 30," before "1974" where it occurs in the Senate amendment.

Amendment Numbered 13: Senate amendment numbered 13 directs the Secretary of Agriculture to carry out a comprehensive study to determine if the benefits of the school lunch and child nutrition programs accrue to those who are most in need. The

Secretary must report his findings and any recommendations to Congress by June 30, 1974.

The bill as passed by the House contains no comparable provision.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 13 and concur therein, with an amendment and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment is as follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 13, insert the following:

"COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

"SEC. 9. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his findings, togther with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study."

It is the intent of the conferees with respect to the amendment of the House, referred to above, that this study would determine (a) whether the benefits under the National School Lunch and Child Nutrition Acts are accruing to the maximum extent possible to all of the Nation's school children, (b) whether those children who are most in need are receiving the benefits under these programs (c) the general efficiency of operating these prorgams and how waste that might be occurring in these programs might be eliminated or minimized, and (d) the need to recognize differences among regions, including Alaska, in the costs of operating a school lunch and breakfast program in determining the Federal reimbursement rates for such programs in such regions. The conferees also intend that, in carrying out such programs in such regions. The confrees also intend that, in carrying out such study, the Secretary of Agriculture shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested profesional organizations or individuals in the field of child care and nutrition, and shall consider alternatives to the present structure, including the universal feeding program.

Amendment numbered 14: Senate amendment numbered 14 suspends for fiscal year 1974 the application of section 5(d)(2) of Public Law 81-874 in determining the eligibility of a local educational agency to receive impact aid funds, if such agency is located in a State which has adopted an education equalization program after June 30, 1972.

The bill as passed by the House contains no comparable provision.

Amendment numbered 14 is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 14, and concur therein, with a technical amendment to strike out "as" from the first sentence thereof, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Mr. ALLEN. Mr. President, is there agreement on the adoption of the conference report?

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1435.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, which were to strike out all after the enacting clause, and insert:

TABLE OF CONTENTS

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; to authorize the election of certain local officials by the registered qualified electors in the District of Columbia; to grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, to relieve Congress of the burdens of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II—GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701–5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5-704 (b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter II of chapter 13 of title 16 of the District of Columbia Code.".

(d) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinatfer referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103—5-116) shall be agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (D.C. Code, sec. 1-1002), are amended to read as follows:

"(a)(1) The National Capital Planning

Commission (hereinafter referred to as the 'Commission') is hereby created as a Federal planning agency for the Federal Government to plan for the Federal Establishment in the National Capital region, including the conservation of the important historical and natural features thereof.

"(2) The Commissioner shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal and internal projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Commission shall establish procedures for citizen involvement in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed comprehensive plan (including amendments thereof) affecting or relating to the District.

"(3) The Commissioner shall submit the comprehensive plan for the District, and all elements thereof and amendments thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

"(4)(A) The National Capital Planning Commission shall, within forty-five days after receipt of a comprehensive plan or amendments from the Council, certify to the Council whether such plan or amendments have a negative impact on the interests and functions of the Federal Establishment. If within forty-five days from the receipt of such plan or amendments from the Council, the Commission takes no action, such plan or amendments shall be deemed to have no adverse impact on the Federal Establishment, and such plan or amendments shall be implemented.

"(B) If the Commission, within forty-five days after the receipt of such plan or amendments from the Council, finds such negative impact on the Federal Establishment, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's recommendations and findings, the Council may—

"(i) reject such findings and recommendations and request that the Commission reconsider such plan or amendments; or

"(ii) accept such findings and recommendations and modify such plan or amendments accordingly.

The Council shall resubmit such modified plan or amendments to the Commission to determine whether such modifications have been made in accordance with the findings and recommendations of the Commission. If, within fifteen days from the receipt of the modified plan or amendments from the the Council, the Commission takes no action, such modified plan or amendments shall be deemed to have been modified in accordance with the findings and recommendations of the Commission, and it shall be implemented.

"(C) If within thirty days from the receipt of a request by the Council to reconsider such plan or amendments, the Commission again certifies to the Council that such plan or amendments have a negative impact on the Federal Establishment, such plan or amendments shall not be implemented.

"(D) The Commissioner and the Commission shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the comprehensive plan for the Federal activities in the National Capital developed by the Commission and the comprehensive plan for the District developed by the Commissioner, under this section.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. All citizen members shall be bona fide residents of the District of Columbia or its environs and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on July 1, 1974. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1-1002 (e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1-1004), is amended as follows:

(1) Subsection (a) of such section is amended by (A) inserting "Federal activities in the" immediately after "for the" in the first sentence, (B) striking out "and District" in such first sentence, and (C) striking out "within the District of Columbia" and "or District" in the third sentence of such subsection.

(2) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1-1005), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by striking out "and District of Columbia" and "or District".

(2) Subsection (c) of such section is repealed.

(3) The first sentence of subsection (d) of such section is amended by striking out "and District".

(4) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1-1006) is repealed.

(f) Section 7 of such Act of June 6, 1924 (D.C. Code, sec. 1-1007), is amended by striking out "and the Board of Commissioners of the District of Columbia".

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1-1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary" under section 3 of the Act entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121—36-133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36-123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position in which he was transferred, such position shall no longer be a position in such competitive service.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except part C of such title, may be amended by—

(1) an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification; or

(2) a proposal initiated by a petition signed by a number of registered qualified electors of the District equal to 5 per centum of the total number of registered qualified electors, as shown by the records of the Board of Elections on the day such petition is filed, and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect unless within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was ratified either House of Congress adopts a resolution, according to the procedures specified in section 604 of this Act, disapproving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for proposing and ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia consisting of thirteen members, of whom five members shall be elected at large, and eight members shall be elected one each from the eight election wards established under the District of Columbia Election Act. The term of Office of the members of the Council shall be four years beginning at noon on January 2 of the year following their election. Members of the Council shall be elected on a nonpartisan basis.

(b) The Chairman of the Council shall be elected in January of each year by a majority vote of the members of the Council from among the at-large members of the Council. In the case of a vacancy in the office of Chairman, the Council shall select one of the elected at-large members of the Council to serve as Chairman for the remainder of the unexpired term of the Chairman whom he replaces. The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of members of the Council beginning after the date of enactment of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, or days on which either House is not in session) after the date it was submitted, such change is disapproved by a resolution adopted by either House of Congress according to the procedure specified in section 604 of this Act.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislature power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall disapprove such act, he shall, indicate the same by affixing his signature thereto, and such act shall become law. If the Mayor shall disapprove such act, he shall within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted to the Chairman of the Council to the President of the United States. Such act shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman of the Council shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman of the Council shall act in his stead. While the Chairman of the Council is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least one week intervening between each reading. No act shall take effect until one week after its final adoption: *Provided*, That upon such adoption it has been made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia. The Mayor shall be elected, on a nonpartisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(b)(1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has been, during the ninety days immediately preceding the day on which the general election for Mayor is to be held, and is a resident of and domiciled in the District, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain, the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as Mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman of the Council shall become acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman of the Council. While the Chairman of the Council is acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman of the Council is acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(c) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of Mayor next beginning after the date of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) after the date it was submitted, such change in compensation is disapproved by resolution adopted by either House of Congress according to the procedures specified in section 604 of this Act. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions.

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system or systems shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer,

employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdictions.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any Act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital Region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the comprehensive plan for the District, and amendments thereto, to the Council for revision or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such comprehensive plan and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of nine members appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Tenure Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(2) Any member of the Tenure Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Tenure Commission.

(3) The Tenure Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Tenure Commission members.

(4) The Tenure Commission shall choose annually, from among its members, a Chairman and such other Officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(5) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts.

(f) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a)(1) A Judge of a District of Columbia courts shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) The President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the President shall reappoint the declaring candidate as judge which reappointment shall be effective when made, without confirmation by the Senate. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of nine members selected in accordance with the provisions of subsection (b) of this section. Such members shall serve for terms of six years, except that, of the members first selected in accordance with subsection (b) (4) (A), one member shall serve for two years and one member shall serve for four years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for one year and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (C) shall serve for five years; and the member first selected in accordance with subsection (b) (4) (D) shall serve for three years. In making their respective first appointments according to subsections (b) (4) (A) and (b) (4) (B), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) Members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and shall be appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(5) Any member of the Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c) (1) The Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necesary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necesary to enable the Commision properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d) (1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of not less than three nor more than five persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the President requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart I—Budget and Financial Management

FISCAL YEAR

Sec. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) The Mayor shall prepare and submit to the Council and the Congress by January 10 of each year, and make available to the public, a budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated, existing, or proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvement plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the past three years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments for general obligation bonds must be made for bonds which have been issued, or for bonds which would be issued, to finance all projects listed in the capital improvement plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(a).

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loan appropriations made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor annual estimates of the expenditures and appropriation necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to section 446 without revision but subject to his recommendations.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, after public hearing, shall by act approve the annual budget for the District of Columbia government, including any supplements thereto, and submit such budget to the Congress and to the Federal Office of Management and Budget. No amount may be expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with guidelines to be established by act by the Council to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, within ninety days after the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all money receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of

all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, apportion such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms or receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this Act. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belong to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his report.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603, the District is authorized to provide for the payment of the cost of its various capital projects by an issue or issues of general obligation bonds of the District bearing interest, payable annually or semiannually, at such rate or rates as the Mayor may from time to time determine as necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for authorized capital projects. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project; and

(4) setting forth the maximum rate of interest to be paid on such indebtedness.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-government and Governmental Reorganization Act.

"________________,

"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation bonds—

(1) any recitals or statements of fact contained in such act or in the preambles of the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The general obligation bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of such bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. During each fiscal year approximately equal amounts of annual interest and principal shall be paid on such series. The difference between the largest and smallest amounts of principal and interest payable during each fiscal year during the term of the general obligation bonds shall not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the general obligation bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, with the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $5,000, or both, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligational bonds issued under this part shall be sold at public sale upon sealed proposals at such price as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 1 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such Act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c) (1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make periodic audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

TAX EXEMPTION

SEC. 485. Bonds, notes, and other obligations issued by the Council pursuant to this title and the interest thereon shall be exempt from District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTION TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance undertakings in the areas of housing, health facilities, transit and utility facilities, college and university facilities, and industrial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related.

(b) The property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes or other obligations.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District.

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bond, note, or other obligation; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act of 1955 (D.C. Code, sec. 1-1103) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act, one member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5-412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5-413, et seq.), is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5-414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Amendments to the zoning maps and regulations shall not be inconsistent with the comprehensive plan for the National Capital. Zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code sec. 5-417) is amended to read as follows:

"SEC. 5. No amendment of any zoning regulation or map shall be adopted by the Zoning Commission until such amendment is first submitted to the National Capital Planning Commission and a report and recommendation of the National Capital Planning Commission on such amendment shall have been received by the Zoning Commission, except that if the National Capital Planning Commission shall fail to transmit its opinion and advice within thirty days from the date of submission to it, then the Zoning Commission shall have the right to proceed to act upon the proposed amendment without further awaiting the receipt of the report and recommendation of the National Capital Planning Commission.".

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respect just and reasonable. This charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia (D.C. Code, sec. 43-201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2-1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.".

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

PART G—RECALL PROCEDURE

RECALL

SEC. 496. (a) The Mayor, any member of the Council or of the Board of Education may be recalled according to the provisions of this section by the registered qualified electors of the elective unit from which he was elected. A recall may be instituted by obtaining recall petition forms from the Board of Elections, and by filing such petition with the Board, not later than ninety days after the date it was obtained from the Board, containing a number of signatures of the registered qualified electors in the elective unit of the official with respect to whom such recall is sought equal to 25 per centum of such registered qualified electors voting in the last preceding general election. A recall petition shall contain a statement of the reason for which the recall is sought. Within fifteen days (excluding Saturdays, Sundays, and holidays) after such petition is filed, the Board of Elections shall determine whether the petition is signed by the required number of registered qualified electors and whether each such person is a registered qualified elector of the applicable elective unit. Before the Board makes such a determination the Board shall, after notifying (by registered certified mail) the official with respect to whom such petition has been filed, if requested by such official, hold a hearing (in the manner prescribed for contested cases under section 10 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1-1509)) on the question of the sufficiency of such petition. After the Board determines that the petition is sufficient, the Board shall, within seventy-two hours after making such determination, notify the official (by registered certified mail) whose recall is sought of such determination. The Board shall take such steps as are necessary to place on the ballot at the next regularly scheduled general election in the District the question whether such official should be recalled.

(b) No petition seeking the recall of any official may be circulated until such official has held for at least six months the office from which he is sought to be recalled.

(c) Two or more officials subject to recall may be joined in the same petition and one election may be held therefor.

(d) If a majority of the qualified electors, voting in an election, vote to recall such official, his recall shall be effective on the day the Board of Elections certifies the results of such election. The vacancy created by such recall shall be filled immediately in the manner provided by law for filling a vacancy in the office held by such official arising from any other cause.

(e) The Board of Elections shall prescribe such rules as are necessary or appropriate to carry out this part, including rules (1) with respect to the form, filing, examination, amendment, and certification of a recall petition filed under this part, (2) with respect to the conduct of any recall election held under this part, and (3) with respect to the manner of notification of the official who is the subject of a recall petition.

(f) For the purposes of this part, the term "elective unit" means either a ward or the entire District, whichever is applicable.

(g) The Board of Elections, for the purpose of any hearing held under this part, may by subpena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary or as may be requested by any of the parties to such hearing. A subpena of the Board may be served at any place within the District of Columbia, or at any place without the District within twenty-five miles of the place of the hearing specified in the subpena. The form, issuance, and manner of service of the subpena shall be the same as prescribed under section 942 of title 11 of the District of Columbia Code for subpenas issued by the Superior Court of the District of Columbia.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents comparable with residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District for the fiscal year ending June 30, 1975, and for each fiscal year thereafter, the sum of $250,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(8) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners).

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park; the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) The chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act, resolution, or rule passed or adopted by the Council. Notwithstanding any other provisions of this Act, no such act, resolution, or rule shall take effect until the end of the thirty-day period (excluding Saturdays, Sundays, holidays, and any day on which either House is not in session) beginning on the date such act, resolution, or rule is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, except any act with respect to which the Council has determined that an emergency exists, according to the provisions of section 412(a), shall not be transmitted to the Congress under this section and shall become effective as provided in section 412(a).

LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice to the respective roles that the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) No general obligation bonds shall be issued during any fiscal year in an amount which, including all authorized but unissued general obligation bonds, would cause the amount of principal and interest required to be paid in any fiscal year on the aggregate amounts of all outstanding general obligation bonds to exceed 14 per centum of the District revenues (less court fees and revenue derived from the sale of general obligation bonds) which the Mayor determines, and the District of Columbia Auditor certifies, were credited to the District during the immediately preceding fiscal year during which such general obligation bond would be issued. The Council shall not approve any capital project to be financed by the issuance of general obligation bonds, if such bonds could not be issued on account of the limitation specified in the preceding sentence. Obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the first sentence of this subsection.

(c) The 14 per centum limitation specified in subsection (a) shall be calculated in the following manner:

(1) Determine the dollar amount equivalent to 14 per centum of the revenues (less court fees and revenue derived from the sale of bonds) credited to the District during the immediately preceding fiscal year.

(2) Determine the amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and for general obligation bonds to be issued under projects already authorized by act of the Council.

(3) Estimate the amount of principal and interest to be paid during each fiscal year over the proposed term of the proposed general obligation bond to be issued.

(4) For each fiscal year, add the amounts arrived at for each such fiscal year under paragraphs (2) and (3).

(5) If in any one fiscal year the sum arrived at under paragraph (4) exceeds the amount determined under paragraph (1) then the proposed general obligation bond may not be issued, or the proposed capital project may not be approved.

(d) The Council shall not approve any budget which would result in expenditures being made by tht District government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. If at the time the Council approves any budget during any fiscal year a Federal payment has not been appropriated for such fiscal year, in estimating the amount of all funds which will be available to the District for such fiscal year the Mayor shall use—

(1) if no action has been taken by either

House of Congress with respect to the Federal payment appropriation, the amount appropriated for the Federal payment for the immediately preceding fiscal year;

(2) if one House has taken action with respect to the Federal payment appropriation, that amount;

(3) if both Houses have taken action with respect to a Federal payment appropriation, but have appropriated different amounts, the lesser of such amounts; or

(4) if both Houses have taken action appropriating the same amount, that amount.

(d) No officer or employee of the District shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the District in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract is authorized by law.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House, the matter after the resolving clause of which is as follows: "That the ——— disapproves the action of the District of Columbia Council described as follows: ——— ———.", the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ———, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters in the District in this referendum.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the Distrct of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be

SEC. 713. (a) In each case of the transfer, transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transfererd to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended by act or resolution as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to determine the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The costs to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) DISTRICT OF COLUMBIA.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within sixty days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof. Each single member district shall be nearly as equal in population as possible and shall be composed of not more than approximately five thousand persons.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested proposed zoning changes, variances, public improvements, licenses or permits of signifiance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to the advisory neighborhood council established in this section.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capital Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a) and particularly described in subsection (f), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Exective Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recomendations.

(f)(1)(A). The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to New York Avenue Northwest;

thence northeast on New York Avenue Northwest to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Fifteenth Street;

thence south on Fifteenth Street to Pennsylvania Avenue;

thence southeast on Pennsylvania Avenue to John Marshall Place;

thence north on John Marshall Place to C Street Northwest;

thence east on C Street Southwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to First Street Northwest;

thence south on First Street Northwest to Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusets Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east of F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence south on South Capitol Street to Virginia Avenue;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south of Twelfth Street Southeast to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally east and south along the side of the Washington Channel at the mean high water mark, past the point of confluence with the Anacostia River; and along the southern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north along such boundary to the point of beginning;

thence west to the present Virginia-District of Columbia boundary at the shoreline of the city of Alexandria;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(1) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(2) not be construed to include any area situated outside of the District of Columbia boundary as existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) The President is authorized and directed to conduct a survey of the area described in this subsection in order to establish the proper metes and bounds of such area.

EMERGENCY CONTROL OF POLICE

SEC. 740. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost.

DELEGATE TO THE SENATE

SEC. 743. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. The Delegate shall have a seat in the Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of article 1 of the Constitution and shall be subject to the same restrictions and regulations as are imposed by law or rules of the Senate. The term of each such Delegate shall be six years, the first such term to begin at the start of the Congress convening at noon on the third day of January, 1975.

(b) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the day of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least thirty years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h)(1)(A) The Delegate and Mayor shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election. Each candidate for the office of Mayor in any general election shall be nominated as such candidate according to the provisions of subsection (j).

"(B)(i) A member of the office of Council (other than any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District in which the individual resides. An at-large member of the Council shall be elected by the registered qualified electors of the District in a general election. Each candidate for the office of member of the Council (including members elected at-large) shall be nominated as such a candidate according to the provisions of subsection (j).

"(ii) If in a general election no candidate for the office of Mayor, or member from a ward, or no candidate for the office of member elected at large (where only one at-large position is being filled at such election), receives at least 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(iii) When more than one office of member elected at-large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (ii) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(iv) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(v) In the case of a runoff election for the office of Mayor or member of the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes. In the case of a runoff election for the office of member of the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidate to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

(vi) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a Mayor or a member of the Council or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (v).

"(2) The nomination and election of any individual to the office of Delegate shall be govered by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i)(1) Each individual in a primary election for candidate for the office of Delegate shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duty registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred and fourteenth day before the date of such election.

"(2) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j)(1) A duly qualified candidate for the office of Delegate, Mayor, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election, and in the case of a person who is a candidate for the office of Delegate, Mayor, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates as Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any candidate who (A) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (B) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (B) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Mayor the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly nominated to fill a vacacancy in such office pursuant to section 10(d), or (B) has been nominated directly as a candidate under subsection (j) of this section.

"(4) In each general election for the office of Delegate the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of a special election under this Act, the general election for the office of Mayor and member of the Council shall be held on the Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act are repealed, and paragraphs (4) and (5) of section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education,".

(7) Section 10(c) of such Act is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate or Mayor, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of candidate for the office of Delegate who has been declared the winner in the preceding primary election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and in no event shall any person be a candidate for more than one of the following offices in any one general election: Mayor, member of the Council, and member of the Board of Education."

(10) Section 15 of such Act is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G of title VII shall take effect on and after the date of enactment of this Act.

(b) Title II shall take effect on and after July 1, 1974.

(c) Titles III and IV shall take effect January 2, 1975 if accepted by a majority of the registered qualified electors in the District of Columbia.

(d) Title VI and parts B, C, D, and F of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District.

Amend the title so as to read: "An Act to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes."

Mr. EAGLETON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to S. 1435 and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. EAGLETON, Mr. INOUYE, Mr. STEVENSON, Mr. TUNNEY, Mr. MATHIAS, Mr. BARTLETT, and Mr. DOMENICI conferees on the part of the Senate.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS—CONFERENCE REPORT

The Senate resumed the consideration of 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.

Mr. ALLEN. Mr. President, I move approval of the conference report.

The report was agreed to.

Mr. President, I ask unanimous consent that the printing of the report as a Senate report be waived.

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

The first amendment in disagreement will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert: The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each fiscal year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent.

Mr. ALLEN. Mr. President, the conference report has been adopted. However, the House reported as in disagreement amendments Nos. 5, 13, and 14. The House amended the Senate amendments so numbered, and they come back to the Senate now for consideration.

Senate amendment No. 5, which was reported in disagreement and which was amended by the House, has to do with the clause in the bill providing for an escalation of the amount payable by the Federal Government to the school lunch program and the school breakfast program under section 4 and under section 11 of the National School Lunch Act and under a section 4 of the Child Nutrition Act of 1966.

That amendment which was passed by the Senate provided that the escalation would not take effect until fiscal year 1976. However, this amendment was modified as part of the overall agreement among the conferees. What the Senate voted for was 12 cents for each lunch served under section 4 of the National School Lunch Act, the House having voted only for 10 cents. It was agreed that the 10-cent figure for each lunch, either free or paid for, in the House would remain and that the Senate would recede from the 12 cents provision in the Senate amendment. The conference report provided for 10 cents for each lunch.

As a compromise the conferees agreed that the escalation feature of the bill would be accelerated and go into effect starting Januuary 1 of next year. The Senate escalation formula was based on the increase in wholesale prices and the wages paid in restaurants. It was agreed in the conference that a better criterion would be the price of food away from home under the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor.

So the first escalation, if there be any, in the amount that is paid under section 4, which is 10 cents for each lunch served, and under section 11, which is 45 cents for each free lunch and 35 cents for each reduced price lunch, and also an escalation of the amount paid for the breakfast, will take place on January 1, based on the change in that formula for the months of September, October, and November, so it would not include the tremendous escalation of food prices in August. Every 6 months, in January and July, these figures will be moved upward or downward as the price index of food away from home under the index of the Bureau of Labor Statistics fluctuates upward or downward. There will be a revision every 6 months in the amount paid under section 4, which is 10 cents for each lunch, or in the amount under section 11, which is 45 cents for each free lunch.

Mr. President, as Senators realize, we have been called on every year to escalate these figures. In the years since I have been a Member of the Senate we have gone from 6 to 8 cents, and now 10 cents under section 4. We have gone from 35 to 40 cents, and now 45 cents in the Senate bill for free lunches under section 11.

It is hoped that the escalation clause provided under the bill would make it unnecessary for Congress to revise these figures every time it holds a session.

I might say that the amounts the Federal Government pays for school lunches and school breakfasts would be escalated for each quarter of a cent, both in the 10- and the 45-cent figures for lunches and in the reimbursement for breakfasts.

It is also provided that if the prices under the formula go down, that would also be reflected.

It is hardly to be anticipated, however, that Congress would see a reduction in these prices unless there is a real depression in our country.

It is the understanding of the Senator from Alabama that the senior Senator from New York has an amendment he wishes to offer.

I would like before closing to move that the Senate concur in the House amendment to the Senate amendment.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER (Mr. BIBLE). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I have an amendment to the amendment.

Mr. DOLE. Mr. President, would the Senator from Alabama yield to me on the matter of the conferees?

The PRESIDING OFFICER (Mr. BIBLE). The Chair thought that the Senator from Alabama had yielded the floor. However, the Chair might have been in error. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I have listened carefully to the chairman of the Senate conferees. I note that the distinguished Senator from North Dakota is not present in the Chamber at this time. Therefore, as one of the Republican conferees, I want to say that I share the views expressed by the distinguished Senator from Alabama. I believe that we have come up with one exception which would be rectified by the amendment to be offered by the Senator from New York, with a good, overall school lunch and child nutrition program.

Mr. President, I wish to express my support for the National School Lunch and Child Nutrition Act of 1973. I feel the bill will make available timely assistance to school lunch programs across the country which are facing financial difficulties due to the increased food and labor costs.

I also want to express my appreciation to my colleagues on the Senate Agriculture Committee and the members of the joint conference committee on which I had the privilege of serving.

Prompt attention to this legislation and a reasonable approach to the problem have enabled Congress to act quickly and forward to the President a bill which is fiscally responsible, but which also is adequate to meet the needs of our schools. I am hopeful that the measure can be signed into law in the very near future.

The immediate need for this bill has been clearly established. Literally dozens of Kansas school superintendents, food service supervisors, and workers have contacted me regarding the problem this legislation addresses. Kansas State Department of Education figures comparing expenditures during the 1971–72 and 1972–73 academic years show the following increases:

Food costs—an average of 26 percent.

Labor costs—20 to 43 percent.

Other costs—28 to 49 percent.

Obviously additional financial resources must be made available if the school lunch program is to be sustained while costs are increasing at this rate.

The increase in Federal reimbursements authorized under this bill will help offset the rising expenses and permit school food services to continue providing vital nutrition to our children. The bill also looks to the future by including an escalator clause. The escalator authorizes a periodic adjustment of Federal assistance to meet the changes in the costs of operating the program. The escalator clause requires the Department of Agriculture to adjust reimbursement rates twice each year according to changes in food and labor costs. The first adjustment will be made January 1, 1974, based on the cost of increases recorded during the period September through November of this year.

This bill also provides for an expansion of the special milk program to any school or nonprofit child care institution which requests assistance under the program. The $97 million recently appropriated for this purpose is a wise investment in the health of our Nation's schoolchildren.

Although the need for the Federal assistance authorized by this bill has been made clear, there has been some concern expressed regarding the general operation of the school lunch program, and I am also aware that some specific problems were mentioned during conference.

I trust that the study authorized by this bill will look into these matters and provide the information necessary to direct further legislation in this area. Only by utilizing this type of study can we be assured that the original intent of Congress, "to safeguard the health and well-being of the Nation's children," is being carried out as effectively as possible.

I would also like to thank my colleagues for the support given the amendment I attached to the bill on the Senate floor which will affect the school impact aid programs in Kansas and North Dakota. Many States in the coming years will face similar problems if section 5(d)2 of Public Law 874 is not revised. Unfortunately, Kansas and North Dakota could not afford to wait for the revision. We are already out of compliance and ineligible to receive Federal impact aid funds. This amendment will, however, make the moneys available, and it is just in time since I understand the Kansas Fort Leavenworth School District will be forced to close if these funds are not made available.

Again, I appreciate the assistance of my colleagues regarding this matter and trust the bill will be approved and signed into law in the near future.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, on behalf of myself and Senators CASE, HUMPHREY, MCGOVERN, and PELL, I send to the desk an amendment to the House amendment to Senate amendment numbered 5, reported in disagreement.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Immediately before the House amendment to Senate amendment numbered 5, insert the following.

"Notwithstanding the foregoing sentence, no such special assistance factor shall for any state, be less than the average reimbursement paid for each free meal (In the case of the special assistance factor for free lunches), or for each reduced price meal (in the case of the special assistance factor for reduced price lunches), in such state under this section in the fiscal year beginning July 1, 1972."

Mr. JAVITS. Mr. President, I hope very much that the manager of the conference will be able to accept this amendment, which seeks to carry out, in part, in terms of law, an interpretation put on the House amendment by Representative PERKINS, chairman of the House Labor and Education Committee, in his handling of the bill on the House floor, but demurred to in terms of its interpretation by another of the confereees, Representative QUIE of Minnesota.

Mr. President, a matter of this character should not be left to the uncertainties of interpretation. It should be spelled out. The issue is simply this: There are some States which will have a reduction in reimbursement for school lunches if an average figure for reimbursement is used rather than a minimum figure. The manager of the conference in the other body stated, quoting from the CONGRESSIONAL RECORD of October 12, 1973, at page 33906;

By this legislation, the Congress does not mean to deprive any school district of funds to be used in the preparation of meals for needy children.

Then at the end of his statement, he said:

Under the new bill, it is expected that the Secretary will, pursuant to the new authority provide to schools that are especially needy, additional reimbursements over and above the 45-cent minimum in special assistance for each lunch provided to a needy child.

I agree with that interpretation fully. However, that interpretation, Mr. President, runs in the face of the fact that other interpretations say that it is an average rather than a minimum figure. Therefore, we believe it should be stated to say exactly what it means, to wit, that it is a minimum figure.

In order to avoid as much controversy as we can, we have couched our amendment only on the hold harmless level. We are not trying to be purists even about the statements made by the manager of the bill over in the House; but we certainly do not feel that the pledge that no State would get less should not be honored in respect of the approval of this conference report.

This existing language would work, Mr. President, to the disadvantage of a number of States, unless this amendment is adopted: Certainly New York, New Jersey, Rhode Island, and Maryland, and perhaps others.

Mr. President, a terrible mistake could be perpetrated on the most needy school children of our Nation if the conference report on the amendments to the National School Lunch and Child Nutrition Acts is passed as it now stands.

The problem can be stated simply, although it is the result of a complex change in statutory language. Whereas the minimum free lunch reimbursement rate last year was 40 cents per lunch, with additional reimbursement being provided to "especially needed" schools, the amendments to section 11 may institute an overall average reimbursement rate of 45 cents per lunch. Although the House has stated that the intent of the amendment is to establish a 45 cents minimum, the Department of Agriculture, because of the wording of the amendment, could disregard the true congressional intent, and only a protracted law suit could restore that intent.

At first glance, the amendments appear simply to increase the Federal reimbursement level, an increase the committee states is necessary to prevent a severe financial crisis due to the unprecedented escalation of food costs. The House Committee report added to this belief by stating that the amendments would provide a minimum payment per free lunch of 45 cents from the present minimum payment of 40 cents. The Senate committee report said nothing to alter this impression.

However, the fact of the matter is that the amendments may actually decrease the Federal reimbursement in those States that have the greatest need for that funding; that is, the States with a high proportion of especially needy children. This is because the net effect of the Department's interpretation of the amendment is to change the current minimum of 40 cents to an average of 45 cents. This is clearly contrary to the intent of both Houses of Congress.

In New York, where there is a high proportion of especially needy children, the amendment may reduce the average reimbursement for free lunches from 46.5 cents to 45 cents. It has been estimated that this will result in funding cuts of $2.4 million. This is in the face of the unquestioned need for increases in Federal reimbursement. I have been informed that such a decrease could cause the complete termination of the program in the cities of Buffalo and Binghamton, N.Y. I am sure that similar catastrophes would occur in other States.

It is a travesty that such a result could occur despite the unequivocal intention of the supporters of this bill. The bill's title states that its purpose is to provide additional Federal financial assistance. Every indication was that the amendments would solely provide such additional assistance. We should not allow exactly the opposite to occur.

The problem can be corrected simply and expeditiously. Since the intent of the bill is to increase the minimum Federal reimbursement for free lunches from 40 cents to 45 cents, with additional reimbursement provided to schools that are especially needy, the conference report must be amended to insure this result.

From all present indications, such an amendment is the only way to prevent the Department of Agriculture from aborting the will of Congress.

For these reasons, I am offering an amendment to the conference report in the form of an amendment to the new House language dealing with the escalator clause, which is reported by the Senate conferees in technical disagreement.

The amendment reads as follows:

Amendment to House amendment to Senate amendment numbered 5.

Before the matter to be inserted by the House amendment insert the following: "Notwithstanding the foregoing sentence, no such special assistance factor shall, for any State, be less than the average reimbursement paid for each free meal (in the case of the special assistance factor for free lunches), or for each reduced-price meal (in the case of the special assistance factor for reduced-price lunches) in such State under this section in the fiscal year beginning July 1, 1972."

Although this amendment will not fully insure a full 5-cent increase in the average reimbursement rate for all States under section 11 if the Department chooses to stick to its prior interpretation, it will eliminate the disastrous results possible from an actual reduction in section 11 Federal funding to any State. Under the amendment, no State will receive less reimbursement per free lunch or per reduced-price lunch, than it received last year. With this guarantee, plus the increased funding likely in January 1974 when the first adjustment pursuant to the escalator clause takes effect, our school systems will be aided in salvaging their school lunch programs for this school year.

I would like to make clear that this amendment in no way alters the present wording of the amendment to section 11 guaranteeing that the special assistance factor be not less than 45 cents for free lunches and 35 cents for reduced-price lunches for all States at the outset of the fiscal year beginning July 1, 1973. It merely insures to those States which received greater than 45 cents and 35 cents average reimbursement last year, that they will not receive less at the outset of fiscal 1974.

Therefore, in the interests of elementary fairness, Mr. President, we have presented this case to Senator ALLEN. He has been sympathetic, and I am very hopeful that both our body and the other body will see fit to enact this amendment expeditiously.

Mr. ALLEN. Mr. President, there is agreement that this amendment will be accepted in the interest of justice and equity.

I might say, by way of history, why this amendment is necessary. Under the present law governing the school lunch program, the apportionment of school lunch funds is made to the various States based on the ratio that the number of children in that State from ages 3 through 17 coming from families earning $4,000 or less bears to the total number of such children throughout the entire country. That would be an apportionment based on a theoretical number of pupils who might participate in the school lunch program; so that if fewer than that whole number participate, the State would have excess funds and would be able actually to allocate more than the minimum that is provided—the 40 cents for free lunches under the present law and the 45 cents under the new law that we hope will be enacted.

The bill that was introduced in the House and passed there, and the bill that has passed in the Senate and has been approved by the conferees, changes that method and puts it on a performance basis. It provides that the amount that goes to each State shall be 45 cents times the actual number of children who anticipate in the program and get the free lunches.

Under the present law, it is provided that each school shall get at least the 40-cent minimum that is set by law, but it is also provided that if the school cannot furnish a free meal for this 40 cents plus the other funds that it is getting, then that particular school can apply to the State agency for more funds, and if the State agency approves it, then the secretary has no option or discretion but to pay the increase.

In these States that the distinguished Senator has mentioned—New York, New Jersey, Rhode Island, and Maryland—schools in those States have availed themselves of this provision of law by going to State agencies and saying, "We have got to have more funds; we cannot get by on the 40 cents."

So as a result, in many cases those particular schools have received larger amounts, up to as much as 50 cents for each free lunch. That would be added to the 8 cents for every lunch of every sort, plus 7 cents for every lunch in commodities, so that by now there is some 65 cents being paid. By these schools having gotten more than the 40-cent minimum, it makes the State average, then, run well over the 40 cents. In the case of New York, I believe the State average is 46.5 cents, the average throughout the State for free and reduced price lunches, the amount paid toward the free and reduced price lunches with Federal funds; New Jersey, 45.8 cents; Rhode Island, 45.5 cents; and Maryland 45.4 cents. So, Mr. President, it is quite obvious, then, that inasmuch as we are changing from this apportionment method based on the ratio of poor children in the State to poor children throughout the country, as we are changing from that to a method of paying 45 cents times the number of children actually participating, that this particular provision, that is, the 45 cents, would give the States I have mentioned less. So, instead of being relieved, they would get less money under that particular section.

They would gain under section 4 and under the escalation provision, but they would lose under section 11 because all that section provides is 45 cents times the number of meals actually served.

Under the law to be enacted, a State can vary its rates of reimbursement inside the State. They would get 45 cents times the number of meals served, but if the rural areas could possibly get by with 42 cents or 43 cents, then they would be able to give more in the urban areas. But the average has got to be 45 cents.

So the effect of the amendment of the

distinguished Senator from New York is that for the ensuing fiscal year, the States that are getting somewhat more than they would get under the bill proposed to be enacted would continue to get that amount. They would not be required to take a loss. They would at least stand still under section 11 of the National School Lunch Act.

It does seem to the committee, for whom I am speaking on this occasion, that it would represent equity and justice to agree to the amendment, and then to pass the House amendment to the Senate amendment as amended by the same and send it back to the House.

Mr. JAVITS. Mr. President, will the Senator from Alabama yield for a point of clarification?

Mr. ALLEN. I yield.

Mr. JAVITS. I am very grateful to the distinguished Senator for his time and trouble in looking into this matter and being persuaded, as he has been, as to its equity. It is a fact, is it not so that the Department of Agriculture may not give us some further trouble, that this particular proposition applies prior to the application of the escalator? In other words, we would be losing even before this applied to the escalator and therefore we would be brought up to parity and then the escalator would apply to us as to everyone else.

Mr. ALLEN. The Senator's question is, would the escalator apply to the increased amount or only to the 45 cents. It would be the judgment of the Senator from Alabama that the escalator would apply to the increased figure.

Mr. JAVITS. I thank my colleague.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. HUMPHREY. I am very much pleased that the Senator from Alabama has been able to work this matter out as he has with the Senator from New York. I joined in a communication and a letter. I am sure it was our intent to see that there was no loss in the revisions of the school lunch programs to the States, and now the colloquy which has taken place here indicates, I think, quite clearly, what we want to see done. With this change, there will be no loss to any of the States under the revised formula. The hold harmless provision is fair and just and, as the Senator from Alabama has said, the escalator provision will apply to the larger figure under the hold harmless provision.

Mr. ALLEN. Yes. The Senator is correct.

Mr. HUMPHREY. I thank the Senator very much. I believe that we have a good bill here.

Mr. ALLEN. Yes, we have.

Mr. HUMPHREY. We had to compromise some of the features out, but my judgment is that it will help the school lunch program, and I want to thank the Senator from Alabama for his cooperation and leadership in these matters.

Mr. ALLEN. I thank the distinguished Senator from Minnesota.

I might state that I believe we are, under this new bill, closing what could well have been a dangerous loophole by having the provision that any school that can show they cannot get by with what the Federal Government is paying can apply, not to the Federal Government, but to the State agency for more money. I do not think any school lunch administrators feel they can really get by with what the Federal Government is paying, so the door was left open for any school in the country to come in and say that they need more money. Under the provision that the schools in these four States have availed themselves of, any school could have applied for increased funds and this would be an open-end kind of program. But the new law will close that loophole, and will pay to each State 45 cents for each free lunch served and then allow the State to apportion the funds among the schools in the State. But in the case of New York, New Jersey, Rhode Island, and Maryland, the statewide average reimbursement was already more than 45 cents.

Mr. JAVITS. I thank my colleague from Alabama. Like the Senator from Minnesota (Mr. HUMPHREY), I wish to thank the Senator from Alabama for a fine attitude and for the leadership he has shown in this matter.

Mr. ALLEN. I thank the distinguished Senator from New York.

Mr. PELL. Mr. President, I rise in support of the amendment offered by the distinguished Senator from New York (Mr. JAVITS), an amendment which I am pleased to cosponsor.

The conference report on the national school lunch program amendments now before us represents commendably prompt action by the Congress to respond to a problem which has reached almost crisis proportions in some States. The sharp increases in food costs, without an increase in Federal subsidies, have placed the various school breakfast and lunch programs in many States in a precarious situation. Many have been threatened with termination.

The intent of both the Senate and the House bills is clear. We intend to increase the amounts that States would receive for each of the programs.

However, the actual language of the bill would result in a decrease in the subsidy payments for the free lunch program for especially needy students in four States. One of these States would be my own State of Rhode Island.

Mr. President, it would be a travesty if this were allowed to happen. In these States we would be penalizing the one group of children who are least likely to obtain a balanced, nutritious meal from any other source but the school lunch.

I urge my colleagues not to let this happen.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, the Senate concurs in the House amendment to Senate amendment numbered 5 with the amendment of the Senator from New York (Mr. JAVITS).

The Senate will consider the next two amendments in disagreement.

The two amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 13 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert:

COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

SEC. 10. The Secretary of Agriculture is authorized and directed to carry out a comphrensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his findings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows:

On page 6, line 3, of the Senate engrossed amendments, strike out [as].

Mr. ALLEN. Mr. President, I move concurrence in the House amendments to the Senate amendments Nos. 13 and 14.

The motion was agreed to.

Mr. STEVENS. Mr. President, I understand that the action taken with regard to the amendment offered concerned the cost differentials in Alaska and I want to thank the Senator from Alabama for his kindness in pursuing the matter and requiring that the Secretary report his findings concerning the differentials in Alaska regarding the free lunches and the free meals. But I would like to ask one question about the amendment that the Senator from New York just offered.

As I understand that amendment, it requires that the State reimbursement—the moneys actually paid in 1972 will be guaranteed and the States will be held harmless—that is, the amount the States actually paid for the lunches. So it is the amount, the amount they were to be reimbursed for under the formula, is it not?

Mr. ALLEN. What that applies to is the amounts which the particular schools have received under section 11, the free lunch payment, which is presently 40 cents, and which we are changing it to 45 cents.

Mr. STEVENS. Yes.

Mr. ALLEN. Under the law, the schools would come in and show to the State agency that they could not get by on 40 cents, and then if the State agency so certified, the Secretary would have to pay an additional amount. What the amendment of the Senator from New York provided was that if the statewide average reimbursement for free and reduced price lunches was over 45 cents during the last school year, the State would receive this same average reimbursement under the formula of the act. In New York, the average amount paid to all schools in the State under section 11 for the free and reduced price lunches was 46.5 cents. So, obviously, raising the amount paid by the Federal Government to 45 cents would not help them. The amendment of the Senator from New York saves them harmless and carries over to the new law their 46.5 cents, and in the other three States, slightly less.

Mr. STEVENS. That leads me to my question. Does that solve the problem for those of us who have the high cost differential, where they in fact paid more under the old law or this law?

Mr. ALLEN. Under the new law, the only relief is that inside the State, the State would have a right to apportion the money. If in south Alaska the cost was less than in north Alaska, they could possibly give 50 cents in north Alaska and only 40 cents in south Alaska. The statewide average would be limited to the 45 cents.

Mr. STEVENS. It still has to average 45 cents, but what about the hold harmless position? What if in fact it was averaging 65 cents before this amendment?

Mr. ALLEN. Who was averaging 65 cents?

Mr. STEVENS. The State of Alaska. The Senator from Alabama said New York was averaging 46.5 cents. What if ours is considerably more than that?

Mr. ALLEN. If so, Alaska would be protected, if Alaska received that from the Federal Government. I do not know that Alaska was getting that much from the Federal Government. Possibly, it came from the State or the schoolchildren.

Mr. STEVENS. There was a change in the eligibility beginning July 1, 1973. This was our problem. That was under the eligibility factor starting July 1, 1972. As I understand, in that year we were held harmless, and we will not receive less than we received under the formula that was applied in that 1 fiscal year, July 1, 1972, to June 30, 1973. Is that correct?

Mr. ALLEN. The State average would not be allowed to go under what it was in 1972, from this particular section money—in other words, for free lunches and reduced price.

Mr. STEVENS. I thank the Senator. We are indebted to the Senator from Alabama. I know that he fought hard to keep our Alaska amendment in the bill. We are hopeful that the report will substantiate these substantial cost differentials in the free lunches. I believe that the schools which are obligated under Federal law to pay should receive full reimbursement for carrying out the requirements, and the burden of the Federal law should not apply in the Federal school districts.

Mr. ALLEN. I thank the Senator.

SALE OF PUBLIC LANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 404, S. 2013.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2013) to amend the Act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 3, strike out:

That (a) section 1(b) of the Act of June 14, 1926 (43 U.S.C. 869), is amended to read as follows:

"(b) Conveyances made pursuant to this Act in any calendar year for recreational purposes to any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the governor of that State as its sole representative for acceptance of lands under this provision, to any political subdivision of a State, or to any nonprofit corporation or nonprofit association, shall be made without limitation as to acreage. Conveyances so made in any one calendar year for public purposes other than recreation shall be limited as follows:

"(1) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

"(2) To any political subdivision of a State, six hundred and forty acres.

"(3) To any nonprofit corporation or nonprofit association, six hundred and forty acres."

And, in lieu thereof, insert:

That (a) section 1(b) of the Act of June 14, 1926, (44 Stat. 741, as amended, 43 U.S.C. 869(b) (1970)), is hereby repealed.

And, on page 2, after line 17, strike out:

(c) Section 2(c) of such Act is amended by inserting immediately after "classified," the following: "and conveyances of such land for recreational purposes shall be made without monetary consideration, while conveyances for any other purpose shall be made".

And, in lieu thereof, insert:

(c) Section 2(b) of such Act is amended by adding the words "except that leases of such lands for recreational purposes shall be made without monetary consideration"; after the words "reasonable annual rental".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(b) of the Act of June 14, 1926 (43 U.S.C. 869), is amended to read as follows:

"(b) Conveyances made pursuant to this Act in any calendar year for recreational purposes to any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, to any political subdivision of a State, or to any nonprofit corporation or nonprofit association, shall be made without limitation as to acreage. Conveyances so made in any one calendar year for public purposes other than recreation shall be limited as follows:

"(1) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

"(2) To any political subdivision of a State, six hundred and forty acres.

"(3) To any nonprofit corporation or nonprofit association, six hundred and forty acres."

That (a) section 1(b) of the Act of June 14, 1926, (44 Stat. 741, as amended, 43 U.S.C. 869(b) (1970)), is hereby repealed.

(b) Section 2(a) of such Act is amended by inserting immediately after "historic-monument purposes" the following: "or recreational purposes".

(c) Section 2(c) of such Act is amended by inserting immediately after "classified," the following: "and conveyances of such land for recreational purposes shall be made without monetary consideration, while conveyances for any other purpose shall be made".

(c) Section 2(b) of such Act is amended by adding the words "except that leases of such lands for recreational purposes shall be made without monetary consideration"; after the words "reasonable annual rental".

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. MANSFIELD. 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 (Mr. GRIFFIN). Without objection, it is so ordered.

LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I submit a report of the committee of conference on S. 607 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRIFFIN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

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

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 25, 1973, at pp. 31324-31326.)

Mr. KENNEDY. Mr. President, this measures provides for the continuation of Federal support for childhood lead-based paint poisoning programs.

First. It authorizes $63 million per year, for 2 years, to screen, test, and to conduct research on the problems of lead-based paint poisoning. Probably this is the most important feature of the legislation because these funds can be used to continue the vital struggle against the ravaging effects of this tragic childhood malady. Doctors estimate that lead-based paint poisoning kills 200 children each year and 12,000 to 14,000 children are stricken with the disease each year.

Medical technology makes it possible for us to cure childhood lead poisoning, and for that reason alone, continuation of this program is fully deserved. But scientific technology also makes it possible to prevent the disease.

Ideally, lead poisoning caused by paints can be avoided by the use of lead-free paints.

Second. The legislation approved by the conferees limits the lead content of interior paint to one-half of 1 percent until December 31, 1974.

After that date, such paints should contain no more than .06-percent lead, pending study results compiled by the Consumer Produce Safety Commission. Ongoing research and study projects are also authorized by this legislation to determine the most effective and efficient methods to remove lead-based paint surfaces from exposure in residences of young children.

Members of the paint industry expressed the need to maintain uniform standards in paint manufacture across the country. They believed that a Federal preemption clause would prevent a proliferation of varying lead levels enacted by State and local jurisdictions. For that reason conferees agreed upon a provision to prohibit the enactment of lead levels exceeding that contained in the Federal statutes.

It is believed that this preemption provision will establish a clear nationwide standard that can be helpful for producers, distributors, and consumers.

Mr. President, I believe the conference report on S. 607 covers a significant piece of health legislation that will continue a very important health service. For that reason, I move that the Senate adopt the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDER FOR RECOGNITION OF SENATOR PELL AND FOR TRANSACTION OF ROUTINE BUSINESS ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Thursday, the distinguished junior Senator from Rhode Island (Mr. PELL) be recognized for not to exceed 15 minutes.

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

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

The PRESIDING OFFICER. Without objection it is so ordered.

RESUMPTION OF TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine business for not to exceed 20 minutes, with statements therein limited to 10 minutes each.

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

HEARINGS OF THE VICE-PRESIDENTIAL SELECTION COMMISSION OF THE DEMOCRATIC NATIONAL COMMITTEE

Mr. HUMPHREY. Mr. President, as most Members of Congress know from material previously sent to them, the Democratic National Committee, on August 9, 1972, ordered the formation of a DNC Commission on the Method of Selection of the Democratic Nominee for Vice President.

Mrs. Jean Westwood, then the party chairman, requested that I serve as chairman of this commission, and our present chairman, Robert Strauss, confirmed this request when he took office. Mrs. Jeanne Kirkpatrick, professor of government at Georgetown University, was named vice chairman of the commission.

Members of the commission were named last spring. On June 20, 1973, the commission held an organizational meeting in Washington, D.C. and appointed an executive committee.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the text of the resolution creating this commission of the DNC and a list, by State, of the names of the members of the commission.

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

(See exhibits 1 and 2.)

Mr. HUMPHREY. Acting under the authority granted by the commission, the executive committee has carried out an extensive program for soliciting views of interested persons on the question of the Vice-Presidential selection process. In order to secure maximum participation of those who are interested, we have relied primarily on written communications to invite statements on this question. We have therefore been directly in touch with Governors, U.S. Senators, U.S. Representatives, mayors, and State legislators.

In addition, we have been in touch by mail with State chairmen, State vice chairmen, National committeemen and committeewomen, county chairmen, Democratic youth leaders, and 1972 Democratic National Convention delegates.

We have also been in touch by mail, or by published announcements, with the officers or membership of such organizations as the Political Women's Caucus, the National Organization of Women, the League of Women Voters, the Committee on Political Education of the AFL-CIO, Americans for Democratic Action, Coalition for a Democratic Majority, Common Cause, and others.

In the case of public and party officials, of course, our correspondence has been mainly with members of the Democratic Party. In many other cases, however, we have sought the views of interested groups or persons regardless of party affiliation.

While we have not attempted to rely on public hearings, the Commission authorized the holding of special hearings where approved by the executive committee, and of State hearings when sought and organized by the members of the Commission from that State. A very useful hearing was held, therefore, at the recent meeting in September of the American Political Science Association in New Orleans. In addition, Commission members from New Hampshire and Massachusetts have held hearings of their own, which have also contributed importantly to our official record.

On October 5, we announced the plan of the Commission to hold one day of hearings on November 7 in Washington, D.C. Although subsequent events may lead to hearings, at the same time, by the House Judiciary Committee or the Senate Rules Committee on the President's nomination to fill the vacancy in the office of Vice President, we have determined that it is necessary and useful for the DNC Commission to go ahead with its planned hearing because of the DNC's requirement that we submit a final report by the end of this year and the importance of the Vice Presidential selection process generally. The DNC Commission hearing will be held on Capitol Hill, in a room to be announced, at 10 a.m. on November 7, 1973.

Mr. President, I give this notice in the CONGRESSIONAL RECORD of this hearing, even though it is a Democratic Party hearing, so that interested Senators and Representatives may have an opportunity to submit a written statement if they desire. A number of Members of Congress have already submitted, in response to our earlier correspondence, statements of their views in writing. These will be made available to members of the Commission. I hope other interested Members of Congress who have not done so however, will let us have their views in writing. I regret that available time will not permit us to invite verbal testimony from Members of Congress other than from the representatives of the Democratic leadership already invited and from the announced candidates for Vice President in 1972.

Other interested parties who see this notice and wish to submit a written statement to the Commission, of course are welcome to do so. All submissions should be directed to.

The Commission on Vice Presidential Selection, Democratic National Committee, 1625 Massachusetts Avenue, N.W., Washington, D.C. 20036

Mr. President, I also ask unanimous consent to have printed in the RECORD a useful summary of current proposals on this question prepared by Mr. Stewart Eizenstat, an attorney from Atlanta, Ga., who is serving as counsel to the executive committee.

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

(See exhibit 3.)

EXHIBIT 1

AUGUST 9, 1972.

RESOLUTION: FUTURE METHOD OF SELECTION OF DEMOCRATIC VICE PRESIDENTIAL NOMINEE

"Whereas, five of our last ten Presidents either have died in office or have been so disabled for substantial periods of time as to be unable to personally conduct the affairs of such office; and

Whereas, it has been traditional for the Democratic National Convention to accept the recommendation of the Presidential candidate in nominating the Party's candidate for Vice President; and

Whereas, notwithstanding the usual wisdom and good faith of the Presidential candidate in making such recommendation, and because of the clear possibility that the Vice President may succeed to the Presidency, it is believed that the nomination for Vice President should be made by the Convention only after careful study by the certified delegates, and that new procedural rules are necessary to achieve such end;

Now, therefore, it is hereby

Resolved, that the Chairman of the Democratic National Committee shall appoint, as soon as possible, a Chairman and other members of a *Commission on the Method of Selection of the Democratic Nominee for Vice President*, and

Further resolved, that the Democratic National Committee shall appropriate the necessary funds for quarters, staff and counsel as may reasonably be requested from time to time by the Commission, and

Further resolved, that the Commission shall conduct such hearings as it deems appropriate and desirable and shall file a Report containing its recommendations to the Democratic National Committee no later than January 1, 1974, and that the Report, with any revisions deemed advisable by the Democratic National Committee, shall become part of the Temporary Procedural Rules of the 1976 Democratic National Convention."

EXHIBIT 2

DEMOCRATIC NATIONAL COMMITTEE, VICE-PRESIDENTIAL SELECTION COMMISSION

Hubert H. Humphrey, Chairman.
Jeanne Kirkpatrick, Vice-Chairman.

ALABAMA

Mrs. Juanita McDaniel.

ALASKA

Mrs. Pegge Begich.

ARIZONA

Mr. Robert Begum.

ARKANSAS

Mr. Randall W. Ishmael.

CALIFORNIA

Hon. Mervyn Dymally.
Hon. Doris Davis.
Dr. Nelson Polsby.

COLORADO

Mr. Gary Hart.

CONNECTICUT

Mr. Justin Ostro.

DELAWARE

Mr. Henry Topel
Mr. Francis O. Biondi.

DISTRICT OF COLUMBIA

Dr. Max Kampelman.
Mr. Edward Sylvester.

FLORIDA

Hon. Robert Shevin.
Hon. C. Bette Wimbish.
Mr. Alfredo Duran.

GEORGIA

Hon. Julian Bond.
Mr. Stuart Eizenstat.

HAWAII

Ms. Gladys Karr.

IDAHO

Mr. William Davis.

ILLINOIS

Dr. Nicholas Bosen.
Ms. Ana Carlo Bensen.
Ms. Lesie Kolhein.

INDIANA

Mr. Robert McCallen
Dr. Charles S. Hyneman.

IOWA

Hon. June Franklin.

KANSAS

Ms. Majorie Taylor.

KENTUCKY

Ms. Martha Layne Collins.

LOUISIANA

Hon. Camille F. Gravel, Jr.

MAINE

Ms. Nancy Clark.

MARYLAND

Dr. Jeanne Kirkpatrick.
Dr. Mildred Otenasek.

MASSACHUSETTS

Hon. Endicott Peabody.

MICHIGAN

Dr. James W. Miller.

MINNESOTA

Ms. Margaret Thatcher.

MISSISSIPPI

Mr. Aaron Henry.

MISSOURI

Mrs. Lynne Sommerer.
Judge George Lehr.

NEBRASKA

Dr. Richard E. Shugrue.

NEVADA

Miss Edie Barker.

NEW HAMPSHIRE

Hon. Bernard Boutin.

NEW JERSEY

Ms. Marjorie Lieblich.

NEW MEXICO

Mr. Neal Gonzalez.

NEW YORK

Mr. Thomas J. Lowery, Jr.
Ms. Bess Myerson.
Mr. Bernie Ruggieri.

NORTH CAROLINA

Mr. R. Patrick Spangler.

NORTH DAKOTA

Mr. Gorman King.

OHIO

Mr. Robert Storey.
Mr. William Coleman.
Mr. Arnold Pinkney.

OKLAHOMA

Mrs. Jo Evans Hall.

OREGON

Dr. Hans Linde.

PENNSYLVANIA

Ms. Marilyn Young.
Mr. Ronald J. Pettine.
Mr. John O'Shea.

RHODE ISLAND

Mr. Joseph Rogers, Jr.

SOUTH CAROLINA

Hon. James P. Harrelson.

SOUTH DAKOTA

Ms. Betty Osborn.

TENNESSEE

Mrs. Gene Bolin.
Mr. Billy Webster.

TEXAS

Ms. Nancy Nelson.
Mr. Lem B. Allen.

UTAH

Mrs. Valoy S. Boothe.

VERMONT

Ms. Anne Schlabach Burkhardt.

VIRGINIA

Mr. Joseph Fitzpatrick.
Ms. Marilyn Moore.

WASHINGTON

Ms. Mary Weber.

WEST VIRGINIA

Hon. Hulett Smith.

WISCONSIN

Ms. Cheryl Gaskill.

WYOMING

Mr. H. Paul Johnson.

EXHIBIT 3

MEMORANDUM

To Vice Presidential Selection Commission.
From Stu Eizenstat, Member and Co-Counsel of Commission.
Re Alternative Possibilities of Vice Presidential Selection.

While there are an infinite variety of ways in which the Democratic Party can select its Vice Presidential nominee, when analyzed these fall into certain general categories.

It seemed to me that it might help focus our thinking and analysis if I attempted to set out the various alternatives along with some of the advantages and disadvantages of each.

In discussing the pros and cons of the different alternatives I do not seek to assert any preferences for a specific alternative. Nor do I profess to believe my listing of alternatives is exclusive.

I have consciously not mentioned any proposals to abolish the Office of the Vice President since this does not appear to be within the mandate of this Commission.

A. PRESENT METHOD OF SELECTION OF VICE-PRESIDENTIAL NOMINEE

Under the current Democratic Convention Rules, the selection of the Vice Presidential nominee is left to the Democratic Convention, which is to conduct the nomination in the same manner as provided for the selection of the Presidential nominee, except that there must be at least a twelve hour interval between the nomination of the Presidential nominee and the opening of nominations for the Vice Presidential nominee and a request to nominate must be filed not later than three hours before the scheduled opening of the nomination for the Vice President. Normally, the Convention procedure dictates that a platform is chosen first, with Presidential and Vice Presidential balloting following on successive nights, and with acceptance speeches thereafter.

It has been the general tradition, at least for the last three decades (except for 1956), for the Presidential nominee to select a running mate the night of his own nomination or the morning thereafter and present it to the Convention, which approves the selection the night immediately following the Presidential nomination.

1. Advantages:

(a) The current method has produced generally good Vice Presidential nominees in recent years.

(b) The Presidential nominee is given the exclusive power to choose a person who he feels will strengthen his ticket and with whom, presumably, he believes he can live. Since it is the President who must delineate his Vice-President's duties, he should have a preeminent voice in his selection.

(c) The Convention has at least the formal right to reject the Presidential nominee's candidate for Vice President if the person is particularly unacceptable. The 1972 Convention results show that Democratic Conventions may be beginning to realize their theoretical independence since candidates other than the Presidential nominee's candidate received some 40% of the total vote for Vice President.

(d) The Presidential nominee has a complete, unrestricted list of potential Vice Presidential candidates from which to choose.

(e) Since the Presidential nominee will generally, though not always, pick someone who is at least in general agreement with him on fundamental principles (though not necessarily, e.g. Roosevelt and Garner), there will be a continuity of leadership on general precepts if the Vice President assumes the office of Presidency. Moreover, the wishes of the ideological majority which elected the ticket will not be thwarted completely if the Vice President becomes President—again, assuming the Presidential nominee will normally select someone with whom he is in general ideological agreement.

2. Disadvantages:

(a) There is no formalized consultative procedure to insure that in making his selection of a running mate, the Presidential nominee will touch base with a cross-section of the Party leadership to choose a broadly acceptable person. This absence of a formal consultative process may breed an insecurity about the actual outcome of the decision in the public's mind.

(b) The time pressure of choosing a running mate the night of or the morning after the Presidential nominee's own selection presents opportunities for misjudgments:

(i) in most circumstances all the energies and attentions of the new Presidential nominee will have been riveted on his own selection;

(ii) physical and mental exhaustion after the brutal run for the Presidential nomination occur at the very time when the nominee must make his first crucial decision—selection of his running mate;

(iii) time pressures are increased by the need to make the Vice Presidential nominee's choice public at the earliest point, and these pressures may impede a careful consideration of the best Vice Presidential candidate.

(c) There is no real public or delegate input into the selection of the person who could occupy the second most powerful office in the nation, if elected. This is a particularly serious concern in light of the number of recent Vice Presidents who have assumed the office of the Presidency due to the death of the President. It is unusual that the person who stands only a heartbeat from the Presidency should be selected without the kind of public scrutiny that goes into the selection of a Presidential candidate for the Party.

B. ALTERNATIVE METHODS OF SELECTION OF VICE PRESIDENTIAL NOMINEE

I. Provide for separate election of Vice Presidential nominee

There are a variety of methods which have been suggested having their central theme the selection of a Vice Presidential nominee in much the same way as the Party's Presidential nominee is now chosen.

(1) Separate Vice Presidential Primaries and Conventions

Persons wishing to be selected as the Party's Vice Presidential nominee would enter primaries and conventions in states of their choice trying to build public support and delegate commitment to their candidacy. While this method would not preclude the Presidential nominee from trying to influence the choice of his running mate, the Vice Presidential nominee could well have the necessary binding delegate commitments through the delegate selection process in the various states to have his nomination assured regardless of the wishes of the top of the ticket.

(2) Simultaneous National Presidential and Vice Presidential Primaries

A variation on this theme would be to have national Presidential and Vice Presidential primaries held simultaneously, with the Party's ticket being selected from the winner in each primary, with the Democratic Convention simply ratifying the results of the primary.

(3) National Primary with Runner-up as Vice President

Governor Peabody has suggested at one time a national primary in which each voter would have two votes, with the runner-up becoming the vice-presidential nominee.

(4) Complete Separation

Separation of the offices of President and Vice President has been suggested by electing the Vice President during the midterm elections rather than at the same time as the President.

(5) Rules Prohibiting Overlap in Candidates

It has been suggested that anyone placed in nomination for the Presidency be barred from consideration for the Vice Presidency, in order to elevate the Office of the Vice Presidency.

1. Advantages:

(a) The importance of the office of Vice President might be elevated in the public's mind since people would be running directly for the office and the public would have to make a choice specifically for that office. In the general election, few voters focus attention on the Vice Presidential candidate. Such a pregeneral election selection process for the second man on the ticket might help voters look at the ticket as a whole.

(b) The public would have a more direct voice in choosing the person who could potentially ascend to the Presidency at any moment. Since 1944, two Vice Presidents have become President during the President's term of office (Truman and Johnson), another was Vice President during a serious illness of the President (Nixon), and yet another Vice President's President died shortly after what could have been his second full term in office (Humphrey). The public and/or the delegates they select to the Democratic Convention should have a more substantive voice in the selection of a Vice President for this reason, even though his duties while in office may not be that crucial.

(c) Selection of a Vice Presidential nominee in this manner, made openly and publicly, and the problems of one man, the Presidential nominee, making a hasty choice under enormous time pressures, would be eliminated. This would also increase confidence in the decision making process for the Vice Presidential nominee.

(d) Twenty-seven States provide for the separate elections of their top two executives—governor and lieutenant governor—and thus precedent exists.

2. Disadvantages:

(a) Any system under which a Vice Presidential candidate for the Democratic Party was chosen in separate primaries would necessitate considerable change in most State laws and would therefore be difficult to implement.

(b) Candidates would be forced into an early choice between running for the Vice Presidential or Presidential nomination, thereby perhaps eliminating many persons from the Presidential race who were not well known initially, but who might have picked up support after early primaries. [This would not be the case with the runner-up method suggested by Governor Peabody, but there would be no assurance the runner-up would want or accept the second spot].

(c) Conversely, most qualified Democratic Party leaders would want to vie for the Presidential nomination, therefore potentially leaving the Vice Presidential race open to men of lesser capabilities who could wrap up the Vice Presidential nomination practically by default.

(d) Any system under which the Vice Presidential candidate of the Party is chosen independently from the Presidential candidate contains build-in problems of Presidential-Vice Presidential incompatibility. The 12th and 20th Amendments seem to indicate a desire to achieve a situation in which the President and Vice President are chosen as a team in the general election—a desire which should be carried into the nomination process. The possibility of an Aaron Burr-Jefferson situation in which Burr, as Vice President sought to undermine the President, should be avoided as much as is humanly possible.

(e) The 25th Amendment to the United States Constitution provides, in essence, that a vacancy in the office of the Vice Presidency should be filled by a man or woman selected by the President with the concurrence of a majority of each House of Congress. Thus, the President is given a strong say-so in the selection of a Vice President.

Therefore, it would be contrary to the spirit of the Constitution, to give the Presidential nominee of the Democratic Party so little say-so over the man who will be his running mate.

(f) The fact that Governors and Lieutenant Governors are chosen separately by a majority of the States is irrelevant at a Federal level. The Constitutional history of the federal government indicates the dangers of a warring President and Vice President—something far more dangerous than opposing Governors and Lieutenant Governors at the State level.

Moreover, a Lieutenant Governor who is openly antagonistic to the Governor can make life difficult for the Chief Executive of the State and severely hamper his activities. This cannot be tolerated at the federal level.

(g) The suggestion that no one placed in nomination for the Presidency could be considered for the Vice Presidency would eliminate perhaps the most highly qualified persons for the Vice Presidency, and would also permit a political enemy of a person aspiring to the Vice Presidential nomination to nominate him for the Presidential nomination, thus eliminating him from consideration as a Vice Presidential candidate.

(h) A specific disadvantage of making the runner-up in a national primary the Vice Presidential nominee is that it would frequently result in a Vice Presidential nominee with an entirely different constituency from the Presidential nominee (e.g. Wallace and McGovern might have been the result in 1972), potentially leading to bitter enemies running together in the general election and governing together. Also, such a system would require concurrent action by the Republican Party and would necessitate Congressional action and public financing, thus being difficult to implement.

II. States in primaries: Running as a team

Some persons have suggested that a Presidential candidate announce his running mate when he announces his own candidacy and that the two run as a team or ticket in the various State primaries and conventions.

1. Advantages:

(a) Such a system would focus attention on the Vice Presidential candidate at an early stage and thus help insure that a man of high quality was chosen for the position.

(b) Such an early choice would emphasize the importance of the Office of the Vice Presidency.

(c) The judgment of the Presidential hopeful would be tested at an early stage by the quality of the running mate he chose.

(d) The voters would have an early input into selection of the Vice Presidential nominee.

(e) Presidential—Vice Presidential compatability would be likely.

2. Disadvantages:

(a) This method would effectively eliminate all Presidential hopefuls from the Vice Presidential race since a decision would have to be made at an early stage as to whether to run on a ticket with a Presidential hopeful. Many of the best qualified persons might thus be unable to secure the Vice Presidential nomination. Few persons with any immediate Presidential ambition would be willing to settle for the second spot at such an early period.

(b) Voters in the primaries and delegates to the various State Conventions would still largely support "one team" over another because of the Presidential hopeful rather than his running mate. Therefore, in many ways, this method of selection of a Vice Presidential nominee would reduce input into the selection system. The Presidential hopeful would simply be handpicking a running mate at an early point in time and might win despite a poor choice as running mate.

(c) Conversely, a good Presidential candidate might lose in the primaries or State conventions because his early choice of a running mate turned out to be a mistake. So, too, an excellent Vice Presidential candidate might never secure the nomination because he joined with an unsuccessful Presidential hopeful.

(d) This system, in order to be workable, would require substantial changes in State laws and, perhaps, concurrent action by the Republican Party.

III. Altering the method of selecting the Vice Presidential nominee but maintaining the essential convention system

There are various suggestions designed to eliminate some of the current problems with the selection of the Vice Presidential nominee as discussed in Part A above, while at the same time preserving the essence of the present system.

(1) Open Convention for Vice Presidential Nominee

In 1956, the Democratic Party's Presidential nominee, Adlai Stevenson, left the choice of the Vice Presidential candidate completely up to the Convention, without tapping his favorite. A spirited race ensued between Senators Kefauver and Kennedy.

1. Advantages:

(a) This system would add excitement to the Convention.

(b) It would help focus attention on the Vice Presidential candidates.

(c) This system would be more democratic than the present method and would give delegates to the Convention, representing Democratic voters in their home States, the opportunity to directly choose a Vice President. It would end the virtual one domination by the Presidential candidate.

2. Disadvantages:

(a) It would be difficult to structure such a system to truly insure that the Presidential nominee did not exert his authority over the selection, since the compulsion to do so would be enormous. Cynicism over the "openness" of the selection process would therefore be great, particularly in light of the obvious power the Presidential nominee would have over a majority of the delegates.

(b) If the select process for the Vice President was entirely open to the Convention, the threat would exist that the Convention could choose someone ideologically or personally incompatible with the Presidential nominee.

(c) Since the Vice-Presidential nominee would owe nothing to the Presidential nominee insofar as his nomination was concerned, it might be more difficult to coordinate their general election campaigns, and, once elected, the Vice President might openly oppose the President.

(d) Party splits might be exacerbated by a second, perhaps bitter fight, following the Presidential floor fight.

(2) Partially Open Convention: Presidential Nominee Provides a List After His Nomination

Professor James MacGregor Burns has suggested a partially open convention system for selection of a Vice President nominee, under which the Democratic Convention would select a Vice Presidential candidate from a list of three or four names submitted to the Convention by the Presidential nominee.

1. Advantages: (a) This method provides a nice compromise between a totally open Convention, with the disadvantages discussed above (principally, the potential incompatibility between the Vice Presidential and Presidential candidates), and the present method of giving the Presidential nominee himself virtually complete say-so over his running mate, with the disadvantages previously mentioned.

Thus, the Convention does have a significant voice in the selection but at the same time the Presidential nominee would have the right to choose a list of persons he had reason to believe would be personally and politically compatible with him and who might be responsive to the same constituency which voted, in effect, for the President.

(b) If the list of persons could be submitted after the Presidential candidate had been chosen, the Presidential nominee would have an unrestricted list of persons from whom his list could be drawn.

2. Disadvantages: (a) Unless certain other changes were adopted as well, many of the same problems plaguing the present Convention system would continue to exist. Thus, there would still be no formalized procedure to insure that the Presidential nominee obtained input from a broad cross-section of the Party; and, the time pressure of choosing a list of persons would impose many of the same problems as selection of one running mate now imposes on a tired Presidential nominee.

(b) The Presidential nominee would be placed in a somewhat awkward posture. He might have a particular preference among the three or four listed and there would be a problem of how this could or should be expressed.

(c) It would be difficult to determine the number of persons the nominee could put on the list.

(d) Again, as with the totally open Convention system, it may be very difficult to keep the Presidential nominee's actual preference from the delegates and prevent him from pushing for the selection of one person from this list. Hence, public and delegate cynicism might be the result of an attempt at such a system.

(3) Partially Open Convention: Presidential Hopefuls Provide a Vice Presidential List Before Presidential Balloting

Some persons, such as John Gardner of Common Cause, have suggested that each candidate for the Democratic Presidential nomination announce prior to the commencement of the Convention, a slate of a designated number of individuals from which he will later choose one to present to the Convention for approval, if, of course, he himself secures the Presidential nomination.

1. Advantages:

(a) This system preserves the right of a Presidential nominee to have a predominate voice in the selection of his own running mate. As discussed at length above, the right of the Democratic Party's Presidential nominee to choose his own running mate is consonant with the spirits of the 12th, 20th, and 25th Amendments to the Constitution and with the notion that the top two men in the Executive Branch should have as harmonious a relationship as possible.

(b) The suggestion has the merit of relieving the Presidential candidate from making a last second judgment on a running mate at a time when he is least able to function effectively—the late evening of his own nomination. This procedure would force earlier and, presumably, more deliberate consideration to the selection of a running mate than is currently the case.

(c) By giving the public at large, the news media, and the Convention notice several days in advance of Vice Presidential balloting of the slate from which one would be sent to the Convention by the nominee, sufficient time might exist to permit at least some examination of the persons on the slate, to exercise any skeletons, and to give the delegates and the public some time to react to the various alternative prospects.

2. Disadvantages:

(a) This system in essence locks a Presidential candidate into a rigid position before the Convention begins and would preclude another selection which might be more logical, more qualified, and more acceptable to the Party leadership and the Convention delegates after the smoke of Presidential combat had cleared at the Convention.

(b) This procedure might hamper the ability of a Presidential hopeful to bargain for votes at the Convention in return for the expectancy of being tapped for the Vice Presidency.

(c) The Presidential balloting results might impel selection of a running mate in order to foster party unity, etc., which would not become obvious until that time.

(d) There would be no assurance that the persons named in a particular slate before the Convention would be willing to accept the Vice Presidential nod. By requiring the Presidential hopeful to set out his selections so early in the game could lead to a situation of embarrassment to the Presidential candidate—none of those on his list might be willing to serve.

(e) This system tends to eliminate other Presidential candidates from the Vice Presidency, since a Presidential hopeful may be unwilling to list one of his Presidential opponents as a possible running mate so early in the Convention. Yet, if this were not done, he could not later tap that individual.

(4) Partially Open Convention: Vice Presidential List Based on Other Criteria than Presidential Nominees' Preferences

Others have suggested that the Convention choose a Vice Presidential nominee from a list of persons selected by criteria other than the Presidential nominee's personal preference.

(a) Vice Presidential nominees: Those nominated for Presidential race

For example, Bernard Weisberger has suggested limiting the Democratic Convention's choice to those placed in nomination for the Presidency.

1. Advantages:

(a) This would help insure that those eligible for selection as the Vice Presidential nominee are known public figures who had previously undergone some degree of public scrutiny and whose backgrounds might previously have been examined in connection with their efforts to secure the Presidential nomination.

(b) This system would limit the prerogative of the Presidential nominee and give the Democratic Convention a more significant voice in the selection of the Vice Presidential candidate.

(c) This system would help insure that the Vice Presidential nominee was a man of high qualifications.

2. Disadvantages:

(a) This method would artificially limit the persons eligible for the Vice Presidential nomination and might therefore eliminate numerous capable persons from consideration by the Convention.

(b) This system would not necessarily solve the problem of having a Vice Presidential candidate about whom very little was known with regard to his background and ability since a person could simply have his name placed in nomination for the Presidential nomination in order to qualify for the Vice Presidential nomination.

(c) By such a system, the prospect arises that the Vice Presidential nominee may be incompatible with and a bitter opponent of the Presidential nominee. The Vice Presidential candidate would almost certainly have to be a man who vigorously opposed the Presidential candidate only a short time before. This again raises the specter of a Vice President antagonistic to the President and poses the same 12th, 20th, and 25th Amendment questions as have been discussed more fully above.

(d) The Presidential nomination procedure would be prolonged by persons who really felt they had no prospect for securing the top position, but who would be required to go through this procedure in order to seek the Vice Presidential nomination.

(e) This procedure does not reach some of the fundamental problems with the current system, discussed in fuller detail above.

(b) Naming of preferred candidate by committee with convention approval

Some, such as Professor Charles Hyneman, have suggested that as soon as a Presidential candidate has been chosen, a committee should be formed with the nominee for President as chairman and whose members would be representatives of candidates receiving a certain defined level of support in the Presidential balloting. Professor Hyneman has further suggested that even if the incumbent President is the Presidential nominee and there are no substantial opponents to his nomination, the Rules of the Convention should provide for formation of such a consulting group, named perhaps by a committee of the Democratic National Committee. Professor Hyneman would permit Vice Presidential nominations from the floor, with the Convention itself making the final selection.

It has been suggested further that if this "nominating committee" could not agree on one candidate, the Presidential nominee should be permitted to name his favorite and the one other person with greatest support in the committee should also be presented to the full convention.

1. Advantages:

(a) This method would help insure that the Presidential nominee consulted with a wide range of Party leaders (i.e., representatives of the other Presidential candidates) and had their input. This would help obtain more wide ranging and in-depth opinions and information about prospective Vice Presidential candidates. Therefore, one of the principal objections to the current system—the absence of a formal consultative process—would be significantly dealt with.

(b) Such a system would increase public confidence in the eventual nominee and in the nominating process, since a rational, ordered, "visible", and identifiable process would be used.

(c) This system might help alleviate a hasty or ill-thought-through decision on a running mate by the Presidential nominee.

(d) The Presidential candidate, as chairman of the selection committee, would still have a significant voice in the selection of his running mate and the committee, perhaps, might be unlikely to tap a person who the Presidential candidate believed he could not run with or strongly disliked.

2. Disadvantages:

(a) This could be a difficult system to structure. Some cut-off in Presidential support would probably be necessary to choose those Presidential hopefuls who could send representatives to the Committee. Yet, in some years there might be only one or two persons who reached the required level of support. In years when the incumbent President was re-nominated the composition of such a Committee might be a problem. Also, there would be some issue as to whether the incumbent Vice President should have any say-so in the selection.

(b) There might be problems in sending representatives of the defeated Presidential hopefuls, rather than the Presidential hopefuls themselves, since there would be communications problems as deliberations of the Committee became more lengthy, to insure the representatives were faithfully carrying out the desires of the candidates who themselves might not wish to be bothered by what for them would be an anti-climatic decision.

(c) The possibility exists that several of the defeated candidates could gang up on the Presidential candidate on the committee and attempt to foist a Vice-Presidential candidate of their choice on the Presidential nominee. While the proposal would permit the nominee to name his own choice with the committee's choice also going before the Convention, this might create further party disunity and give the appearance of weakness to the Presidential nominee just after his hour of greatest triumph.

(d) By limiting the "Nominating Committee" to representatives of the defeated Presidential hopeful, the group contains only persons who have been vigorously opposing the chairman of the Committee for the Presidential nomination. This might present an awkward situation and exacerbate party splits.

(e) The composition of the group is insufficiently broad and should probably be extended to include Congressional leaders and other enumerated Party leaders.

(f) The time pressure presently existing on the Presidential candidate to name a Vice Presidential running mate by the day following the night of his election might be intensified under this proposal requiring decision by the Committee.

(g) Since certain of the defeated Presidential hopefuls might themselves have Vice Presidential ambitions or be the most qualified for the position, their presence, even through a representative on a Committee, composed of representatives of all their opponents for the top job, might be awkward. Moreover, the composition of the group might effectively preclude one of the defeated Presidential candidates from obtaining the Vice-Presidential nod.

(5) Rearrangement of convention schedule

Since one of the greatest faults with the current system is the enormous time pressure under which a Presidential candidate must act in selecting a running mate to announce to the Convention, because of the arrangement of the Convention business under the current Rules (platform and rules, then Presidential voting, then Vice Presidential voting), some persons have recommended that the Convention schedule should be re-arranged to afford as much time as possible for deliberation on Vice Presidential selection, but still having the Vice Presidential selection made by the Convention before it formally adjourns and after the Presidential selection.[1]

[1] The Chairperson of the Republican Delegates and Organization Committee in 1972, Mrs. Rosemary Ginn, has suggested nominating the Vice Presidential candidate before the Presidential candidate. This suffers the serious objection that the quality of Vice Presidential aspirant would be lowered since no person with any hope of a Presidential nod would take himself out of the running at the Vice Presidential stage.

Joseph Califano, counsel to the Democratic National Committee, has reportedly suggested that the Presidential candidate be chosen before the platform is adopted (rather than afterward as is now done), thus extending from 24 to 48 hours the time available for the Presidential candidate to make known to the Convention his choice for a running mate.

Republican Senator Jacob Javits has suggested that the day or two after the Presidential nomination be taken up by other business so that adequate discussion can be had of the Vice Presidential choice.

Professor Charles S. Hyneman, a member of our Vice Presidential Selection Commission, has suggested that the Convention adjourn (or presumably, take up other business) for 24 or 48 hours so that the Presidential nominee would have sufficient time to make his choice.

Professor Hans Linde has suggested altering the Convention agenda by placing the Presidential nomination earlier in the business of the Convention and placing discussion and adoption of the Party's platform next, with the Vice Presidential nomination to follow, thus providing "a limited amount of additional time for consideration of the choice of a running mate."

1. Advantages:

(a) The choice of the Vice President by the Presidential nominee would be made with more deliberation and in a less frenzied atmosphere, due to the additional time available.

(b) The Office of the Vice Presidency would be upgraded in the public's mind, since the delay in selection would provide more time for public, newspaper, and television speculation about the possible choice.

(c) This suggestion can be used with any other of the possible alternative suggestions which work within the present Convention framework.

2. Disadvantages:

(a) The longer the delay between selection of the Presidential and Vice-Presidential candidates, arguably, the more likely it will be that the public will "tune off" the Convention entirely, thus depriving the Party of part of the public audience necessary to a good send-off for the ticket.

(b) This proposal does not reach the more basic issues of whether the Presidential candidate should maintain the predominate voice in selecting his running mate and, if so, whether a more formal consultation process is necessary.

(c) If this is the only reform suggested by this Commission, the Commission and the Democratic Party may be subject to criticism for "putting a bandaid on to fix a broken leg."

IV. Post Convention choice of the Vice Presidential nominee

A variety of suggestions have been made to provide for selection of the Vice Presidential nominee after the Convention adjourns by a process or group other than the Convention.

(1) Postconvention Vice Presidential Primary

Michael Barone has suggested the possibility of a national primary for the Democratic nomination for Vice President to follow nomination of a Presidential candidate by the traditional convention system.

1. Advantages:

(a) The importance of the Vice Presidency might be elevated in the public's mind since candidates would run directly for the office. Public attention would be riveted solely on the Vice Presidential selection since the Presidential candidate would already have been chosen.

(b) The public would have a much more direct voice in choosing the person who could become the next President.

(c) The choice of one man, the Presidential nominee, made under enromous time pressures, without any formal consultative process, is exchanged for the voice of the people.

2. Disadvantages:

(a) A post-Convention primary would overly prolong an already too lengthy campaign year, since, to be at all meaningful, at least several weeks of Vice Presidential campaigning would be necessary for the candidates to come across to the voters.

(b) The cost of a campaign would escalate with, in effect, a second primary or wave of primaries.

(c) Those Presidential candidates who had made a stringent effort for the Presidential nomination might well be so physically and financially exhausted, as to effectively preclude them from entering a national Vice Presidential primary. Thus, a whole group of persons who might be ideal Vice Presidential candidates would be effectively eliminated, leaving the primary field to lesser personalities who could husband their resources for a one-shot national primary.

(d) The whole problem of a national primary with all of its pros and cons would have to be considered. Problems would arise as to whether a majority or a plurality of the national vote was needed and whether a run-off Vice Presidential primary was called for, consuming more time and resources.

(e) Such a post-Convention primary would be difficult to implement, since State laws would have to be changed and a similar method of selection by the Republican Party might be necessary.

(f) This system could easily lead to selection of a Vice Presidential nominee who was incompatible with the top man on his ticket, with all of the difficulties, discussed above, which that would present.

(2) Postconvention selection of vice presidential nominee by a committee

A variety of ideas have been suggested under which the Vice Presidential candidate of the Democratic Party would be selected some prescribed time after the close of the Convention by an organization other than the Convention itself.

(a) Donald Matthews of the Brookings Institute suggests that the Presidential candidate name *a* running mate, subject to ratification by the Democratic National Committee a week or so after adjournment of the Convention.

(b) Ben Wattenberg has suggested a variation on this theme, under which the Democratic National Committee, meeting a week or so after adjournment, would select a Vice Presidential nominee from a list of *several* acceptable running mates chosen by the Presidential nominee.

(c) Professor Hyneman has suggested yet another variation, under which a formal consultative group including representatives of defeated Presidential candidates, perhaps other Party leaders, and the Presidential nominee, would report their findings on the best Vice Presidential running mate to the Democratic National Commitee 5 or 10 days after adjournment of the Convention. The National Committee would have the final decision.

1. Advantages:

(a) The suggestions all go a long way toward curing the burdensome time constraints currently imposed on the Presidential nominee in selecting his running mate.

(b) These suggestions all give the Presidential nominee a strong voice in choosing his own running mate, thus helping to insure some degree of Presidential-Vice Presidential compatability.

(c) The Office of the Vice Presidency is given added esteem since the attention of the public and the news media would be focused on the Vice Presidential candidate for a significant period of time.

(d) A mistaken choice is less likely since more time for consultation and investigation of the backgrounds of potential running mates is provided.

(e) Time would exist for Party opinion to coalesce around one person for Vice Presidential nomination.

2. Disadvantages:

(a) Only Professor Hyneman's suggestion begins to build in any mandatory, formalized consultation process for Vice Presidential selection.

(b) The time delay in choosing a running mate could have an adverse effect on the success of the Democratic ticket, since it would postpone joint post-nomination planning by the Presidential and Vice Presidential nominees and might preclude an active campaign schedule by the Presidential nominee prior to the choice of his running mate.

(c) There may be some question as to extra amount of deliberation this system would actually produce, since the urge would be irresistible for the Presidential nominee to begin campaigning.

(d) The Democratic National Committee (or some smaller group designated under these suggestions to have final approval) is less representative than the Democratic Convention itself. Thus, these suggestions delete still further any significant public input into the Vice Presidential selection process. Nomination by the full Convention itself adds a legitimacy to the nomination which might be missing if the National Committee became the final arbiter.

(e) The selection of a Vice Presidential nominee by the National Committee might appear less open and visible to the public than selection, even formal selection, by the full Convention.

(3) Postconvention selection solely by the Presidential candidate:

It has been reported that Senator Thomas Eagleton has advocated giving the Presidential nominee the sole, exclusive choice of designating a running mate, within ten days after the conclusion of the Democratic National Convention.

1. Advantages:

(a) This would help alleviate the time pressure problem which could force a Presidential nominee into a hasty, ill-considered, poorly researched choice.

(b) The Presidential nominee would be able to choose someone with whom he was compatible.

(c) Public attention would be focused more clearly on the Vice Presidential choice than is now the case due to the additional time provided.

(d) More input by Party leaders would be likely due to the additional time provided.

(e) Public opinion would have a chance to form around one or more Vice Presidential hopefuls.

2. Disadvantages:

(a) There would be even less formal check on the power of the Presidential nominee to select an appropriate running mate, since neither the Convention nor any group in its place would have even theoretical veto power over the choice. This would give less legitimacy to the choice.

(b) No formal consultative process is built into the suggestion.

(c) Party disunity could more easily occur over the choice since no formal organization representing the Party could be said to have ratified the choice.

(d) The time delay could have an adverse effect on the success of the Democratic ticket, since it would postpone joint post-nomination planning by the Presidential and Vice Presidential nominees and might preclude an active campaign schedule by the Presidential nominee prior to the choice of his running mate.

(e) There may be some question as to the extra amount of deliberation this system would actually produce, since the Presidential nominee would likely try to start campaigning to some extent.

From a discussion and analysis of the various methods for selection of a Vice Presidential nominee, certain criteria for our selection might be suggested—although these do not form an exclusive list.

First, the selection process should give the Presidential nominee a significant voice in choosing a running mate he believes will be compatible with him.

Second, enough time should be provided for the choice of the Vice Presidential nominee to help guard against a hasty decision made at a time of emotional, mental and physical exhaustion on the part of the Presidential nominee.

Third, some formalized process of consultation is necessary, even if this consultation process is not structured into a sitting committee, so that the Presidential candidate has maximum input from a variety of people, and so the public can be assured of the soundness of the choice.

Fourth, maximum public input and attention should be given to selection of our Party's Vice Presidential nominee.

Fifth, the Democratic Convention should maintain the power of ultimate approval of a running mate, but should have more time to judge potential Vice Presidential possibilities than now exists.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE PRESIDENT, ACTING THROUGH THE ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, a report of the President, acting through the Attorney General, on the feasibility of establishing an environmental court system (with an accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Elizabeth, N.J., praying for the enactment of legislation relating to restoration of the death penalty in certain cases. Referred to the Committee on the Judiciary.

APPOINTMENT OF AN ADDITIONAL CONFEREE

S. 14

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Maine (Mr. HATHAWAY) be added as a conferee on S. 14, to establish a Quality Health Care Commission.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection (Rept. No. 93-468).

MILITARY PROCUREMENT AUTHORIZATION, 1974—CONFERENCE REPORT—REPORT TO A COMMITTEE (S. REPT. NO. 93-467)

(Ordered to be printed.)

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two houses of the amendments of the Senate to the bill (H.R. 9286) authorizing appropriations for fiscal year 1974 for military procurement, research and development, and prescribing active and reserve strengths and military training student loads. I ask unanimous consent that the report be printed as a Senate report.

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

REPORT ON REORGANIZATION PLAN NO. 2 OF 1973—REPORT OF A COMMITTEE (S. REPT. NO. 93-469)

(Ordered to be printed.)

REPORT ON FEDERAL DRUG LAW ENFORCEMENT PROBLEMS

Mr. RIBICOFF. Mr. President, as chairman of the Subcommittee on Reorganization, Research and International Organizations, I submit a report by the Committee on Government Operations on the subcommittee's consideration of Reorganization Plan No. 2 of 1973.

The plan, establishing a Drug Enforcement Administration—DEA—in the Department of Justice, took effect on July 1 after the deadline passed for either House of Congress to adopt a resolution of disapproval.

This report was prepared to inform the Senate of the subcommittee's intensive consideration of the plan—especially regarding problems in Federal drug law enforcement that must be resolved for its proper implementation. The report was approved unanimously by the subcommittee and the full committee. It includes individual views by Senator PERCY.

The report summarizes nine months of investigation and hearings. The subcommittee study of Federal drug law enforcement began in January with an investigation of sharp rivalry and bitter feuding between agents of the Customs Bureau and the Bureau of Narcotics and Dangerous Drugs—BNDD.

In March, the President submitted plan No. 2 to reorganize the rival agents into a new agency, the DEA, in the Justice Department with a commitment to promote coordination with other enforcement agencies, especially the FBI. Since the plan acknowledged and remedied the Customs-BNDD dispute, the subcommittee focused on other drug law enforcement problems that had to be resolved to strengthen the operations, accountability and responsiveness of the new DEA.

Two days of hearings were held in Washington. The subcommittee also scheduled a series of field hearings to explore the nature of the drug problem in the Nation, evaluate the effectiveness of Federal drug enforcement and make recommendations on the structuring of the DEA. Federal, State, and local law enforcement officials, drug treatment, prevention and education specialists and ex-addicts were among the witnesses at hearings held in New Haven, Conn.; New York City; Chicago, Ill.; Wilmington, Del.; Miami, Fla.; Birmingham and Mobile, Ala.; and Atlanta, Ga.

A total of 158 witnesses were heard in 11 hearings.

The subcommittee's principal finding is that Federal drug enforcement efforts have failed to come to grips with burgeoning polydrug abuse involving the illicit use of billions of pills. The polydrug contagion involves 17 times as many Americans as use heroin, according to a recent survey of the National Commission on Marihuana and Drug Abuse.

The GAO has estimated that 90 percent of the pills used illicitly are of legitimate origin. Yet, we found that Federal enforcement priorities and strategies are overwhelmingly weighted toward suppression of heroin. For example, our inquiry found that BNDD had assigned only 240 of its 1,600 agents to full-time duty in combating the diversion of legally manufactured pills into the illicit market. The main assignment of the 1,600 other agents was to combat trafficking in heroin. At issue is not whether Federal law enforcement should abandon the war against heroin traffikers, but to what extent law enforcement efforts should reflect the actual degree of danger from all forms of drug abuse.

Among its recommendations, the subcommittee calls for a series of specific changes to promote accurate monitoring of the Nation's heroin and pill problems and to reorder priorities and develop new strategies accordingly. We also call for a plan of day-to-day coordination with the FBI to improve enforcement against organized crime figures in the illicit drug traffic. And we recommend establishment of an Office of Inspector General in the Justice Department, reporting directly to the Attorney General on enforcement abuses and corruption involving any DEA agents or agents of any other enforcement agency in the Department.

I urge all my colleagues to consider the findings and recommendations of this important report on law enforcement efforts to combat the Nation's drug menace.

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. EASTLAND (for himself and Mr. HRUSKA):

S. 2584. A bill to extend the life of the June 5, 1972 Grand Jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. HRUSKA) (by request):

S. 2585. A bill to extend the life of the June 5, 1972 Grant Jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2586. A bill for the relief of Miss Niranjana Thakkar. Referred to the Committee on the Judiciary.

S. 2587. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths, and to create a nationwide register of persons exposed to disease producing risks in their employment. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL:

S. 2588. A bill to amend Public Law 89-230 to authorize a larger annual U.S. contribution to the International Committee of the Red Cross. Referred to the Committee on Foreign Relations.

By Mr. DOMENICI:

S.J. Res. 165. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EASTLAND (for himself and Mr. HRUSKA):

S. 2584. A bill to extend the life of the June 5, 1972 grand jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. HRUSKA) (by request):

S. 2585. A bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

Mr. HRUSKA. I am pleased to join the distinguished chairman of the Committee on the Judiciary (Mr. EASTLAND) in cosponsoring two alternative bills to extend the life of the so-called "Watergate" grand jury.

As we are well aware, the present life of the grand jury will expire on December 4, 1973, unless extended. The purpose of each of these bills is to authorize extension of the life of that grand jury in order to allow a completion of its business. The difference between them lies in the procedure to be followed in the event additional extensions become necessary.

S. 2585, proposed by the Department of Justice, would authorize an initial 6-month extension and would permit the U.S. District Court for the District of Columbia to extend the life of the grand jury for an additional 6 months if necessary.

S. 2584, on the other hand, while it would also create an initial 6-month extension, would leave to the Congress, rather than the District Court, the decision of whether the life of the Watergate grand jury should be extended beyond this initial 6-month extension period. In effect, in following this course, the option would be preserved in the Congress as to the second 6-month extension.

In order for Senators to be able to have a range of choices on this question, we have introduced alternative bills. Hopefully my colleagues will shortly and timely address these possible solutions and any other proposals which may be made. We are all aware of the importance of taking some action on this matter in the near future.

By Mr. HUMPHREY:

S. 2587. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths, and to create a nationwide register of persons exposed to disease producing risks in their employment. Referred to the Committee on Labor and Public Welfare.

EMPLOYEES COMPREHENSIVE RESPIRATORY DISEASE COMPENSATION AND REGISTRATION ACT

Mr. HUMPHREY. Mr. President, I am introducing legislation today which provides for the care and compensation of workers and their families who suffer disease and disability because of their employment in America's modern industrial production system. Fully 10,000 men and women die each month from occupational disease. Four hundred thousand persons each year develop occupational diseases. Of these deaths and illnesses a great part are diseases of the respiratory tract and associated tissues.

Despite this staggering record of needless tragedy, neither the States nor the Federal Government have acknowledged the costs of hazardous employment for what it is—a legitimate cost of production. State workmen's compensation laws with few exceptions restrict coverage for respiratory disease. Federal benefits have been approved only for coal miners who suffer in an astonishing degree from black lung disease. All the workers in other production industries, the 3.5 million asbestos workers, 900,000 textile workers, 770,000 workers exposed to bagasse fibers, the 600,000 workers exposed to silicon dust, the 715,000 cosmetic workers, paintmakers, papermakers, and talcum powdermakers, bear the burden of disease, and medical expenses alone. When disease strikes they often must go on welfare. When they die, usually in their most productive years, their families are cast aside without even the most minimal assistance. They too add to our welfare rolls.

Compounding this tragedy is the fact that these workers who risk their lives so that other Americans can live the good life, often are unaware of the hazards they face daily. And because they do not realize the risks, they are unable to receive medical assistance which could prevent, control or cure these diseases with the horrible names and still more horrible effects—silicosis, asbestosis, byssinosis, talcosis, lung cancer, and brown lung.

The Employees Comprehensive Respiratory Disease Compensation and Registration Act will rectify the injustice which has been done for so many years. There is no longer any scientific doubt about the causal relationship between employment in certain hazardous industries and the development of serious, disabling lung diseases. It is time for employers and compensation agencies, State, and Federal, and American consumers to share the risks as they have shared them for black lung and for industrial accidents under the workmen's compensation laws.

This bill will do two important things. It will provide benefits in cases of total disability due to respiratory disease at a realistic and humane level. Compensation in these circumstances which is not adequate would be cruel. Therefore the bill provides that benefits be paid at a rate equal to two-thirds of the employee's average weekly wage and in no event less than 50 percent of the average weekly wages paid in his State of residence. Appropriate provision is made to see that these benefits are not eroded by inflation.

Care is also taken to assure that if the worker dies, his family will be provided for.

The bill also creates an information source which will assure us that all those exposed to these environmental hazards of the workplace will know the risks they take and their eligibility for benefits based on level and period of exposure. A system of benefits will be no good if the beneficiaries are not aware of the degree of their exposure to toxic agents. If we are to make progress in combating the toll which overtakes our industrial production workers, through preventive medicine, we must provide for assessment of risks and medical follow up. The nationwide register of employees exposed to respiratory risks will contain data for each person tabulating exposure to disease-producing agents, duration of exposure, and severity of exposure. The record will be supplemented and kept up to date even though a person changes jobs so long as his exposure to new risks is created. These records will be confidential and available only to the employee and his physician. The register will enable this legislation to become much more than just an insurance program. It will be part of a positive health care system to prevent disease and its costs and sufferings.

By Mr. PELL:

S. 2588. A bill to amend Public Law 89–230 to authorize a larger annual U.S. contribution to the International Committee of the Red Cross. Referred to the Committee on Foreign Relations.

U.S. CONTRIBUTION TO ICRC

Mr. PELL. Mr. President, I am submitting an amendment to Public Law 89–230, October 1, 1965, to authorize an increase in the U.S. Government's regular annual contribution to the International Committee of the Red Cross—ICRC—from $50,000 per annum to $500,000 per annum.

The annual contribution is not to be confused with special U.S. grants for humanitarian purposes administered through the ICRC, such as the $10 million earmarked in the Foreign Assistance Act for relief in Indochina through the Indochina Operations Group of the International Red Cross.

Under Public Law 89–230, the United States Government has been contributing only $50,000 to the operation of the ICRC each of the past 8 years. During that time, the activities of the ICRC have greatly expanded, and its budget and expenditures have increased apace. Although an increase from $50,000 per annum to $500,000 is large in percentage terms, it is a modest contribution in light of the ICRC's important international responsibilities, of dollar devaluation, and of world inflation. An ICRC activity of urgent concern to all Americans is its participation in the frustrating but unremitting quest for information on Americans missing in action in Indochina.

I have met personally with leaders of the ICRC in Geneva, when I was handling our prisoner of war problem at the United Nations during the period when I was a U.S. delegate there. Moreover, I can attest to the respect commanded by this body throughout the world. It is the only organization singled out for special responsibility under the Geneva Conventions of 1949—the basic charter for the protection of prisoners of war and other war victims. Regardless of political tides or fashions, the ICRC has maintained its integrity as an impartial independent humanitarian organization. Because of its independence and neutrality, the ICRC has been able to carry out its humanitarian mission in areas of military and political conflict where other bodies—governmental or private—are unable to intervene.

Two immediate examples involve the repatriation of detainees in the Middle East and South Asia, where the ICRC has played key roles in the arrangements for the return home of POW's. It is a matter of deep regret to the ICRC—and to me personally—that, due to the position taken by North Vietnam, the ICRC was barred from an implementing role in the release of our POW's.

I am glad to note, however, that the Central Tracing Agency of the ICRC is continuing its efforts to assist in accounting for Americans missing in action in Southeast Asia. The delegate of the ICRC in Laos met with a delegation of the National League of Families of American Prisoners and Missing in Southeast Asia this past week in Vientiane, to describe the ICRC's continuing efforts to resolve this question.

In addition, the ICRC has in the past 2 years organized meetings in Geneva of government experts on international humanitarian law. These consultations will culminate in a diplomatic conference called by the Swiss Government in Geneva, starting in February 1974, on the improvement and better implementation of the Geneva Conventions. This important undertaking—which we hope leads to specific measures to assure compliance with the conventions in the future in situations such as the protection of our POW's in Indochina—was initiated by the ICRC at the 21st International Conference will take place in November of this year, in Tehran, and I am delighted to note that the very able and competent Ambassador Frank Kellogg, special assistant to the Secretary of State for Refugee and Migration Affairs, will head the U.S. Government delegation. The American Red Cross delegation to the same conference is headed by Dr. Frank Stanton, former president of CBS, current chairman of the U.S. Information Agency Advisory Board, and now chairman of the American National Red Cross. He will be accompanied by George Elsey, president of the American Red Cross, who has many years of Government service, including service as a White House administrative assistant to President Truman. All told, it can be seen that we have a very strong delegation to the Tehran meeting.

There can be no question that the U.S. Government should continue to support the ICRC. Nor, in my judgment, can anyone seriously maintain that the present authorized level of $50,000 is sufficient for this purpose. Two years ago, in response to the urgent request of the ICRC, our Government made a special contribution of $1 million from AID contingency funds, to help the ICRC meet a serious deficit resulting in large measure from the ICRC's extensive operations in Indochina. The ICRC had informed our Government that its expenses in Indochina alone amounted to $2.5 million. That special contribution was an essential action at the time, and it highlights the need for a substantial increase in our regular annual contribution, which my amendment would accomplish.

In the past 2 years, the ICRC has reviewed and revised its internal structure to place itself on firmer financial footing, distinguished between, on the one hand, its permanent structure and budget—which our regular annual contribution helps support—and, on the other hand, its temporary and occasional structure, which expands to meet international emergency needs.

For its permanent structure, the ICRC has proposed that governments apply the assessment scale applied to government contributions to the regular budget of United Nations organizations. By this reckoning U.S. Government share of the ICRC regular budget would be about $500,0000 which is why I support such a relatively modest amount. Actually, as a great nation founded on humanitarian priciples, I believe we should support the ICRC to a far greator extent.

It should be noted that the Swiss Government annually donates some $3 million to the ICRC—7.5 million Swiss francs. The Swiss Government has given assurance that it will continue to contribute at that level, so that contributions of other governments will, even if all of them increase substantially, still amount to less than half the ICRC budget. The ICRC is committed to the principle of widening its base of international support, a principle which we should endorse and support.

Because other governments often determine their level of support to the ICRC with reference to ours, the present authorized ceiling of $50,000 has had the effect of limiting contributions from other governments. One government—West Germany—has moved ahead and is already contributing nearly twice the United States level. A number of others are contributing more than or near our level, and there have been consultations among governments in Geneva aimed at achieving a general increase in government contributions to the ICRC.

I ask unanimous consent to have printed in the RECORD a "Note on ICRC Financing," prepared by the ICRC in July 1972, which outlines its financial structure and needs. I also urge prompt Senate approval of an increase in the authorized U.S. Government contribution to the ICRC to $500,000 per annum.

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

NOTE ON ICRC FINANCING

The International Committee of the Red Cross is making a sustained effort to ensure increased control over its financing and to provide clear accounts.

The requirements which it has to meet are continuity in the financing of its regular activities and flexibility in its varying activities.

To reconcile these two requirements, the ICRC has adopted a financial structure which is subdivided into three parts:

1. *Permanent structure*, constituted by the professional staff necessary for the discharge of the ICRC's regular duties and the equipment available to that staff. To be effective, this structure must be kept within strict limits and should be of a high professional standard. It requires continuity.

2. *Temporary structure*, constituted by supernumerary staff, especially delegates and local staff, recruited for a specific period of service with ICRC delegations. The more or less rapid renewal of such staff ensures some degree of flexibility, and hence avoids the need for a large permanent structure.

3. *Occasional structures*, such as those set up by the ICRC when it has to mobilize considerable resources to meet urgent and unexpected needs or to undertake duties clearly beyond its regular activities. Here flexibility is the first consideration.

Occasional structures have a budget of their own, financed by special fund-raising appeals. Since such appeals relate to specific events that tend to rouse public opinion, Governments and National Societies can provide the ICRC with the requisite funds.

For the sake of convenience, the temporary structure is at present being financed by the Swiss Government alone.

The ICRC is very much concerned about the financing of the permanent structure. Despite the arrangements made to maintain the structure within strict limits, in the discharge of its regular duties it requires highly qualified permanent staff adequately remunerated and provided with the requisite equipment. To ensure the essential continuity in the financing of its permanent structure, the ICRC is applying itself to the task of closing the gap which exists between the cost of that structure and the annual contributions received.

The Swiss Government's annual contribution, for instance, has been raised from 2.5 to 7.5 million francs. The ICRC would therefore wish to receive an aggregate equivalent sum from the Governments of other States Parties to the Geneva Convention. Apart from the fact that regular government contributions totalling 15 million Swiss francs, in addition to the annual contributions from National Red Cross Societies and its other sundry annual resources, would enable it to cover the cost of its permanent structure, the ICRC considers it an obvious advantage to have the burden of its principal annual resources shared equally between the Swiss Government on the one hand and other Governments on the other hand.

Governments wishing to fix their own annual contribution in relation to the contributions made by other Governments can find guidance to this effect by applying to the 7.5 million franc target the same assessment as established in the United Nations scale, which shows the extent to which the various Governments agree to bear the cost of organizations which serve the international community.

By Mr. DOMENICI:

S.J. Res. 165. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week". Referred to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, today I introduce Joint Resolution 165, to establish a National Vocational Education and National Industrial Clubs of America Week from February 10 through the 16, 1974.

I believe, Mr. President, we are all aware of the many accomplishments and benefits of present vocational schools, but we seldom give proper public recognition to those achievements. Furthermore, it alarms me that the typical academic system in America is woefully void of that most useful aspect of education—the teaching of skills directly used in the world of work. Significant inroads have been made to teach secretarial techniques, but we are slow to offer additional meaningful skills training as part of the typical public educational system and on the secondary level or the college level.

Indeed, I feel our educational programs have not recognized the ever-changing needs of our young people, and our not-so-young people. It seems that we spend a disproportionate share of our national total resources on an educational system which is not as relevant as it could be.

So that it will not be misunderstood, I want to clearly state that I do not believe we are spending too much for education in this country. On the contrary, I feel that money spent in this cause is the best expenditure we have and I have most seriously objected to proposed budget cuts for education. Rather, in this instance, I believe we could better spend our education dollars if we constantly recognize the need to look at education in terms of its relevancy to the people we are teaching.

By establishing a Vocational Education Week combined with a National Industrial Clubs Week, I hope that proper attention will now be focused on the necessary educational alternative offered by vocational training. I see in these resources an opportunity for diversity and choice—for many students, direct preparation for that which they want to do with their lives. The stigma previously associated with learning a trade or an industrial job has left the American scene. It is increasingly evident all men and women would benefit from knowing more basic skills to cope on a day-to-day basis. And, those who choose a trade as an electrician, carpenter, auto mechanic or any of the other skills possible from which to choose, are no longer relegated to economic disparity. In fact, there are many who predict that their's is a future of economic prosperity, self-satisfaction and, equally as important, the basic strength of the country.

I feel this measure warrants our immediate attention and I would urge my colleagues to cosponsor this resolution. I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 165

Whereas the objectives of the Vocational Industrial Clubs of America are to develop leadership abilities, to foster a deep respect for the dignity of work and to help students obtain a purposeful life; and

Whereas the Vocational Industrial Clubs of America help promote high standards in trade ethics, workmanship, scholarship, and safety, and aid in developing the ability of students to plan together and to organize projects through the use of the democratic processes; and

Whereas the Vocational Industrial Clubs of America create among students, faculty members, patrons of the school, and persons in industry, a sincere interest in, and an esteem for, vocational industrial and educational pursuits: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 10–16, 1974, be designated as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 316 AND S. 2465

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the next printing of S. 2465 the name of the Senator from California (Mr. TUNNEY) be added as a cosponsor.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the next printing of S. 316, the name of the Senator from California (Mr. TUNNEY) be added as a cosponsor.

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

S. 1769

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of 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.

S. 2008

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may be added as a cosponsor of S. 2008, a bill to strengthen the State workers' compensation programs, introduced by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS).

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

S. 2068

At the request of Mr. JAVITS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2068, the National Tay-Sachs Disease Screening and Counseling Act.

S. 2147

At the request of Mr. DOMENICI, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 2147, relating to the procurement and use by the Federal Government of products manufactured from recycled materials, particularly paper.

S. 2308

At the request of Mr. MONDALE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2308, to amend the Social Security Act to provide for judicial review by providers and others of actions undertaken pursuant to titles XVIII and XIX of such act, and for other purposes.

S. 2389

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2389, to authorize certain revenues from leases on the Outer Continental Shelf to be made available to coastal and other States.

S. 2513

At the request of Mr. RIBICOFF, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

S. 2528

At the request of Mr. MONDALE, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

SENATE JOINT RESOLUTION 163

At the request of Mr. HUMPHREY, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Joint Resolution 163, authorizing the President to proclaim the last full week in March of each year "National Agriculture Week."

SENATE CONCURRENT RESOLUTION 54—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF THE SENATE FROM THURSDAY, OCTOBER 18, 1973, TO TUESDAY, OCTOBER 23, 1973

(Considered and agreed to.)

Mr. ROBERT C. BYRD (for Mr. MANSFIELD) submitted the following concurrent resolution:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, October 23, 1973.

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

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Resolution 38, relative to Select Committee on Small Business.

EMERGENCY TELEPHONE ASSISTANCE ACT—AMENDMENTS

AMENDMENT NO. 632

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

AMENDMENT TO EMERGENCY TELEPHONE ASSISTANCE ACT

Mr. HUMPHREY. Mr. President, I am submitting an amendment today to S. 1403, the Emergency Telephone Assistance Act, a bill which I introduced on March 28, 1973. This legislation would assist States and local governments in financing the costs incidental to establishing emergency telephone service as part of a single, nationwide emergency telephone number—"911."

This amendment I am offering today results from suggestions that I have received from many sources including extensive discussion with communication experts from the General Accounting Office. I wish to thank all of those involved for their very constructive contribution.

In essence, this amendment will assure that the Federal assistance being provided is used solely for the purpose of establishing the basic system needed for the "911" telephone number. There had been some fear that as originally worded, communities would be entitled to purchase sophisticated supplemental components to the basic system that would greately increase the funds required under this proposal.

I believe that this is the kind of simple, practical proposal that could prevent some of our citizens from becoming victims of crime. It deserves the attention of the Senate Committee on Commerce.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Thomas Arny Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi for a term of 4 years, vice Jack T. Stuart, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, October 23, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

CANCELLATION OF HEARINGS BEFORE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), this is to advise the Senate that the hearings scheduled before the Subcommittee on Indian Affairs on October 17 have been canceled until further notice.

At that time the subcommitee proposed to consider the following measures:

S. 1411 and S. 1412—Sisseton-Wahpeton land transfer.

S. 1222—Paiute-Shoshone land transfer.

S. 481—Rocky Boy's mineral interest.

S. 2105—Spokane land bill.

S. 1102—Keweenaw Bay Indian Community submarginal lands.

S. 1854—Cherokee Nation Land Compensation.

S. 1856—Choctaw, Chickasaw, and Cherokee Nation jurisdiction.

S. 283—Bridgeport Indian Colony lands.

S. 634—Kootenai land transfer.

ADDITIONAL STATEMENTS

PRIME MINISTER MEIR ADDRESSES ISRAEL

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues Prime Minister Golda Meir's address to the Israeli nation and press conference on October 13. I believe that this statement is the best public reference to date of how the Israelis view the latest outbreak of war.

Prime Minister Meir, in a response to a question on the scale of the casualties suffered, spoke not only of Israeli casualties, but Arab suffering as well. She said:

I am not ashamed to stand before you, a Prime Minister that, if you wish, is emotional—if you wish, sentimental. With all my heart, for the sake of the Egyptian people, I wish that Sadat would become emotional and sentimental over one dead man. When that moment comes there is peace automatically. There will be more than one man. And it is a terrible price for nothing. Just to satisfy ambitions of leaders who have no hearts. And may I say one more thing. I spoke before about the aid of the Soviet Union to Syria, Egypt and Iraq. As bad and dangerous as it is for Israel, if I at least believed for one moment that this aid the Soviet Union is giving to the Arab countries is because of its love for the Arab people, I would say, its too bad, they don't like the Jews, but they like the Arabs. But that isn't true. It is for callous interests of the Soviet Union. Therefore, thousands upon thousands of Egyptians and Syrians can be killed and numbers of Israelis can be killed and they don't care. That is the most terrible aspect of the entire situation.

Mr. President, I ask unanimous consent that the address and text of the press conference be printed in the RECORD.

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

TEXT OF PRIME MINISTER GOLDA MEIR'S ADDRESS TO THE NATION AND PRESS CONFERENCE, OCTOBER 13, 1973

Citizens of Israel: When I spoke to you a few days ago I said that our situation was far better than it had been on the day I had to inform the nation that we had once again been attacked by our neighbors.

I am sorry to say that I cannot inform the people today that the war is over and that victory is ours.

Now as then, I have no doubt that victory shall be ours, even though the war is not yet over, even though our sons and daughters, soldiers and officers, both on the northern and southern fronts are still fighting, are fighting with devotion, courage, ability, with a spirit words cannot describe. I am also happy to be able to say that the people in the rear are not falling behind our sons in the front lines. This nation's spirit is strong and ready to volunteer for any task to a far greater extent than anyone could have foreseen. We are a small people surrounded by hostile neighbors. In this war not only the armies of Egypt and Syria are fighting us, they are supported in various ways, with tanks and airplanes, by countries farther off, like Iraq and Algeria. Jordan too, has joined in with a tank force; other Arab countries are also providing support. Above all, there has been massive aid support by the Soviet Union to Syria and to Egypt by means of airlift.

The facts: We are advancing. Our road is not easy and clear. Our forces were obliged to wage a battle this morning against a tank division that arrived from Iraq. We destroyed the great majority of their tanks and our forces are pushing forward.

These are the facts. I can say our situation is better. There is no doubt in our hearts that we shall be the victors at the end of the War.

Not we started this war—but since we have been attacked, we shall fight until victory. Let us hope not too much time passes before the war ends in Israel's victory.

PRIME MINISTER'S PRESS CONFERENCE, OCTOBER 13, 1973

Israel has again been attacked by its neighbors, and Arab countries far away, including help from Iraq, Algeria, Tunis, and others. Above all, one of the two great powers not only provided Syria, Egypt and Iraq with all war material they could possibly integrate into their armies, but for over six years, they have been training officers and men, teaching them the theory of war, and of attack. The U.S.S.R. did not come to Egypt and Syria to teach them to prepare against attack. They knew very well Israel was not going to attack Egypt or Syria or anyone. Their thoughts, efforts, and billions of dollars worth of tanks, planes, guns, ammunition and teaching were for one purpose only: to prepare for a massive attack on Israel.

We did everything possible during six years to try to convince our neighbors that bloodshed has never solved any problem between neighbors. Another war only means more dead, bloodshed, destruction, and no solution. And after all is over, there is still only one way—to negotiate. Decide there is a sincere will to live in peace, then sit down and negotiate an honorable peace. As in previous wars, this war was forced upon us. We are a very small people. There is no comparison between numbers in our army and the numbers in any of the countries fighting us, certainly no comparison with the massive armies of men of all those that joined in this war against us. We do not have the wealth of ammunition they have. But two things we have that give us an advantage over our neighbors: Hatred for war and death. That we have. Maybe it's essential that the Heads of States in the neighboring countries begin to feel that. When Sadat said war must go on, and that he is prepared to sacrifice a million men, one shudders not only at the thought of a million men giving their lives, but that the Head of a people can make this statement. We don't want dead on our side, we have no joy in causing the death of others. But this people, small, surrounded by enemies, has decided to live. This is not a people that can give in. This people does not fear tanks and it has no fear of reality. We know that giving up means death, destruction of our sovereignty and physical destruction of our entire people. Against that, we will fight with everything we have within us.

We are confident despite difficulties. We are in a different position today than we were last Saturday or last Sunday. We have known bitter hours. But just as we go to our people and tell them that, so they believe us that there isn't a sign of doubt in our hearts that as bitter as this war is, the end again will be the same as that of other wars. We will win because we must live. Our neighbors are fighting not for their lives, nor for their sovereignty. They are fighting to destroy us. We will not be destroyed. Therefore, the spirit of our men on the front, the spirit of our people in every home, is a spirit of a people that hates war but knows that to live it must win the war that has been forced upon it.

QUESTIONS BY NEWSMEN AND ANSWERS BY THE PRIME MINISTER

Q. Does Israel intend to take Damascus, and if so, how long to occupy it?

A. You don't expect me to bring you the operative plan of what we are going to take, when, how long we stay and what will happen. I cannot do that.

Q. Would Israel agree to a cease-fire on the basis of lines that existed on the 5th of October?

A. There is no sense in speculating on what Israel will agree to or not as long as our neighbors—to this moment to the best of my knowledge, not our neighbor to the South nor our neighbor to the north has indicated any desire whatsoever to stop fighting. When we come to a proposition of a cease-fire we will consider it very, very seriously and decide, because our desire is, under possible conditions to stop the war as quickly as possible.

Q. Is it possible the super-powers are getting more involved in this war?

A. I know of one super-power that has sent in the last two days over 120 planes, carrying ammunition and I suppose rockets and I don't know what else to Syria, Iraq and to Egypt. That is rather some kind of an involvement I would say, but I don't know what else they want to do.

Q. Do you consider the fact that King Hussein is sending troops to defend Damascus as an act of war on his part?

A. Well, I don't think that King Hussein's troops have reached Damascus. They are quite a long distance away, but the fact that King Hussein has seen fit, after what happened in 1967, again to send in tanks and to have his army as he himself, or his government said today, on the Syrian front, I can only say I am sorry, because my predecessor, on the 5th of June 1967, sent a message to King Hussein through General Bull telling him that if he stays out nothing will happen to him. He did not stay out, and I am sure that the King must have the memory, rather a very unpleasant memory of what happened due to the fact that he came in. I am sorry that he has done that. But if any tank stands in our way, we cannot ask for identification whose tank it is. Any tank in our way will be hit.

Q. Have you asked for any material aid from the U.S., and can you reveal what kind?

A. If you people read the statement of Dr. Kissinger yesterday in answer to a question of this kind, he said that there is an ongoing relationship between the U.S. and Israel as far as military material is concerned. So it's ongoing.

Q. Has the possibility been considered or been brought up or renewing the government of national unity in the near future?

A. I have not heard about this, and I do not know why a government should have to be changed in war time.

Q. In view of the events of last week do you consider the 1967 cease-fire lines as a viable frontier and a safe boundary for Israel?

A. The 1967 cease-fire lines are certainly the best lines that we could have. Every line can be attacked, naturally. But can you imagine what would have happened to us had we moved back to the June 4, 1967 lines, had this attack on us took place, not when we are on the Canal but on those lines? Maybe—I hope at any rate—that people throughout the world that did not exactly go along with us when we said we will not go back to the pre-67 borders, that we must have borders that are safer, more defensible—I hope that they will now realize it is not that we wanted more sand in the Sinai desert, or more land anywhere else, but that we wanted borders that will prevent war. And even if these borders did not prevent war, how much more terrible it would have been for Israel had we consented, at the advice of some of our best friends, to go back where we came from.

Q. Do you regret not having launched a pre-emptive strike?

A. Yes and No. Yes, because had we done that, no doubt that position would have been much better and I can say frankly that probably quite a few lives would have been saved. No, because at least we don't have that argument with the world. It is a sad comment, but the truth. We took that decision with our eyes open. And we hoped to the last minute that maybe, despite what happened to us in 1967 when we tried to get people to prevent that war—we thought maybe this time it would succeed. So it isn't by chance we took this decision. We knew what we were doing. We knew even that we would have to pay for it. But I do not regret, despite all this, that we took that decision.

Q. You said that your forces had been through very bitter hours since Saturday or Sunday. Could you outline a bit more specifically exactly what the military situation is on the two fronts and what progress your forces have made during the weekend.

A. On the Syrian border, the Golan Heights is back, every inch of it, in our hands. The people of the various settlements are back in their settlements. Our forces are across the border and on the road that leads to Damascus. That is quite a change, to be on the Golan Heights or to be on the other side of the border. Of course, there is a battle going on all the time in the north. In the south, there is fighting now, and there probably will be for a few days to come. I wouldn't like to say anything more about the southern front.

Q. Can you tell us more about the implications of Hussein's decision to send his troops into Syria, the implications on your present eastern frontier; the bridges across the Jordan, are they open now? We were told early in the week there wasn't a full mobilization of Jordan coming into the war. Today anybody listening to the radio knows that more troops were mobilized. Was it for this contingency today?

A. We would have been more foolish than we are, if a neighbor so close geographically to us sends part of his troops, even if not too many, to aid a country fighting us, that we shouldn't take into account a possibility that if he does something more from across the borders we should be prepared to meet him. As far as the bridges are concerned, if King Hussein hasn't closed them yet, they are closed today because on the Sabbath they are always closed. On Yom Kippur too.

Q. Your reaction to the British decision to cut off arms to fighting nations?

A. I must say people, decent people, and decent governments, when they come to a point where, if you say it blunty "A plaque on both your houses" or when you say it more gently, "We are neutral", that is, the one that attacks and the victim of the attack are exactly in the same position. Somehow, maybe I am not sensitive enough to the feeling of justice and equality, when a government like Great Britain adopts a position of this kind—in addition to being bad for us, it is painful to think that a government can do something of that kind.

Q. Would you say that to them?

A. Maybe I will meet them someday and then I will say it to them.

Q. There is a considerable ghetto of Jews in Syria. What is your knowledge of the situation concerning these Jews, and your intentions?

A. There is no doubt that the Jews in the ghetto in Syria are treated in the most terrible, miserable way. And we certainly will see to it, try at any rate, that when the war is over and whether there is a cease-fire agreement or some other kind of agreement, we will ask these Jews be taken out the same way as we will ask for an exchange of prisoners. *These Jews are prisoners that didn't even fight in the war and we will do everything in our power to see that these Jews are brought out from Syria.*

Q. I know Israel's enemies have been counting on the assumption that supplies are going to run out and that Israel cannot fight a long war. I also know that Israel's friends abroad are concerned about the possibility that supplies may not be sufficient. Could you explain whether these problems are real or imagined.

A. If our neighbors dealt with realities, instead of dreams, maybe there would be peace a long time ago. Israel does not face the danger of lack of supplies. Israel is going to fight this war to the very end as long as our neighbors insist upon it. We can take everything necessary to fight this war until the war is ended with the victory of Israel. There are difficulties, difficulties in supplies, in many other things, but our people can take it. They have been tried before, they are wonderful today more than they ever were before, and we can take all the difficulties and all the hardships. If our neighbors built on that then they have lost the war before they start it.

Q. Assuming a favorable outcome, is there any way you can see now to convert this fighting into the negotiated settlement or any political settlement of the dispute that eluded you in 1967?

A. I am sorry we cannot come out every day or every week with something new. That we have to repeat the same formula which I suppose sounds monotonous to many of you. Yet this is the truth. We didn't ask for the war of 1967. It was forced upon us and we won it. No sooner was the war over than the Israeli government asked the heads of Arab States: Now, let's sit down, as equals, and negotiate a peace treaty. And the answer came back from Khartoum: No recognition, no negotiations, no peace. For six years, like parrots we have been repeating the same thing. We want to live in peace, in cooperation and in friendship. Therefore we say let's sit down, as equals, let's negotiate without any pre-conditions. We have ideas of what the borders should be, you have ideas of what the borders should be. We don't ask you to accept our ideas before we sit down to negotiate, and you can't ask us to accept your ideas before we sit down to negotiate. Now let's sit down and talk. You know what the answer was for 6 years: No negotiations, go back to the 67 borders and then maybe we will negotiate. No real cooperation and recognition of Israel, which means practically, go back to the 67 borders then or any other borders. That, of course, we couldn't agree to. We have nothing new after this war is over. If we sit down and negotiate we can sign a treaty which will open a new era for the entire area but that depends upon them.

Q. The fact that you have been waiting for the Arab troops to attack, was that a political decision? If so, is that not in contradiction to what the Israel government earlier said that not one soldier's life would be offered for a political decision? And thirdly, will this political decision have any impact or implications on the situation internally in Israel?

A. It was a political decision, I don't think it has any relevance to what you say is the Israel government's policy not to sacrifice lives for political decisions. During a war, several times a day various political decisions have to be taken. In a war, to my great sorrow, people lose lives. Sometimes you take one decision, and you think maybe you can save lives in that way, and it turns out the other way. So there is no guarantee for political decisions to save lives. No, I don't see any implications whatsoever.

Q. Is the immigration of Soviet Jews continuing?

A. Do you mind if I don't answer that?

Q. What do you think of the project of the French mediation?

A. That is because France is very neutral, I suppose. France has even overstepped the claim for neutrality. I want to make myself clear. Mediation that we are prepared to accept and will be ready to accept at any time is either by an individual or a government that decides its aid should be limited to one thing and one thing only, which is a very important step, and that is to help the parties get together. Therefore, it is not arbitration, and no mediator who thinks he knows better than the parties what is good for them. Therefore, when this was attempted in the past, it failed. If it will be attempted in the future, it will fail. It is these two peoples whose sons met in battle over and over and over again, the governments of these two peoples must meet at the negotiating table and not have somebody from faraway whose life and independence and sovereignty are not at stake—it is these peoples in this area that have everything to win and everything to lose. Therefore it is these peoples that must do it. Nothing can save the leaders of the Arab countries from taking this responsibility for the fate of their people in their own hands and not to build ideas and castles in the air—someday Brezhnev can save them, the next day President Nixon before elections or after elections, before the summit meeting, after the summit meeting—all these are gimmicks that did not work in the past, will not work in the future. President Sadat, President Assad, King Hussein and all the others who have so much courage, why do they not have the courage to meet us at the negotiating table? If they are not satisfied thay can always get up from the table and leave, but not even to try to sit down with us, in order to come to a peace treaty which will end all wars—that courage they are lacking, that somebody must do for them. Therefore, not France nor any other country can do that for them, and should not take it upon themselves to do it for them. Every country, every government that encourages them not to meet us at the negotiating table, everyone that encourages them in their intransigence and in their hope that somebody, somehow will solve their problems for them, is I think doing a disservice not only to Israel but to the Arabs and to peace.

Q. Do I detect a slightly different tone in your remarks about the events on the southern front? Does Israel categorically rule out a cease-fire which includes Egyptian troops on this side of the Canal?

A. I don't know what tone you have heard before. But what I said is when we hear a suggestion for a cease-fire, the government of Israel, believe me, very seriously and with great responsibility for everything that is concerned, will sit down and deal with it. So far, I don't hear anything about our neighbors being prepared for a cease-fire. We have so many problems on our hands that we don't want to think up problems. When a suggestion for a cease-fire will be a reality believe me the government of Israel will not lose many minutes before it will be in session and deal with this problem.

Q. Would you be prepared that the Israel government agrees to return territories seized in 1967 for the price of stopping the bloodshed and for peace?

A. Somebody coming into this room from another planet would think that in 1967 Israel forced a war upon its neighbors in order to take the Sinai Desert, the Western Bank and the Golan Heights. But since we are all from the same planet and you not only write newspapers, you also read newspapers, this wasn't exactly the description of what happened in 1967. Israel refused to go back to the borders of 1967 because these borders were washed away in blood exactly as the 1947 borders were washed away in blood by attack by our neighbors. Exactly as now, in 1967 they washed away the lines in Syria and Jordan and the others and now they have washed away borders. I don't think that will happen after this. Our neighbors cannot take a walk of this kind, with tens of thousands of men, with thousands of tanks, with bombers, kill, destroy, and then say: Well, all right, we didn't do it this time, we will try it again next time, but please give us borders that will be easier for us to cross; so good, we are not.

Q. Do you think the United States can do anything affirmative to hasten the end of this crisis?

A. I believe the United States and the policy it has adopted, for the last two or three years, saying that the U.S. is prepared to give its services to help the parties get together and find a solution for the problem . . . the U.S. was prepared to aid the parties get together on the Suez arrangement. I think the U.S. has done, probably is doing also this moment, everything possible, and God Bless the U.S. for what it does not do and that is to try and force a solution upon any one of the parties. Therefore, I think the U.S. has certainly done everything for peace.

There has been much speculation in the country about the scale of the casualties. Could you comment on them at all?

A. No, I don't wish to comment on it, but I am sure it won't take long and the figures will be known. I want to tell you one thing. The other day on T.V. I was asked "what is the price for the victory that you are talking about?" I said, "I don't know". To me one man dead is a terrible price. This man has a mother, a father, a wife, sisters, brothers, maybe children. I am not ashamed to stand before you, a Prime Minister that, if you wish, is emotional—if you wish, sentimental. With all my heart, for the sake of the Egyptian people, I wish that Sadat would become emotional and sentimental over one dead man. When that moment comes there is peace automatically. There will be more than one man. And it is a terrible price for nothing. Just to satisfy ambitions of leaders who have no hearts. And may I say one more thing. I spoke before about the aid of the Soviet Union to Syria, Egypt and Iraq. As bad and dangerous as it is for Israel, if I at least believed for one moment that this aid the Soviet Union is giving to the Arab countries is because of its love for the Arab people, I would say, its too bad, they don't like the Jews, but they like the Arabs. But that isn't true. It is for callous interests of the Soviet Union. Therefore, thousands upon thousands of Egyptians and Syrians can be killed and numbers of Israelis can be killed and they don't care. That is the most terrible aspect of the entire situation.

Q. It has been said that the Syrians and the Egyptians are fighting this time with a higher morale and better, among other reasons because they are fighting to get back territories which were theirs before 1967. Do you think this is correct?

A. In the first place, one has to prove that their morale is higher. Maybe it is. In the second place, whether it is for this or for other reasons one guess is as good as another. Again, you assume that these territories were taken away by a war.

In conclusion, whether they are justified, whether they are good fighters or bad fighters, to have a war instead of negotiating. . . . Usually peace treaties after wars are concluded in the following way: A war is won, one side wins, the other loses. If the loser is also the attacker, then certainly the winner writes a paper of conditions and asks the other parties to sign on the dotted line. I would like to know if there is a case in history that can be quoted when there was a war, one side attacked, lost, and the other side said "Well. All right, come on, take everything. Nothing happened, only people are dead and there's destruction." I think one of the greatest things that happened after the Second World War is that Chancellor Willy Brandt told his people and then went to Poland and recognised the new border, because—he didn't fight, he was not a Nazi—he said, the German people twice have attacked. They must pay a price.

Q. A few days ago Mr. Yariv said it would not be a short war. You talked about Sinai and said it would last another few days. Is that different . . .

A. No, I didn't say another few days. With all that has happened to us, we are accustomed to short wars. Believe me, I wouldn't care a bit and neither would Yariv if we were proven wrong. If both say this will not be a short war as the others we have known—I'm not thinking of the War of Liberation . . . I did not say a couple of days, I don't know. We have been fighting for a week. How many more days I wouldn't dare prophesy.

Q. Would Israel accept a cease-fire while the Egyptians are on this side of the Canal?

A. I have already answered this question. I said when anyone proposes a cease-fire and any of our neighbors, preferably both, are prepared to enter into discussion of a cease-fire agreement, Israel will not lag behind. Within a few minutes we will be at the conference table and making our decision. There is no sense in speculating now, since we have no indication whatsoever that our neighbors are prepared for a ceasefire.

Q. You are obviously confident of victory. How confident? Are you disappointed that it has taken more than Six Days?

A. No, I am not disappointed. I am sorry, but I can't say I am disappointed. Israel has been involved in many wars. It never fought a war under similar conditions. When we have to fight on two fronts, when we have not taken the pre-emptive step, when we knew exactly what a wealth of armament the Arab armies had; from the very beginning, we didn't fool ourselves and we didn't see this as a short war. I am sorry. I wish we had been proven wrong, but this is it.

CENTENNIAL OF THE KANSAS STATE GRANGE

Mr. DOLE. Mr. President, next week marks the centennial celebration in Lawrence, Kans., of the Kansas State Grange. This organization is not just a farm organization—but a growing group of people interested in all aspects of rural America, not just agriculture.

Since the founding of the National Grange in 1867, the organization has devoted itself to helping rural residents help themselves. During my 8 years in the House of Representatives and the past 5 years in the Senate, I have worked closely with Grange representatives and appreciate their programs and policies. These policies have been practical and helpful in the determination of my responsibility to constituents on all matters of Government.

And I must say that the primary objective of the Grange is similar to mine—that Government programs should provide maximum freedom and equitable opportunities with a minimum of Federal controls.

With leaders like Jim Ingwerson and John Scott, along with others I have worked with over the years, I have come to respect their advice and judgment on agricultural matters.

In recent years we have worked closely in the drafting and refinement—and passage—of environmental improvement legislation, rural disaster relief legislation, farm legislation, and rural development legislation.

Of particular importance at the present time is consideration of export controls. I commend the Grange on its policies and recommendations. Agriculture and industry cannot be separated. The economic interests of the Nation cannot be fractionated or categorized. Improvements in balance of payments in recent years are definitely attributable to agricultural exports. However, the ability of importing nations to purchase these agricultural products might be related to past industrial exports or trade in other commodities.

False price adjustments or protective tariffs cannot provide equity to our producers nor to foreign producers. Improvement of trade relations throughout the world will improve rural America. Freedom of trade and freedom in pricing will prove the most efficient method to put the supplies where the demand is located—and the citizens of both rural and urban America will benefit in such a competitive situation.

I have been impressed with the Grange's overall attitude toward rural America. That attitude is important in the rural revitalization of the Nation. We have found that the metropolitan centers are not the answer for everyone—finally, we are trying to stop the flow from farm to urban centers. Utilization of the same time and energy—not to mention the costs—in improvement of rural areas will encourage rural residents to live in rural communities and halt the outmigration that has continued the past four decades.

In its 100-year history, the Grange has continued one particular approach which I single out today—and that is its recognition and acceptance of youth. The Grange has always attracted the youth through their inclusion in Grange activities. With the increased pace of life today, those of us concerned with the future of rural America know that the future lies in the hands of young Americans. Stability and improvement of rural America is certainly assured through the efforts of the Grange.

MANDATORY ALLOCATIONS: BEST HOPE FOR AVERTING HEATING OIL CRISIS

Mr. RIBICOFF. Mr. President, the mandatory allocation system, detailed October 12 by Governor Love, is our best hope for averting large scale shortages of heating oil in Connecticut this winter.

All of New England and the upper Midwest have more than hope, however, if the program had begun during the summer rather than 12 days into the home heating season. It remains to be seen whether the belated but inevitable decision has come in time to avert a winter without heat for millions of American homeowners.

The answer depends on two key factors:

First, can the major oil refiners supply the independent dealers fast enough to get the heating oil to retail and wholesale customers in time for the first cold weather? My own subcommittee survey of the east coast supply situation revealed that as of October 1, the major suppliers had filled their storage tanks to 82 percent of capacity—14 percent more than last year at this time—while the independents were only a quarter full, which is half as much as last year. And this, despite the fact that most homeowners along the east coast buy their heating oil from independents.

Second, can the major oil companies manage to import enough heating oil to meet increased demand in the fact of short domestic supply? This would be less of a problem today had the mandatory system been put into effect months ago. The majors would have needed to import more oil, earlier, to make up for the greater amounts which they would have allocated under a mandatory system to the independents. By waiting this long, the Nation is off to a late start in the race to accumulate enough heating oil to meet peak demands of a cold winter. Therefore, there is a heavy responsibility to make sure the mandatory program is efficiently managed by a full and highly competent staff.

The regulations establish a uniform federal system for allocating the available supply to insure independent dealers up to 100 percent of the amount they received last year. They also contain an emergency program for redirecting oil for priority needs in each State.

Hopefully, these regulations will assure a fair distribution of the available supply of heating oil to Connecticut and other States far from refining areas. I will continue to watch heating oil allocations closely to make sure the system is mandatory in deed as well as name.

In the meanwhile, it is essential that individual citizens conserve heating oil to the greatest extent possible. Only by pulling together can Americans pull through a heating oil crisis triggered by a long, cold winter.

JUDGE JOSEPH SUMMERS

Mr. MONDALE. Mr. President, recently Joseph Summers of St. Paul was named by Gov. Wendell Andersen to fill a municipal judgeship in St. Paul.

I was very pleased to note this appointment, since Joe Summers has had a most distinguished career in our State. He served under me when I was attorney general in Minnesota, and he has received widespread praise from national organizations for the valuable work which he has performed in improving legal assistance to the poor in our State.

Mr. President, I ask unanimous consent that a recent newspaper account from the St. Paul Dispatch regarding this appointment be printed in the RECORD at the conclusion of my remarks.

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

JOSEPH SUMMERS NAMED TO FILL MUNICIPAL JUDGESHIP

Joseph Summers, a St. Paul attorney and former city attorney, was appointed by the governor Friday to fill the Municipal Judgeship left vacant by the recent death of Judge Edward Delaney.

Summers, 34, is a partner in the firm of Rosen and Summers, with offices in the Osborn Building. He will assume the judgeship Oct. 25, or sooner, he said, as soon as business arrangements can be made with his partners.

Summers said there is little private involvement which he will have to give up because of the appointment. He said he will have to resign from the city Charter Commission and as treasurer of the 4th District DFL Finance Committee. But otherwise, he said, his involvements are such that they will not conflict.

Summers served as city attorney under DFL mayor Thomas Byrne. Before that he served as assistant state attorney general under Walter Mondale and as a special counsel to former Gov. Karl Rolvaag.

He is a member of the Ramsey County Bar Association executive council, and president of Legal Assistance of Minnesota, an organization providing legal services * * *.

Summers said he foresees no conflict in that position because most of the work of the organization has been to get Legal Assistance started outstate.

He was honored in 1972 by the National Legal Aid and Defender Association for his work with legal assistance for the poor.

Summers graduated from Notre Dame Law School in 1962 at the head of his class. He graduated magna cum laude from the College of St. Thomas in 1969. And he is a graduate of St. Thomas Military Academy and St. Mark's School in St. Paul.

Summers and his wife, Carol, have four children. The family lives at 565 S. Pascal St.

SENATOR THURMOND DELIVERS INSPIRATIONAL MESSAGE AT THE SENATE PRAYER BREAKFAST

Mr. HELMS. Mr. President, our distinguished colleague from South Carolina (Mr. THURMOND) was the speaker at the regular Wednesday morning Senate Prayer Breakfast last week. I wish all Senators could have been present to hear Senator THURMOND's inspirational message.

The title of his remarks on that occasion was, "The Good Life and the God Life." I watched the faces of my fellow Senators as Senator THURMOND spoke. His message had a very deep meaning for everyone present.

Mr. President, STROM THURMOND is one of America's most-admired men. He is a thoroughbred gentleman, and there is no pretense in this great American's faith.

By his example, countless numbers of his fellow Americans have been strengthened. He has meant so much to so many—and particularly has he meant a very great deal to me as my friend.

I ask unanimous consent that the text of Senator THURMOND's remarks be printed in the RECORD.

There being no objection, Senator THURMOND's message was ordered to be printed in the RECORD, as follows:

THE GOOD LIFE AND THE GOD LIFE

I always feel a special challenge when I am asked to speak before this distinguished gathering, because I am speaking to men who have made as many speeches and coined as many cliches as I.

This morning I ask you to join me in putting aside the multitude of current issues and vexations that trouble us. Because of our common belief in the eternal, I think we should be able to gather—isolated from the serious, but transient, dilemmas of the day, and participate in a spirit of receptive, open-minded fellowship.

I am going to attempt to paint one facet of the big picture as I see it. If it turns out to be blurred, with long, sweeping strokes and little detail, it will be because the artist is still learning. I invite each of you to add your own strokes and colors, in hopes that you will be able to improve on it.

I would like to begin by relating a story which has been handed down over the years. As stories with a moral go, I am sure that it has been altered along the way to suit a speaker's particular purpose.

There was once an antique dealer who possessed the finest collection of antiques to be found anywhere. The problem was that he had so much invested that these fine, beautiful pieces were housed in a run-down shack. He couldn't afford his overhead, so he neglected it.

As most salesmen do, this particular one used his imagination to concoct gimmicks to grab the customers' attention. So, he gathered his finest pieces in the dilapidated showroom and strategically placed signs around the room which read: "Look for it—something big is going to happen."

This did the trick. He had more customers than he knew what to do with. As he was showing a beautiful mahogany table to a prospective buyer, he happened to notice a film of white dust on it. He stared in disbelief as the little pyramid of dust began growing. He glanced upward and gave a loud cry of warning to his customers and hurried them out the door.

From the fissure which had formed on the ceiling, bits of plaster dropped; then larger segments as the whole ceiling sagged, then collapsed with a roar. Everything was buried with the exception of one sign which read: "Look for it—something big is going to happen."

American life today is one giant showroom. Our energies are so often geared toward acquiring that which will make us content. Materialism, in such cases, becomes the object of our affections. Some use every trick in the book to get more so they can show more. Too many transfix themselves to this end.

When material comforts become our goal, we are prone to neglect the spiritual side of life. Just like the antique dealer, many Americans today are finding their lives crumbling in the midst of plenty. The "something big" they have hoped and waited for often does not turn out to be what was expected.

On the surface, American life has far surpassed anything our founding fathers had in mind when they declared the inalienable right to pursue happiness.

Never has there been a time or society when so many individuals could own two or more cars; have two houses; take trips to almost any place on the globe; and send their children to the best schools money can buy. It is estimated that this year alone, Americans will spend about $115 billion for their inalienable right to pursue happiness.

While salaries and fringe benefits are going up, Americans are finding more time to indulge in their greatest fantasies. Automation has cut weekly work hours from 70 to 37 in the last century. It has been estimated that by the year 2000 work weeks will be down to twenty hours. In fact, several companies across the Nation have already cut back to four working days per week, creating a three-day weekend.

The upshot of all this is that we are witnessing an unremitting trend to allow Americans to enjoy themselves. Promises of fulfillment and contentment have become the wares of the free marketplace.

About 8 million Americans will be traveling overseas this year despite the devalued dollar. Sales of radios, televisions, records, and musical instruments went up almost 190 percent between 1960 and 1971. Camping vehicles, which cost up to $30,000, have risen in number from fewer than 1 million 8 years ago to more than 4 million today.

The Twentieth Century frenzy to find fulfillment and satisfaction in "things" is not new. The big difference between now and earlier times is that we possess the ability to build and produce on a massive scale. In 1800, the businessman's thirst for the so-called "good life" was tempered by the fact that he relied upon his own strengths to succeed. His hands were to him what the computer is to us. Where it took a cabinet maker a week or longer to build a table, it takes industry just a fraction of the time.

I do not want to give you the wrong impression. I am proud of the fact that we have harnessed the human and mechanical ability to become the world's industrialized giant. The problems come when attainment of "the so called good life" becomes an obsession to the point where God becomes secondary.

At its annual convention, the American Medical Association was told more than 10 million people in this country are in dire need of treatment for acute depression.

Between 1965 and 1971, the number of young people 18 years of age and younger undergoing psychiatric treatment rose by almost two-thirds.

Suicide rates are rising and the increase is attributed in large measure to young people who cannot cope with life.

One of the most popular broadway plays to come along in quite a while is entitled "Lemmings." It is a spoof on the last decade and grotesquely depicts the sixties as a time of mass suicide. The denouncement comes with a symbolic plunge of humanity over a cliff.

Still another example of the so-called "good life" was examined in U.S. News and World Report. The town of Roseto, Pennsylvania, population 1,600, was once known as the "miracle town" in the early sixties. It had this distinction because no one under 50 had suffered a fatal heart attack in records dating back to the mid-fifties. Even the older citizens averaged far fewer fatal heart attacks than the national average.

When researchers went back to this tiny town two years ago, things had changed. Two men in their early 40s had died of heart attacks that year. Moreover, the rate of fatal heart attacks had been steadily increasing over the past several years.

One of the researchers was quoted in explaining this turn for the worse. "Too much has happened in 10 years," he said. "People who had been living pretty much as they had for decades . . . suddenly began changing."

He said the men began commuting to better paying jobs 20 or 30 miles away. They spent money on luxuries and sent their children away to college. He said, "The pace of living stepped up, and they had no time left to talk over their worries and satisfactions with each other."

The minister in the town pretty much summed it up when he said, "We have joined the rat race."

I am afraid that too many have joined the rat race. I sense a cold and unfeeling barrenness creeping into the American soul. I sense—to use Robinson Jeffers' words—"A gathering in the air that hates humanity."

In his quest for the so-called "good life," man often places his inherent need for God in suspended animation. When this occurs, we should expect the good life to turn sour.

One outgrowth of rampant secularism was embodied in a recently written document called "The Humanist Manifesto II." Dubbed a major social document by its subscribers, it calls for new directions of mankind, stressing a belief in mankind and his so-called "rational powers," and criticizes theistic religion as an impediment to human development.

Permit me to read to you a portion of this astounding document, which, by the way, was signed by 120 philosophers, scientists, writers, religious leaders and others:

". . . Traditional dogmatic or authoritarian religions that place revelation, God, ritual, or creed above human needs and experience do a disservice to the human species. Any account of nature should pass the test of scientific evidence; in our judgment, the dogmas and myths of traditional religions do not do so."

It goes on to say that "Promises of immortal salvation or fear of eternal damnation are both illusory and harmful. They distract humans from present concerns, from self-actualization and from rectifying social injustices."

For many, unfortunately, this is the doctrine of the Twentieth Century. I would guess most pepole would denounce this work as hedonistic and heretical. We have not yet reached the point where a majority would put their names to such dogma.

But I wonder how many live as if religion is a myth. I wonder how many put their experiences to the scientific test; that is, if they cannot see it in black and white, they ignore it. I wonder how many live their lives with unwavering faith in God.

I recall a graphics contest conducted a few years ago by The Wall Street Journal. The theme of the competition was "Words We Live With." The winning poster presented three words, "In ——— We Trust." There was a blank space between the "In" and the "We."

Later, the Journal editorialized on this prize poster and lamented that "The prize poster painfully clarifies the difficulty of pinpointing something in which man does indeed trust. While many people have managed to maintain their various faiths, there is a widespread questioning of values both spiritual and secular."

While going through my files in preparation for this talk, I came across a letter from someone discussing a sermon he had heard recently. It seems the minister mentioned the fact that man cannot penetrate the depths of our oceans without special diving gear to protect him from the pressures which would ordinarily cause immediate death. Down in the murky depths, however, are species of fish which would die if they swam to shallow water.

Since hearing this sermon, the writer thought a great deal about the pressures to which we are all subject. "Only as we put on the whole armor of Christ," he said, "can we possibly survive for any length of time in our pressurized environment."

I agree. Man is a synthesis of the temporal and eternal, of the infinite and finite, of freedom and restraint. God has also given man the right to choose the freedom to accomplish; and the opportunity to pursue happiness. With this, however, he has written a platform for every man to follow—the 10 Commandments.

William Jennings Bryan wrote, "The platform given to the world by the Prince of Peace is more far-reaching and more comprehensive than any platform ever written by the convention of any party in any country. When He condensed into one commandment those of the ten which relate to man's duty toward his fellows and enjoined upon us the rule, 'Thou shalt love thy neighbor as thyself,' He presented a plan for the solution of all the problems that now vex society or may hereafter arise. Other remedies may palliate or postpone the day of settlement, but this commandment is all sufficient, and the reconciliation which it effects is a permanent one."

Faith in God, faith in divine inheritance, are the keystones to a good and productive life. God has given us the tools with which to pursue the good life. At the same time, however, He expects us to temper our materialistic yearnings with the knowledge that, in the end, we will be responsible to Him. It was said best in Matthew 18, verse 26, "For what is a man profited if he shall gain the whole world and lose his own soul."

Satisfaction and fulfillment cannot be acquired solely by money. When worldly possessions become the only ambition of man, he will fail. God expects us to have a higher purpose.

We are not here because of our desire for creature comforts. We are in the United States Senate because we have found inner satisfaction in serving our country and our God.

The same can be said for millions of Americans throughout this great land. They look beyond the temporal, selfish desires, and look to the larger picture. When viewed in this manner, no problem is beyond solution.

SOUTHERN GOVERNORS RESOLUTIONS ON ENERGY, GROWTH AND DEVELOPMENT AND IMPROVEMENT

Mr. HUMPHREY. Mr. President, the Southern Governors' Conference recently adopted at its annual meeting at Point Clear, Ala., a series of resolutions of some of the most important issues facing our Nation. Three of the most important areas, and three that I believe we all should be aware of the Southern Governors' positions on, are energy, growth and development planning, and Presidential impoundment of funds appropriated by Congress.

Because of the importance of these issues, and of the views of the Southern Governors' Conference on them, I ask unanimous consent that their statements and resolutions on these important questions be printed in the RECORD.

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

SOUTHERN GOVERNORS' CONFERENCE 39TH ANNUAL MEETING

ENERGY POLICY

The Southern Governors hereby submit this statement as an expression of their unified concern over this Nation's energy problem. The Governors urge that it be considered by all decision-makers in the South in determinations affecting that region's energy posture and by others where applicable. The key position held by the Southern States is evident—they provide 80 percent of the Nation's energy supplies, while consuming only 33 percent.

We affirm that energy is a necessary component of social and economic activities within our states and its limited availability adversely impacts upon every segment of society. If energy resources are not available when and where needed, the health and welfare of our states' citizens will be adversely affected. We further assert that it is the proper role of the state to participate in the development and implementation of a national program to minimize losses resulting from any energy shortage by proper planning, including the establishment of priorities of use. Channels of action should be open to the states to institute conservation measures and other wise uses of energy resources.

Solutions to the energy problem can be resolved only by joint federal-state action. There is continuous need for federal participation in the development of a coherent national policy. The federal role further extends to research and development in the quest for new sources of energy. The Southern States, their municipalities and citizens, stand ready to work with the Federal government in the formulation and development of a comprehensive national energy policy.

Data indicate that the discrepancy between supply and demand will increase for the next several years. The energy shortage will not be met until substantial new coal mining and conversion equipment, as well as petroleum refining facilities and additional nuclear power plants, are in operation.

The worsening energy shortage could have a serious effect on employment, state revenues, and other aspects of the economy, increasing the critical problems of our already burdened social system. Under current and proposed fuel allocation programs, the South would appear to bear a disproportionate share of the burden resulting from the energy gap.

Allocation schemes are inherently unworkable except as emergency and short term measures. They neither increase supply nor reduce demand. Allocation based on historical consumption penalizes those states with high growth rates. This is particularly distressing for those states which have relied heavily on natural gas for industrial fuel and which now must convert to fuels not heretofore used. Forceful steps must be taken to bring supply and demand into balance at the earliest possible date so that allocation will be unnecessary except by the free market process.

During the next five years, energy growth in the United States will have to come from imported oil and the more effective utilization of coal and nuclear fuel. The strategic posture of the United States in international affairs will be adversely affected as will our balance of payments. We may be able to avoid excessive reliance on imported energy sources if reasonable efforts are made to increase domestic supply and reduce demand.

It is imperative that procedures be developed whereby state governments may have an opportunity to participate in the early stages of evolution of federal legislative, administrative, and policy programs. State views are solicited only after legislation is introduced or administrative policy is announced, at which point the state merely becomes an adversary expressing a different point of view.

Statement of Policy

We believe that following the seven point policy outlined in this document will aid in the approach to energy strategems to meet our regional and national goals. These seven points are as follows:

1. The Southern Governors call on the President and Congress of the United States to cooperate with the Governors in the immediate development of a national energy policy, which would not only require all federal agencies to abide by that policy but would delegate authority for policy compliance to a single executive office. The Southern Governors submit that regardless of the problems surrounding identification of the facts concerning the energy crisis, the people of this nation and their leadership must agree on the nature and severity of that crisis. We reaffirm faith in our nation's willingness to work together through any necessary sacrifice to meet common threats to our welfare and security.

2. The Southern Governors state that all costs as well as benefits of government programs which impact on energy resources and their use be fully considered so that costs to society can be minimized in the near as well as the long term.

3. We support, as part of a national energy policy, a provision which would encourage the most efficient use of our energy resources in all possible circumstances. This may include the providing of incentives where applicable.

4. The Southern Governors declare that the allocation of energy resources based upon historical patterns of use must consider the effects of federal rules or standards which affect those patterns of use. It is unfair, for example, to force conversion from one source of energy to another within a state and then prevent its obtaining that second fuel because of no history of use. Further, the states should develop priorities of use within their jurisdictions and those should be used as the basis for allocation programs, either of a voluntary or mandatory nature.

5. The Southern Governors recognize that research and development in energy resources is beyond the resources of many states. Better technology appears to offer our only hope for meeting the long term energy crisis, mitigating environmental effects, and maintaining our strategic international posture. We support the President's initial commitment of $10 billion for energy research over the next five years and urge that sufficient funds be made available on a continuing basis until the major near and long term energy problems are solved. We strongly believe, however, that the states must have a voice in determining priorities for federally funded research and development in energy and that the mechanism for that purpose be formally established in the review process. During that process, the states can make known their concern over development of all energy sources, the evolvement of processes for better utilization of fossil fuels, including coal and oil shale, and the establishment of facilities such as superports for prompt distribution of these products.

Specific items needing attention include, but are by no means limited to, the following:

Near Term:

1. Exploration techniques.
2. Reserve recovery techniques.
3. Energy transmission techniques.
4. Oil shale conversion technology.
5. In place coal gasification.
6. Drilling technology.
7. Use of low grade waste heat.
8. Energy conservation techniques.
9. Building design and residential environmental controls.
10. Coal cleaning.
11. Streamlining of licensing for nuclear power plants.

Long Term:

1. Coal gasification and liquefaction.
2. Breeder technology.
3. Solar energy use.
4. Geothermal energy.
5. Controlled thermonuclear fusion.
6. Fuel cell technology.
7. Magneto-hydrodynamics.

6. It is the policy of the Southern Governors to set examples within state government in the wise use of energy resources which will, hopefully, be emulated by all citizens.

7. The Southern Governors finally affirm that it is their policy to disseminate credible and factual information on energy related matters through the focus of their high elective office to all citizens of their respective states.

Specific Action Goals

Together with the above policy, we offer the following specific recommendations to be carried out by state or federal agencies which can affect either the supply of or demand for energy. They represent elements of a comprehensive national program of partnership by the state and federal governments toward the achievement of compatible state, regional and national goals.

SUPPLY

1. The states agree on the need for immediate encouragement of exploration and production for oil and natural gas. Such encouragement should include associated research and development, including techniques for the in-place gasification of coal and methods for increasing the recovery rates of oil and natural gas.

2. We encourage the fostering of a better economic climate for investment aimed at increasing the supply of domestically produced fuels.

3. The Cost of Living Council and the Federal Power Commission should institute the phased deregulation of oil and natural gas prices, thereby encouraging efficiency of use and penalizing waste. We submit that the existing system is grossly inefficient and that deregulation would stimulate supply and bring demand closer into bounds.

4. We recommend that the President's Energy Policy Office evaluate the effect of economic incentives on increasing the exploration and production of oil and gas. For example, a cost-benefit analysis should be made on the effects of raising the oil depletion allowance and such should be examined in light of its impact on exploration and production.

5. We recommend the early construction of the Alaskan pipeline with private capital.

6. We concur in the President's decision to speed leasing on the Gulf Outer Continental Shelf and urge that the Department of Interior advance its schedule for leasing on the Atlantic Outer Continental Shelf, under appropriate environmental safeguards, after consultation with the affected states.

7. All regulations which constrain the extraction, development, transmission, and use of any fuel should be reexamined to determine whether or not they are reasonable and appropriate in light of their effect during a period of fuel shortage.

8. The states should meet all primary air quality standards as quickly as possible. In line with the President's recommendations, state implementation plans should be modified if necessary to delay meeting secondary sulphur standards and nitrous oxide emission standards should be derived at the federal level from new data. For example, with respect to the automobile, new EPA data indicate that a 90 percent reduction in NO_x emissions may not be necessary. The Southern States are anxious to meet all secondary standards, not just selected ones, but recognize that this cannot be achieved until we are provided with new fuels or a new technology for extraction and use of existing fuel reserves.

9. Wherever economically and environmentally feasible, the more plentiful fuels such as coal and residual oils should be used by major industry, including electric power generation. For accomplishment thereof, we advocate the investigation and evaluation of efficient bulk transmission facilities such as coal slurry pipelines and unit trains.

10. We recommend the study of alternative

ways of ensuring land availability for energy transmission systems within the states, including use of the power of eminent domain and advance reservation of rights of way.

11. We recommend and encourage timely development of necessary superport facilities. Congress should immediately act to ensure that all necessary steps for the accomplishment of this development are completed. We believe that any delay in these facilities is damaging to the nation's goals.

12. We recognize an immediate need for additional refining capacity, and submit that state policies should be established to encourage construction and expansion of refineries in those states where such policies would be internally consistent with other policies. We encourage as objectives of land use planning at the state level, the facilitating of power plant siting and refinery locations. We also encourage consistent and stable federal programs for solving the economic problems associated with investment in refineries.

13. We support steps at the state and federal level leading to the more expeditious siting and licensing of nuclear power plants.

14. Those fuels with a long history of wide use within a state for special purposes should not be subject to interruptable supplies or be discontinued until either a firm supply is assured from other sources or until alternative fuels as substitutes are available. We are referring to fuels such as kerosene which, although with a limited market, is a vital factor in the energy budget of states such as Virginia.

DEMAND

1. We would encourage the design of energy efficient state buildings and full consideration by state purchasing departments of energy efficient and cost effective purchases of equipment. Implicit in this recommendation is the urging of conservation measures upon all state agencies and their employees.

2. We recommend that states take the lead in encouraging voluntary programs for energy conservation encompassing industries, local governments, and all citizens of the state. Special mention should be given to the encouragement of better driving habits resulting in fuel economies as well as increased safety.

3. We recognize that it may be necessary to institute some mandatory programs which would result in a reduction of energy demand. We can suggest two programs which should be studied as possibly falling into this category. They are the development and implementation of energy conserving building codes and appliance labeling of a consistent nature providing the consumer with better information by which to choose his purchases.

4. We recommend greater development and wider use of public transportation systems, including mass transit as a means of conserving large quantities of fuel and of improving air quality.

5. Since energy shortages may give rise to energy emergencies affecting the health and welfare of a state's citizens and natural or man-made disasters may occur involving special energy needs, such potential energy emergencies should be considered by state emergency plans.

6. Since the problems of liquid petroleum gas are already causing special concern, it should be considered as a separate and distinct category in any allocation formula.

7. It is our belief that energy conservation is the most effective near term measure available to help relieve the present energy shortage.

EQUITABLE RELEASE OF IMPOUNDED FUNDS, INCLUDING HIGHWAY FUNDS

Whereas, the President of the United States has impounded monies appropriated by the Congress for many vital public programs; and

Whereas, several federal courts have held such purported impoundments unlawful and have issued mandatory injunctions ordering the release of various categories of impounded funds; and

Whereas, the Federal government has, in some instances, deliberately forgone its right to seek review of such federal court decisions, in order to limit the effect thereof to the particular parties, states, or areas involved, and to deny the benefit thereof to other similarly situated parties, states, or areas; and

Whereas, the Interstate Highway construction program is now nearing completion, but as the Federal Primary Highway System has not received sufficient emphasis and attention, in part because of the aforesaid practice of impoundments:

Now, therefore, be it resolved, that the Southern Governors' Conference strongly deplores the practice of denying full effect to final judgments of federal courts in impoundment cases; and

Be it further resolved, that the President of the United States, the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and other appropriate federal officers, are urged to abandon the aforesaid practice and, in each instance in which a final judgment of a court of competent jurisdiction has ordered the release of impounded funds, to give nationwide effect to such judgment, so that all parties, states, or areas will have the benefit of the law of the land as declared thereby; and

Be it further resolved, that the Federal Primary Highway System be given the same attention, emphasis, and commitment of resources as are now being given to the Interstate Highway Program; and

Be it further resolved, that copies of this resolution be furnished to the President of the United States, the other aforementioned federal officers, and each member of the Congress of the United States.

SOUTHERN GROWTH POLICIES BOARD

Whereas, the Southern Governors' Conference has long recognized the need for specialized regional planning, advisory and service organizations; and

Whereas, the Southern Governors' Conference has supported and sponsored the Southern Regional Education Board and the Southern Interstate Nuclear Board to meet certain needs; and

Whereas, the Southern Governors' Conference further recognizes the need for the development, conservation and utilization of human and natural resources in the South and a means of exploring cooperative social, cultural and economic planning and programming.

Now, therefore, be it resolved, that the Southern Governors' Conference endorses the need for and the purposes of the Southern Growth Policies Board and further pledges to provide direction and guidance to said Board for the purpose of developing a coordinated comprehensive planning and service effort for the South; and the Conference further requests the Southern Growth Policies Board to report to the annual meetings of the Southern Governors' Conference for explanation and review of current programs and activities in light of that stated purpose.

MINNESOTA DAILY EDITORIAL CALLS FOR PUBLIC FINANCING OF CAMPAIGNS

Mr. MONDALE. Mr. President, the Minnesota Daily—the University of Minnesota's excellent student newspaper—carried an editorial on October 2 calling for public financing of political campaigns.

The case for public financing is "overwhelmingly strong," the Daily editorial says, pointing out that "secret special interest contributors breed an all too cozy relationship with candidates."

This fine editorial is another indication of the growing support for public financing. I hope we can act swiftly on this vital reform.

I ask that the Minnesota Daily editorial be printed in the RECORD.

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

GIVE FOR GAIN

When the campaign contribution disclosure law took effect on April 7, 1972, it marked the first time in recent years that Congress has asserted itself concerning the proper conduct of political campaigns.

The disclosure law was swiftly passed on recent evidence—such as the ITT and milk lobby controversies—that secret special interest contributors breed an all too cozy relationship with candidates.

It is time for Congress to advance on that thesis by passing legislation that would allow the public to be the exclusive—or at least principle—financier of political campaigns.

Because of the staggering costs of major campaigns, the case for public financing is overwhelmingly strong.

In the 1972 presidential election the financial community donated the greatest single portion of President Nixon's record $60.2 million campaign fund, allegedly to win or repay favors. Even American ambassadors, some of whom are Nixon appointees, gave over $1 million, to his campaign.

To support the give-for-gain allegations against some contributors, the New York Times revealed yesterday that a former employe of reclusive billionaire Howard Hughes provided 14 sworn depositions that Hughes tried to gain political favor by tantalizing candidates with huge contributions.

Regionally, the political image of Minnesota Governor Wendell Anderson remains untainted, but he has rescinded a tough statement in his State of the State Message by refusing to reveal campaign sources. And in the Minneapolis mayoral race, only Republican Gladys Brooks has opened her books to the public.

These policies have prompted Senator Walter Mondale to declare that the "strongest possible case has been built" for public financing.

Even though some of Mondale's colleagues can't seem to reach an accord on the provisions of the numerous public financing bills now pending, his advocacy of such a bill enjoys bi-partisan support.

But until these congressional differences are rectified, the dangers of give-and-take relationships between candidates and contributors will hamper the democratic process.

MRS. FRANK BOYD, OF MANKATO, KANS.

Mr. DOLE. Mr. President, I learned yesterday with great personal sadness of the death, at age 96, of Mrs. Frank Boyd, of Mankato, Kans.

Mrs. Boyd was one of the most widely known and admired women in Kansas. She was a fixture of the State's newspaper business for many decades and was universally recognized as the first lady of Kansas journalism. A lifelong Republican and once a candidate for Governor, Mrs. Boyd maintained an active interest in politics long after leaving management of the family newspaper interests to her sons. As a matter of fact, she was one of the most enthusiastic and interested observers of the 1972 Republican National Convention in Miami Beach, where she won the affection of countless convention-goers with her cheerful personality and colorful recollections from the numerous earlier conventions she had attended.

She was known and revered by everyone in Mankato, Phillipsburg, and the other communities where she lived, raised her family, and was involved in the newspaper business. But she also had a wide circle of friends and acquaintances throughout Kansas. And over the years she probably came to know more people in the State's political and public life than any other single individual.

Born in Humboldt, Kans., in 1875, she was a witness to and reporter of virtually the whole life of her State. With her husband, the late Frank Boyd, and their two sons, Frank and McDill—Bus and Huck, as they became known—Mrs. Boyd was the center of Kansas' most widely known newspaper family.

She was Kansas Mother of the Year in 1965, but to all of us who knew, admired, and respected her, Mamie Boyd was one of the most outstanding and accomplished women in the entire history of Kansas and the Nation.

I ask unanimous consent that my statement as printed in the Extensions of Remarks on February 21, 1967, be printed at this point in the RECORD.

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

THE FIRST LADY OF KANSAS NEWSPAPERDOM

Extension of Remarks of Hon. Robert Dole of Kansas, in the House of Representatives, Tuesday, February 21, 1967.

Mr. DOLE. Mr. Speaker, Kansas has always ranked high among the States of this Union with respect to the number of prominent citizens it has contributed. We are especially proud of the outstanding women our State has produced. One whose talents and gracious ways continue to capture the hearts of all, Mrs. Mamie Boyd, of Mankato, Kans., can be found any day busily attending to the duties of her newspaper profession. A young 90 years of age, she can find no time to "take it easy."

In addition to her many accomplishments in the journalistic field, as told in the following editorial from the February 13 issue of the Topeka Daily Capitol, she has always found time to be in the forefront of political and benevolent activities and organizations, and to help promote the interests of her community and State at every opportunity.

In 1965 she was selected Kansas' "Mother of the Year" and later competed for the national honor in New York.

Yes, Kansas is proud of "Mother Mamie," and I am sure no one would deny us this pleasure. Mr. Speaker, I submit the article for all to enjoy:

"HONOR TO DOWAGER QUEEN

"It was to be expected that Mrs. Mamie Boyd of Mankato, bowing to the newspaper editor and one-time candidate for governor who cited her for journalistic merit at Lawrence recently, noted that his father, the late Clyde M. Reed Sr., editor, governor and U.S. Senator, was also one of her contemporaries.

"Fact is, commented the 90-year-old dowager of Kansas' best known newspaper family, she has grown up with Kansas which was only a teen-ager when they first met. The former Mamie Alexander, born near Humboldt and daughter of a newspaperman, married Frank W. Boyd in 1905, publisher of the Phillipsburg Review until his death in 1947.

"The Boyd men made it possible for her to qualify for the William Allen White Foundation citation, declared their mother and grandmother, since they stayed home and put out their newspapers while she was delegated to represent them at editorial conferences and public meetings. Her sons, McDill (Huck) Boyd of Phillipsburg, one time Republican candidate for governor, and Frank (Bus) Boyd of Mankato, former K-State basketball great, grinned at their mother's sallies. For Mamie Boyd has been an active newspaperwoman all her working days.

"She still writes for the Jewell County Record. She drives for own motorcar, although she confessed she confines her do-it-herself travels to Mankato and has for three years. And she still serves as the Boyd family's official delegate, as she did at Lawrence.

"On another occasion, Mrs. Boyd moved into the front row of an audience at Abilene when Dwight Eisenhower was to dedicate a part of the Eisenhower memorial. She knitted complacently as Secret Service operatives strung ropes behind which spectators were to sit to insure safety of the President.

"Mrs. Boyd was well beyond the line. No one expected her to move, not even the Secret Service. The ropes swerved precipitately outward for the sole purpose of accommodating the first lady of Kansas newspaperdom."

TRIBUTE TO GENERALS ALLEN MITCHELL BURDETT, JR. AND EDWIN I. DONLEY

Mr. ALLEN. Mr. President, during the past 5 years it has been my pleasure to meet and work with two especially fine Army generals who commanded major installations in Alabama: Maj. Gen. Edwin I. Donley, Commanding General of the U.S. Army Missile Command, Redstone Arsenal, Ala., and Maj. Gen. Allen Mitchell Burdett, Jr., Commanding General of the U.S. Army Avaition Center, Fort Rucker, Ala.

It is with mixed feelings that I learned of changed assignments for these friends. General Donley will retire from the Army on October 31, but happily he and Mrs. Donley will make their home in Huntsville, Ala.

General Burdett, who is now Lieutenant General Burdett, has been assigned as Commanding General, III Corps, Fort Hood, Tex.

General Donley graduated from the U.S. Naval Academy in 1940. In 1941 he entered the Army and continued with an honorable and distinguished 33-year career. He has spent about 7 years in various commanding positions at Redstone Arsenal, including those of Pershing Project Manager, Deputy Commander of Land Combat Systems, and Commanding General of the U. S. Army Missile Command.

He set exceptionally high standards for himself and for those who worked under him, and his command performed effectively and efficiently. He has been described as a man who looked the way a general should, and, he acted that way, too.

General Burdett was assigned to command Fort Rucker in September 1970, and served there for 3 years. During those years—which included the peak of our involvement in the Vietnam war—more than 20,000 Army aviators and 10,000 Army enlisted aviation specialists were graduated from the Fort Rucker operations. When the Army decided to consolidate all its aviation flight training at Fort Rucker, General Burdett had the responsibility for implementing the plan, which was carried out in a minimum amount of time, and with great efficiency.

Both General Donley and General Burdett had dual responsibilities—overseeing the performance of assignments given their commands and developing the finest possible cooperation between the military communities and their civilian neighbors. From personal experience, I assure the Senate that they were outstandingly successful in every possible way.

I believe that I speak for all Alabamians living in the environs of Redstone Arsenal and of Fort Rucker in expressing appreciation to Generals Donley and Burdett; in welcoming General and Mrs. Donley to a long and happy retirement as citizens of Alabama; and in congratulating General Burdett on his promotion and wishing him great success in his new command.

AFRICAN DEVELOPMENT BANK

Mr. JAVITS. Mr. President, during the August recess I attended and participated in the World Peace Through Law Conference held in Abidjan, Ivory Coast. I have already reported to the Senate on my activities in connection with this important conference. However, I undertook other work while on this trip, including a meeting on August 27, 1973, with President A. Labidi, of the African Development Bank. The headquarters of the Bank are located in Abidjan.

On August 3, 1973 I cosponsored with Senators HUMPHREY, MCGEE, MONDALE, KENNEDY, and BROOKE S. 2354, a bill which would authorize U.S. participation in the African Development Fund of the African Development Bank. This bill is a congressional initiative to make good on a commitment the United States made some years ago to the African Development Bank. Beginning in 1966, with encouragement from the United States, the African Development Bank began laying the groundwork for a special fund, the African Development Fund, which would involve non-African members. Although the United States originally proposed a fund of $150 million with a U.S. contribution of $60 million, spread over 3 years, this commitment was scaled down to the present pledge of $15 million, to be given over 3 years. Of the 16 developed countries pledging contributions to this fund, the United States is the only one that has not yet met its pledge.

Nor would the United States be the largest contributor. Our contribution would only match that of Canada, and would only be half as much as that given by Japan. This record of inaction by the United States has disturbed African leaders and diminished our credibility with the African Development Bank.

I discussed this matter with President Labidi, who expressed his disappointment with the record of the United

States to date, but continued to remain guardedly optimistic that the United States would fulfill its commitment. I assured him that I fully supported the pledge of the United States to the African Development Fund, and would undertake to press the matter on my return to the United States.

We also discussed U.S. proposals to make a direct loan to the Bank, which would be separate from and in addition to the U.S. subscription to the fund. The United States first offered a development loan to the Bank in 1966, but at that time the Bank preferred a U.S. contribution to the fund. In 1973 the idea of a development loan was taken up once again, and this time AID and the Bank agreed upon a $10 million loan on AID's most concessional terms. In June 1973, just prior to the signing of this loan agreement by President Labidi at the annual meeting of the Board of Governors of the Bank, the United States decided not to sign the loan agreement because last-minute consultation with Congress revealed that a number of questions remained. This created unnecessary confusion and embarrassment at the last possible moment.

I sympathized with President Labidi, but explained some of the congressional difficulties involved in such a loan. I stressed my belief in the value of the loan and my willingness to find a means to bring it to fruition.

In our further discussion we touched upon the activities of SIFIDA, the international finance company for development of Africa. The Bank sponsored the setting up of this international finance corporation, and I reiterated my support for and interest in these regional finance companies. We also discussed AID technical assistance to the Bank for surveys of projects. It is anticipated that AID will provide the Bank with a grant of roughly $1 million this year to continue its technical studies.

I found my discussion with President Labidi most useful and informative. I was able to provide him with some understanding of congressional considerations involved in these matters and assure him of my continued interest in and support for the African Development Bank.

However, I feel strongly that the United States cannot continue to avoid its international responsibilities toward international financial institutions. We have offered constant support and encouragement to this bank on the poorest of continents since its birth. The bank has performed admirably in raising funds from African countries and has now established itself as a stable development institution. Yet U.S. financial support has been minimal, and not yet forthcoming for our contribution to the fund and the development loan.

If we are serious in our intention to participate adequately in multilateral financial arrangements for promoting economic development, then we must begin immediately to fulfill our commitments to this bank and other development banks to whom our contributions are long overdue. Further, if we wish to promote good relations with African countries, we must keep at least this minimum pledge to promote their economic development and self-reliance.

I ask unanimous consent to print in the RECORD, Mr. President, a more detailed account of the operations of the African Development Bank and the role of the United States in its operations.

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

AFRICAN DEVELOPMENT BANK

HISTORY

The African Development Bank (AFDB) was created by an Agreement of 33 independent African countries. This Agreement, signed in Khartoum on April 8, 1963, was the expression of African solidarity in economic cooperation as a means of accelerating the process of African development. A distinctive feature of the Bank was the limitation of membership to independent states on the continent of Africa and the African islands. There are at present 36 African Member States. Self-help was and still is the motivating force behind the Bank. Its main purpose has been "to contribute to the economic and social progress of its members—individually and jointly". For that it was required to mobilize its own resources and those from inside and outside Africa to promote development.

STRUCTURE OF THE BANK

The Bank is governed by its Board of Governors which issues the general directives for the credit policy of the Bank. The Board is composed of one Governor nominated by each member country. The Bank is directed on a current basis by a Board of Directors, composed of nine resident directors. The Board of Directors elects the President of the Bank, who is also the Chairman of the Board. He is the Chief Executive of the Bank, and under the direction of the Board of Directors, conducts the current business of the Bank.

The African Development Bank is divided into three main Departments:

The Administrative Department is responsible for the smooth functioning of the general daily administration of the Bank.

The Finance Department is responsible for the general accounts of the Bank, its investments, revenues and disbursements. The Budget of the Bank and its Balance Sheet are drawn up by this Department.

The Operations Department, whose staff is composed of economists and engineers in different fields, is responsible for the identification of projects in member countries, their study and elaboration into bankable proposals, negotiations with the borrower and administration of the loans that are eventually approved by the Board of Directors. It is with this Department that A.I.D. presently works most closely on a day-to-day basis.

COLLABORATION WITHIN AFRICA

The Bank is, of course, anxious to promote collaboration among African countries themselves. This is in conformity with its Articles of Agreement which require it to foster, among other things, inter-Africa trade. The obstacles to such trade are formidable among the countries of Africa for there are not only administrative and national barriers to cross but lack of adequate transport facilities and the limited size of markets themselves tend to reduce trade flows and hinder the development of industry which needs adequate markets before it becomes viable.

In addition to specific regional studies the Bank has sponsored general studies covering the whole of Africa in an effort to draw up the economic map of the continent. In collaboration with the IBRD, ECA and UNDP a survey has been carried out of Africa-wide transport needs. A Survey of Minerals, for example, has been completed covering the proven minerals in the different member countries of the African Development Bank.

COLLABORATION WITH OTHER DONOR ORGANIZATIONS

In its effort to attract necessary assistance to Africa, the African Development Bank collaborates to a large extent with other multilateral and national aid donors. It has, for example, concluded an Agreement with the FAO whereby the latter furnishes an agreed number of man-months of agricultural expertise held by the Bank at the disposal of member countries. There is at the Bank an ADB/FAO desk which facilitates liaison with Rome Headquarters and makes the latter's facilities in agricutural knowledge and research available to the Bank. Similarly, close liaison is maintained with the I.B.R.D.—both its Washington headquarters and Abidjan field office—whose experience in the field of development is of course much wider and with whom the African Development Bank seeks to collaborate. The Bank also collaborates with the whole UN family, particularly UNIDO and with the Economic Commission for Africa, and of course, with the United States.

OPERATIONS OF THE BANK

A guiding principle for the loan activity of the Bank is that loans may only be made to finance projects which are economically sound and bankable, and which contribute to the development of one or more member countries. As a regional bank they are also interested in projects that are multi-national in character.

The African Development Bank may also grant a line of credit to a national development bank to finance the foreign exchange costs of an agreed number of that bank's projects. Examples of this are the line of credit $2 million granted to the East African Development Bank (a sub-regional bank) and the line of credit of $2 million granted to the Development Bank in Upper Volta.

The policy of the Bank vis-a-dis development banks goes beyond joint financing and lines of credit. On one occasion (that of Sierra Leone) the African Development Bank was instrumental in creating the Development Bank itself and took up a token participation in its equity capital. It has also furnished, as technical assistance, the services of its chief executive for the initial period.

RESOURCES OF THE BANK

The authorized capital of the Bank was fixed at 250 million Units of Account. The Unit of Account was defined in terms of fine gold as equivalent to the then parity of the U.S. dollars. Units of Account equalled US-$1.00 in 1968. Unit of Account value as of 8/1/73 is US$1.23. The paid-up capital was fixed at half the authorized capital, i.e., 125 million Units of Account. To date, the total funds called and constituting the ordinary capital resources of the Bank amounts to U.A. 116 million with Egypt being the primary delinquent member. During CY 1973 the Bank expects U.A. 12,269,753 to be paid in. In addition, the Bank has authority to augment its capital resources by borrowing from member countries or the international public and private market. Special resources may also be obtained to constitute "special funds". These are kept separately from capital resources on the books of the Bank and are governed by special rules and regulations.

The African Development Bank at present loans on conventional hard terms of 6–8½, 10–20 years. As of June 1, 1973, the Bank has committed approximately U.A. 85,000,000 for 50 loans for different projects in 29 African countries and organizations, leaving about U.A. 43,000,000 of paid-in capital available by the end of this year. The Bank estimates it will commit all remaining funds within the next 12–18 months.

AFDB's eight-year period of growth (1964–1972) has resulted in the development of a viable institution. AFDB's staff has the expertise to generate a substantial number of economically sound projects. Overhead, which is presently 70% of total income, is high. As previously authorized loans of this basically young institution start to disburse and debt service payments start to come in, income will rise and the overhead rate should therefore decline to an estimated 50% by 1976.

AFDB's growth momentum is impressive and its prospects for the future are good. This momentum needs to be maintained, but it requires more capital. Given the generally poor economic and financial condition of the Bank's member states, it would be difficult to significantly increase the capital quotas of African members or to step up the rate at which capital is being paid in. AFDB must, therefore, go outside Africa to raise additional capital.

U.S. GOVERNMENT RELATIONSHIP TO THE AFDB

Since its inception, support for the AFDB has been one cornerstone of U.S. foreign and development policy in Africa. Indeed, AFDB's and AID's policies of encouraging regional development programs, stimulating inter-African cooperation and promoting self-help efforts are completely harmonious. AID has supported AFDB's development into a viable financial institution controlled by Africans and responsive to African development needs. Part of the reason for AFDB's good record is the fact that the United States has provided the Bank with technical assistance to support its efforts to effectively manage its development loan program and grant funds to initiate studies for future loans.

Actual and potential U.S. support for the African Development Bank presently falls into 3 areas:

The AID Technical Assistance Grant to the Bank

U.S. Contribution to the African Development Fund

THE AID TECHNICAL ASSISTANCE GRANT

On June 27, 1968, pursuant to Sections 206 and 211 of the Foreign Assistance Act of 1961, as amended, AID signed an agreement with the African Development Bank to provide grant funds to enable the Bank to finance:

U.S. technical assistance to increase the Bank's competence to carry out its functions,

Arrangements with U.S. firms for economic feasibility and other studies, and

Contracts with U.S. firms for preparation of final design, cost estimates, construction plans, specifications and tender documents with respect to specific projects for which feasibility studies have already been made.

The AID agreement provides that the studies funded from the grant could be in areas such as power, water resources development, telecommunications, transportation, agriculture, and economic integration and, for general activities which contribute to the economic development and social progress of Bank members—individually and jointly.

The Grant Agreement has been amended seven times since 1968 to modify the scope of the Agreement and to add funds. A total of $3,785,000 has so far been made available. The Bank has requested an FY 1974 replenishment of $1,500,000–$1,750,000. After consultation with Washington it appears that A.I.D. plans to provide the Bank with a grant of approximately $1,000,000 this fiscal year.

U.S. CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

In an endeavor to increase its resources,
Direct AID Loan to the Bank
particularly of more concessional type funds, the Bank worked for a number of years to establish a new African Development Fund within the Bank. This Fund was finally created on November 29, 1972, when 16 industrialized, capital exporting countries met in Abidjan to pledge support for the creation of the new Fund. $92,000,000 was pledged at that time, and the Bank at its July meeting in Lusaka formally approved the By-Laws, policies and rules of procedure for the new Fund.

The African Development Fund, like IDA in the World Bank Group, will make concessional, low interest loans primarily to the poorest member countries of the AFDB. While the Fund is an entity juridicially separate and distinct from the AFDB, the President of the AFDB will be ex-officio President of the Fund and the two organizations will share the same operational staff.

Although the United States has been a consistent supporter of the African Development Bank as an important regional organization, and had been one of the very first advocates for the creation of a Special Fund permitting non-African industrially developed nations to support the Bank's activities, and although amounts for U.S. support had been discussed as high as $60,000,000 on a matching basis, no funds have yet been included in the President's Budget to permit the United States to become a member of the Special African Development Fund, although $100,000,000 has already been subcribed by African nations. In view of the publicly stated views by AID and the State Department in favor of the Bank and of the African Development Fund, Africans and very specifically President Labidi were very disappointed and personally disturbed by the U.S. standing aside at the November pledging meeting and taking no other apparent positive action in this area up to now. Our credibility with the Bank and our role in Africa have been shaken by our position on the Special Fund.

DIRECT AID LOAN TO THE BANK

Much work has recently taken place within the Executive Branch, particularly within AID, to provide a direct loan to the African Development Bank. This loan would be separate from and in addition to, a contribution to the Special African Development Fund. While this loan would come out of Foreign Aid appropriations, funds for the Special Contribution would, of course, come from funds appropriated to the Treasury Department.

AID procedures required the preparation of an Intensive Review Request for a loan to be proposed by the field and approved by AID in Washington, followed by a more detailed Capital Assistance Paper for Washington's detailed review and approval. These first steps for a $10,000,000 direct loan to the Bank were successfully completed in May 1973—last fiscal year. During the month of June, intensive negotiations were entered into between AID and the Bank and a Loan Agreement approved by AID and the Bank was ready for signature the last week in June.

AID and the Bank had agreed on a $10,000,000 loan on AID's most concessional terms to the Bank's regular operating fund permitting the Bank to re-loan to member states on its regular terms. The AID loan was designed to expand the Bank's resources through the direct provision of new capital and through the longer term benefits of reflow earnings. AID planned to make the loan flexible enough to be implemented by the AFDB in almost the same manner as regular Bank capital Thus, it could be used either to finance a project or as a "line of credit". Under the latter approach the funds would have been available to finance equipment and services under any AFDB subloan and could be drawn on whenever U.S. goods or services are required for any approved project. Use of A.I.D. funds would require AID approval in each instance in order to assure that the funds would only go to countries which would normally be eligible for A.I.D. assistance.

The approved Loan Agreement was carried to Luska to be signed there by President Labidi in the presence of the Bank's Board of Governors which, together with a $5,000,000 loan from the Canadian Government, was to have been the first loan of its kind. It was to be a feather-in-the-cap for President Labidi, and the United States would have been in a position to affirm U.S. support for Africa and the Bank.

However, on June 27, after last-minute consultation indicated some continuing unanswered Congressional questions, the U.S. delegation was instructed not to sign the loan. It is still the U.S. intention, following further consultation with the Congress, to make this loan but there are no instructions at the present time to do so.

UNFAIR FREIGHT RATES FOR RECYCLED MATERIALS

Mr. MOSS. Mr. President, for a number of years I have been battling governmental policies that discriminate against recycled materials. Recently, a very interesting article appeared in Environmental Action, September 29, 1973, "Which Weighs More—a Ton of Gravel or a Ton of Radios?"

Recently the Interstate Commerce Commission received a request from the railroads asking for a 3- to 5-percent increase in the rates charged many recyclable commodities. As a result of that request, I wrote Chairman Stafford of the ICC requesting that this petition be denied.

For all who are interested in the continuing effort to overturn discriminatory freight rate policies on recyclable commodities, the article by James Conroy will be interesting reading. 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:

[From the Environmental Action, Sept. 29, 1973]

WHICH WEIGHS MORE—A TON OF GRAVEL OR A TON OF RADIOS?

(By James Conroy)

We have all heard it said that if 100 chimpanzees were set before 100 typewriters and allowed to peck away at random, one of them would eventually produce the complete works of William Shakespeare. It has occurred to some that a product of lesser merit would surely appear more readily than the collected wisdom of the Bard or Avon. One can't help but wonder whether, hidden in the dark recesses of the Interstate Commerce Commission (ICC), the federal government has employed a regiment of similar typists, doggedly pounding out that agency's regulations for surface freight transportation. The results could hardly be more devoid of human reason that the ICC's current regulatory practices.

Supposedly, those regulations protect the public from the evils of monopoly, and expedite the efficient movement of freight by rail, truck, barge and pipeline. In fact, they are a study in inefficiency and a veritable microcosm of this country's ecological aberrations.

While allowing free competition between the various types of surface freight haulers (trucks vs. railroads vs. barges vs. pipelines), the ICC prohibits competition within these modes, dictating instead that all haulers within each mode get together in "rate bureaus" to set prices collusively. Whenever possible then, truckers collude and price against railroads, while the latter return the favor if the opportunity presents itself. The same cutthroat approach is taken by owners of pipelines and barges. The commercial donnybrook resulting from this indelicate system of economics produces casualties not only among rival freight haulers but among merchants, consumers and the quality of the environment as well.

One of the many economic factors ignored by the ICC is the fact that each mode of transportation enjoys inherent cost advantages for different items of carriage in different situations. Pipelines are the most efficient carriers of certain liquids and gasses between fixed points, railroads and barges are most efficient for the long-distance hauling of bulk commodities, and trucks are best suited to the shipment of smaller, high value merchandise over short distances, especially where freeways are available. But in order to undercut the railroads and drive them out of competition, truckers can legally conspire to set rates below those of the railroads for long haul bulk shipments, taking a deliberate loss in the process. The trucking companies can then recoup that loss by charging excessive rates where they have monopoly power—the short haul movement of high value commodities. When that strategy is implemented successfully, environmental costs are incurred in the idleness of energy-efficient, low-polluting freight trains while trucks run thousands of extra miles, merrily wasting fuel and polluting the air all the way. The financial cost of inefficiency is passed right along to you know who.

If, as in most other sectors of the economy, price-fixing were disallowed in the freight shipment business, rates would naturally gravitate toward cost and shippers would selectively transport their goods by means of the most efficient carrier.

Railroad owners are no more reluctant than truckers to capitalize on the powers of price-fixing. In areas where truckers are, for various reasons, unwilling or unable to undercut the railroads, the latter can take advantage of their monopoly power over the movement of bulk commodities by charging outrageously high rates. Where there is no competition from barges—a mode of transportation similarly suited to the shipment of bulk goods—railroads will charge up to five times as much as when barge traffic is available. As a result, industries are artificially stimulated to locate their plants near water routes served by barges—and we all know what happens to water quality when factories usurp the river banks, lake shores and sea coasts.

But the industrial exploitation of existing water routes is not the only aquatic disruption for which the ICC can claim credit. In an inland area, inaccessible to navigable rivers, industries gouged by the railroads are often forced out of desperation to promote the construction of canals, dams and other environmentally defiling water projects. Tremendous pressure can be brought to bear on local congressmen to champion the federally subsidized construction of canals for which there is no real need. Moreover, when an environmental impact statement is commissioned by the Army Corps of Engineers to access the cost-benefit ratios of such a project, the economic benefits accruing to local business may well be seen as ample justification for the intrusion of an environmentally degrading canal.

The ICC's disruptive repertoire is not limited to the pollution of air and water, the depletion of precious fossil fuels and the undermining of efficient transportation. Careful to touch all bases, the Commission has contributed mightily to another problem, the generic term for which might well describe the general nature of the ICC's regulatory policies—solid waste.

One natural result of the thoroughly unhealthy practice of price-fixing is an economic phenomenon known as "value of service" rate discrimination. In the absence of competition, carriers will not charge a price based merely on the cost of shipment and a fair percentage of profit but whatever the rate bureau feels it can get from the customer, a figure derived largely from the value of the goods to be shipped.

In other words, Ace Trucking Company (the mythical carrier introduced last issue on its roundabout way from Boston to Albany, loaded half full of football helmets) may contract one of its vehicles to carry a load of gravel from point A to point B while an identical Ace truck carries transistor radios along the same route. Although the cost of transport may be roughly the same for both runs, the radio shipper will pay a price many times greater than the gravel client. The feeble justification for this practice lies in the higher value of the radios. The resulting cost to consumers is an obvious one. The cost to the environment becomes apparent only upon closer inspection.

Since recyclable scrap metal is far more valuable than raw, virgin ore, haulers will charge industry a substantially higher price for the shipment of scrap metal. Hence, although most industries would prefer to use recycled materials which require less time and energy for conversion into finished products, the cost of shipping scrap as opposed to virgin ore cancels out any natural economic advantage inherent in recycling. (If your local recycling center has closed down or is refusing to accept certain materials, you can probably thank the ICC for the situation.)

Moreover, since carriers also charge more for the shipment of high-value finished products than they do for the transportation of raw materials of lesser value, industries are artificially motivated to locate their plants closer to the point of product distribution than to the source of raw materials. The natural result: increased pollution and congestion in already overtaxed urban areas.

Periodically, the ICC reviews maximum allowable rates for the shipment of all commodities. Each time such a review has been taken in recent years, the cost differential of scrap metal vis-a-vis iron ore has increased to the benefit of virgin ore. Recently, a group of students from George Washington University formed a committee called SCRAP (Students Challenging Regulatory Agency Procedures) and brought suit against the ICC for allowing discrimination against scrap materials. Although the court ruled against the petitioners, that decision is now being appealed.

Anyone who has waited in a rundown railroad station for a long-delayed passenger train and then endured an uncomfortable ride in a dirty, poorly heated, 50-year-old parlor car owes a letter of protest to—you guessed it—the Interstate Commerce Commission. Yes, the declining efficiency of railroad passenger service is another accomplishment for which the ICC can claim at least partial credit.

The origin of that decline lies, once again, in the official sanctioning of monopoly pricing within the various modes of surface transportation. While railroads often enjoy monopoly powers in certain sectors of the freight-hauling market, they hold no such advantage in the transportation of passengers. Faced with competition from airlines, busses and private automobiles, railroads are naturally inclined to commit most of their resources to the shipment of freight, deliberately de-emphasizing the passenger market.

If railroads were forced to compete with one another in the shipment of freight, profit margins derived from that activity would be significantly reduced, thereby encouraging the focusing of attention on the efficient movement of passengers. With luck, we might then be fortunate enough to restore passenger service to the heights of efficiency and comfort enjoyed in the 1920s.

If federal agencies were ranked according to their individual responsibility for the degradation of this country's environment, the Interstate Commerce Commission would be right up there with the Department of the Interior and the Army Corps of Engineers. Outraged by that odious record, environmentalists and consumer advocates, in conjunction with injured economic interests, have launched a vigorous and wide-ranging attack on the ICC's wasteful and counterproductive regulations. Recently, 43 truckers filed a petition with the ICC calling for the elimination of regulatory practices which necessitate unjustified trucking mileage. Environmental Action supported that petition. Testifying in support of the Regulatory Modernization Act, groups ranging from General Foods to the Forest Industries Council to the American Retail Federation have joined with the Consumer Federation of America and 28 economists to end carrier price fixing. The Institute of Scrap Iron and Steel has intervened on behalf of SCRAP in that group's appeal to end rate discrimination against recyclable materials.

The ICC sees itself as a protector of the public interest, serving that interest through the maintenance of a "stable" transportation industry. One can accept a definition of stability as the protection of established freight-hauling interests, an operative assumption which characterizes the ICC as a relic of the past which no longer serves the interests of the public but of an industry still locked into the economic realities of the 1930s. Until quite recently, the bureaucrats of the ICC have been remarkably successful in fooling some people, perhaps even themselves, into believing that the blind preservation of the status quo will best serve the interests of this nation's economy, its land and its populace. But an effort to fool all of the people all of the time is one that cannot succeed for long.

ENERGY CONSERVATION IN CONSTRUCTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Saving Energy by Design," printed in the Washington Post on October 6, 1973.

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

SAVING ENERGY BY DESIGN

(By Jane Stein)

A utilities official sits in an office, the late afternoon sun beaming through the glass wall and flooding his desk with light. Electric bulbs burn overhead and cool air whispers from a metal duct as the executive worries about fuel shortages, brownouts and the energy crisis. It might be better to contemplate the state of American architecture.

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

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

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

Never more than one-quarter of the cave's inner surfaces are lit in summer; only one-quarter remains shadowed through the winter day.

"Buildings today can be organized in much the same way, generating their form from the way the sun moves," says Ralph Knowles, professor of architecture and urban design at the University of Southern California.

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

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

"From the very outset of the architectural process energy is used wastefully," says Richard Stein, a New York architect and a leading advocate of energy conservation. "Our basic structural sciences are in reality based more on practical experience than on a scientific analysis of how materials should be used."

For example, according to the National Building Code, the concrete beams for the standard classroom are designed to carry three times as much weight as they are likely to need for normal use. While a safety factor of three might not seem excessive, Stein points out that design computations use a value for the strength of concrete only about one-third of its actual strength, so that there really is a safety factor of at least nine.

There are additional safety margins: concrete gains strength for years after hardening. In cement production alone, modified design standards could result in energy savings of about 20 million kilowatt-hours a year—enough to provide the electric power for 3 million families for a year.

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

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

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

What is true for an office or apartment building is true for a home. A Rand Corp. study says that better insulation in new housing would cut heating and cooling requirements by 40 to 50 per cent. Extra construction costs, the report continues, could be recaptured in four to seven years through reduced fuel and utility bills.

Over the last two years the Federal Housing Authority revised its insulation standards for single and multifamily housing units, with the stated objective of reducing air pollution and fuel consumption. The FHA standards are merely guidelines to assist appraisers in determining the salable value of a housing unit. Since they are used by appraisers of conventional loan organizations as well as the FHA, they do exert considerable influence on the residential construction industry.

In addition to energy-rich materials and poor insulation, air conditioning and ventilation are extremely important components of wastefulness-through-design. The President's Office of Emergency Preparedness has estimated that, by making fairly simple and obvious changes in the design 11 per cent of the forecasted energy use in 1980 could be saved.

Take air conditioning. Richard Stein claims that an average office building is occupied 3,100 hours annually with 500 hours in the temperature range where untreated outdoor air could be used. Simply opening the windows would bring about a 19 per cent reduction in the use of energy for handling air—but how many office buildings have windows that can be opened?

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

Consider the high-rise office buildings twinkling through the night with an array of lights for the cleaning personnel and handful of late-working executives. Selective lighting—lighting up only those rooms or parts of rooms in which someone is at work—would make a less striking skyline but it would save considerably on lighting. Separate switches could be installed so that lights around the perimeters of glass-walled buildings could be used only when natural light is insufficient.

Other electrical savings include lower-voltage lighting in less occupied areas—hallways, storage areas—or more use of fluorescent lighting, which uses one-quarter as much as ordinary filament bulbs. The overall average lighting levels, many building specialists feel, could be cut in half.

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

While developing a new building system for school construction in California, architect Ezra Ehrenkrantz sought to develop, among other requirements, low brightness lighting. Each bidder was required to state the wattage required to perform the job. Bids ranged from 3.3 watts to 6.3 watts per square foot of space to meet the same performance specification. (The system using the least energy, as it turned out, was also the lowest cost.)

Ehrenkrantz tallied up some numbers and figured out that a saving in energy for the average California high school of one watt per square foot was equivalent to a teacher's annual salary.

"The public," he says "is not aware of how many teachers are burned up annually with the flick of a switch."

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

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

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

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

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

The federal government, seeking to break down the first-cost mentality, plans to use life-cost accounting on federal and federally assisted buildings. It is hardly a bandwagon, but interest is catching on. Owens-Corning Fiberglas Corp. has an energy conservation award competition for architects and engineers.

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

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

THE NATURE OF THE NATIONAL DIALOG

Mr. PELL. Mr. President, détente with the Soviet Union has been previously challenged on the grounds that it is at the expense of human rights.

Now a much more serious challenge has arisen to test the real validity of this détente. Key to a genuine relaxation of tensions between the United States and the Soviet Union is mutual adherence to the basic principles agreed to at the Moscow Summit Meeting in the spring of 1972, including a pledge by both countries to avoid action which would contribute to the aggravation of international tensions. Certainly, Soviet incitement of more Arab countries to join the attack on Israel would have this effect. And certainly, massive shipments of Soviet arms to support Arab prosecution of the war against Israel has this effect. In this regard, we should bear in mind Secretary Kissinger's warning in his Pacem in Terris speech that, "Détente cannot survive irresponsibility in any area, including the Middle East."

The speech is indeed such a thoughtful analysis of the great international issues confronting the world today that I ask unanimous consent to have the speech printed in the RECORD.

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

SPEECH OF THE HONORABLE HENRY A. KISSINGER, SECRETARY OF STATE

THE NATURE OF THE NATIONAL DIALOG

This is an important anniversary. A year ago today—on October 8—came the breakthrough in the Paris negotiations which led soon afterward to the end of American military involvement in Viet-Nam. It is strangely difficult now to recapture the emotion of that moment of hope and uncertainty when suddenly years of suffering and division were giving way to new possibilities for reconciliation.

We meet, too, at a time when renewed conflict in the Middle East reminds us that international stability is always precarious and never to be taken for granted Pacem in Terris remains regrettably elusive. However well we contain this crisis as we have contained others, we must still ask ourselves what we seek beyond the management of conflict.

The need for a dialogue about national purposes has never been more urgent and no assembly is better suited for such a discussion than those gathered here tonight.

Dramatic changes in recent years have transformed America's position and role in the world:

For most of the postwar period America enjoyed predominance in physical resources and political power. Now like most other nations in history, we find that our most difficult task is how to apply limited means to the accomplishment of carefully defined ends. We can no longer overwhelm our problems; we must master them with imagination, understanding and patience.

For a generation our preoccupation was to prevent the Cold War from degenerating into a hot war. Today, when the danger of global conflict has diminished, we face the more profound problem of defining what we mean by peace and determining the ultimate purpose of improved international relations.

For two decades the solidarity of our alliances seemed as constant as the threats to our security. Now our allies have regained strength and self-confidence, and relations with adversaries have improved. All this has given rise to uncertainties over the sharing of burdens with friends and the impact of reduced tensions on the cohesion of alliances.

Thus even as we have mastered the art of containing crises, our concern with the nature of a more permanent international order has grown. Questions once obscured by more insistent needs now demand our attention: What is true national interest? To what end stability? What is the relationship of peace to justice?

It is characteristic of periods of upheaval that to those who live through them, they appear as a series of haphazard events. Symptoms obscure basic issues and historical trends. The urgent tends to dominate the important. Too often goals are presented as abstract utopias, safe-havens from pressing events.

But a debate to be fruitful must define what can reasonably be asked of foreign policy and at what pace progress can be achieved. Otherwise it turns into competing catalogues of the desirable rather than informed comparisons of the possible. Dialogue degenerates into tactical skirmishing

The current public discussion reflects some interesting and significant shifts in perspective:

A foreign policy once considered excessively moralistic is now looked upon by some as excessively pragmatic.

The Government was criticized in 1969 for holding back East-West trade with certain countries until there was progress in their foreign policies. Now we are criticized for not holding back East-West trade until there are changes in those same countries' domestic policies.

The Administration's foreign policy once decried as too cold-war oriented is now attacked as too insensitive to the profound moral antagonism between Communism and freedom.

One consequence of this intellectual shift is a gap between conception and performance on some major issues of policy:

The desirability of peace and détente is affirmed but both the inducements to progress and the penalties to confrontation are restricted by legislation.

Expressions of concern for human values in other countries are coupled with failure to support the very programs designed to help developing areas improve their economic and social conditions.

The declared objective of maintaining a responsible American international role clashes with nationalistic pressures in trade and monetary negotiations and with calls for unilateral withdrawal from alliance obligations.

It is clear that we face genuine moral dilemmas and important policy choices. But it is also clear that we need to define the framework of our dialogue more perceptively and understandingly.

THE COMPETING ELEMENTS OF FOREIGN POLICY

Foreign policy must begin with the understanding that it involves relationships between sovereign countries. Sovereignty has been defined as a will uncontrolled by others; that is what gives foreign policy its contingent and ever incomplete character.

For disagreements among sovereign states can be settled only by negotiation or by power, by compromise or by imposition. Which of these methods prevails depends on the values, the strengths and the domestic systems of the countries involved. A nation's values define what is just; its strength determines what is possible; its domestic structure decides what policies can in fact be implemented and sustained.

Thus foreign policy involves two partially conflicting endeavors: defining the interests, purposes and values of a society and relating them to the interests, purposes and values of others.

The policy maker, therefore, must strike a balance between what is desirable and what is possible. Progress will always be measured in partial steps and in the relative satisfaction of alternative goals. Tension is unavoidable between values, which are invariably cast in maximum terms, and efforts to promote them, which of necessity involve compromise. Foreign policy is explained domestically in terms of justice. But what is defined as justice at home becomes the subject of negotiation abroad. It is thus no accident that many nations, including our own, view the international arena as a forum in which virtue is thwarted by the clever practice of foreigners.

In a community of sovereign states, the quest for peace involves a paradox: the attempt to impose absolute justice by one side will be seen as absolute injustice by all others; the quest for total security for some turns into total insecurity for the remainder. Stability depends on the relative satisfaction and therefore also the relative dissatisfaction of the various states. The pursuit of peace must therefore begin with the pragmatic concept of coexistence—especially in a period of ideological conflict.

We must, of course, avoid becoming obsessed with stability. An excessively pragmatic policy will be empty of vision and humanity. It will lack not only direction, but also roots and heart. General de Gaulle wrote in his memoirs that "France cannot be France without greatness." By the same token America cannot be true to itself without moral purpose. This country has always had a sense of mission. Americans have always held the view that America stood for something above and beyond its material achievements. A purely pragmatic policy provides no criteria for other nations to assess our performance and no standards to which the American people can rally.

But when policy becomes excessively moralistic it may turn quixotic or dangerous. A presumed monopoly on truth obstructs negotiation and accommodation. Good results may be given up in the quest for ever elusive ideal solutions. Policy may fall prey to ineffectual posturing or adventuristic crusades.

The prerequisite for a fruitful national debate is that the policy makers and critics appreciate each other's perspectives and respect each other's purposes. The policy maker must understand that the critic is obliged to stress imperfections in order to challenge assumptions and to goad actions. But equally the critic should acknowledge the complexity and inherent ambiguity of the policy maker's choices. The policy maker must be concerned with the best that can be achieved, not just the best that can be imagined. He has to act in a fog of incomplete knowledge without the information that will be available later to the analyst. He knows—or should know—that he is responsible for the consequences of disaster as well as for the benefits of success. He may have to qualify some goals not because they would be undesirable if reached, but because the risks of failure outweigh potential gains. He must often settle for the gradual, much as he might prefer the immediate. He must compromise with others, and this means to some extent compromising with himself.

The outsider demonstrates his morality by the precision of his perceptions and the loftiness of his ideals. The policy maker expresses his morality by implementing a sequence of imperfections and partial solutions in pursuit of *his* ideals.

There must be understanding, as well, of the crucial importance of timing. Opportunities cannot be hoarded; once past, they are usually irretrievable. New relationships in a fluid transitional period—such as today—are delicate and vulnerable; they must be nurtured if they are to thrive. We cannot pull up young shoots periodically to see whether the roots are still there or whether there is some marginally better location for them.

We are now at such a time of tenuous beginnings. Western Europe and Japan have joined us in an effort to reinvigorate our relationships. The Soviet Union has begun to practice foreign policy—at least partially—as a relationship between states rather than as international civil war. The People's Republic of China has emerged from two decades of isolation. The developing countries are impatient for economic and social change. A new dimension of unprecedented challenges—in food, oceans, energy, environment—demands global cooperation.

We are at one of those rare moments where through a combination of fortuitous circumstances and design man seems in a position to shape his future. What we need is the confidence to discuss issues without bitter strife, the wisdom to define together the nature of our world as well as the vision to chart together a more just future.

DÉTENTE WITH THE SOVIET UNION

Nothing demonstrates this need more urgently than our relationship with the Soviet Union.

This Administration has never had any illusions about the Soviet system. We have always insisted that progress in technical fields, such as trade, had to follow—and reflect—progress toward more stable international relations. We have maintained a strong military balance and a flexible defense posture as a buttress to stability. We have insisted that disarmament had to be mutual. We have judged movement in our relations with the Soviet Union, not by atmospherics, but by how well concrete problems are resolved and by whether there is responsible international conduct.

Coexistence to us continues to have a very precise meaning:

We will oppose the attempt by any country to achieve a position of predominance either globally or regionally.

We will resist any attempt to exploit a policy of detente to weaken our alliances.

We will react if relaxation of tensions is used as a cover to exacerbate conflicts in international trouble spots.

The Soviet Union cannot disregard these principles in any area of the world without imperiling its entire relationship with the United States.

On this basis we have succeeded in transforming U.S.-Soviet relations in many important ways. Our two countries have concluded an historic accord to limit strategic arms. We have substantially reduced the risk of direct U.S.-Soviet confrontation in crisis areas. The problem of Berlin has been resolved by negotiation. We and our allies have engaged the Soviet Union in negotiations on major issues of European security including a reduction of military forces in Central Europe. We have reached a series of bilateral agreements on cooperation—health, environment, space, science and technology, as well as trade. These accords are designed to create a vested interest in cooperation and restraint.

Until recently the goals of detente were not an issue. The necessity of shifting from confrontation toward negotiation seemed so overwhelming that goals beyond the settlement of international disputes were never raised. But now progress has been made—and already taken for granted. We are engaged in an intense debate on whether we should make changes in Soviet society a precondition for further progress—or indeed for following through on commitments already made. The cutting edge of this problem is the Congressional effort to condition most-favored-nation trade status for other countries on changes in their domestic systems.

This is a genuine moral dilemma. There are genuine moral concerns—on both sides of the argument. So let us not address this as a debate between those who are morally sensitive and those who are not, between those who care for justice and those who are oblivious to humane values. The attitude of the American people and government has been made emphatically clear on countless occasions, in ways that have produced effective results. The exit tax on emigration is not being collected and we have received assurances that it will not be reapplied; hardship cases submitted to the Soviet Government are being given specific attention; the rate of Jewish emigration has been in the tens of thousands where it was once a trickle. We will continue our vigorous efforts on these matters.

But the real debate goes far beyond this: Should we now tie demands which were never raised during negotiations to agreements that have already been concluded? Should we require as a formal condition internal changes that we theretofore sought to foster in an evolutionary manner?

Let us remember what the MFN question specifically involves. The very term "most favored nation" is misleading in its implication of preferential treatment. What we are talking about is whether to allow *normal* economic relations to develop—of the kind we now have with over 100 other countries and which the Soviet Union enjoyed until 1951. The issue is whether to abolish discriminatory trade restrictions that were imposed at the height of the Cold War. Indeed, at that time the Soviet Government discouraged commerce because it feared the domestic impact of normal trading relations with the West on its society.

The demand that Moscow modify its domestic policy as a procondition for MFN or detente was never made while we were negotiating; now it is inserted after both sides have carefully shaped an overall mosaic. Thus it raises questions about our entire bilateral relationship.

Finally the issue effects not only our relationship with the Soviet Union, but also with many other countries whose internal structures we find incompatible with our own. Conditions imposed on one country could inhibit expanding relations with others, such as the People's Republic of China.

We shall never condone the suppression of fundamental liberties. We shall urge humane principles and use our influence to promote justice. But the issue comes down to the limits of such efforts. How hard can we press without provoking the Soviet leadership into returning to practices in its foreign policy that increase international tensions? Are we ready to face the crises and increased defense budgets that a return to Cold War conditions would spawn? And will this encourage full emigration or enhance the well-being or nourish the hope for liberty of the peoples of Eastern Europe and the Soviet Union? Is it détente that has prompted repression—or is it détente that has generated the ferment and the demand for openness which we are now witnessing?

For half a century we have objected to communist efforts to alter the domestic structures of other countries. For a generation of Cold War we sought to ease the risks produced by competing ideologies. Are we now to come full circle and *insist* on domestic compatibility as a condition of progress?

These questions have no easy answers. The government may under-estimate the margin of concessions available to us. But a fair debate must admit that they *are* genuine questions, the answers to which could affect the fate of all of us.

Our policy with respect to détente is clear: We shall resist aggressive foreign policies. Détente cannot survive irresponsibility in any area, including the Middle East. As for the internal policies of closed systems the United States will never forget that the antagonism between freedom and its enemies is part of the reality of the modern age. We are not neutral in that struggle. As long as we remain powerful we will use our influence to promote freedom, as we always have. But in the nuclear age we are obliged to recognize that the issue of war and peace also involves human lives and that the attainment of peace is a profound moral concern.

THE WORLD AS IT IS AND THE WORLD WE SEEK

Addressing the United Nations General Assembly two weeks ago, I described our goal as a world where power blocs and balances are no longer relevant; where justice, not stability, can be our overriding preoccupation; where countries consider cooperation in the world interest to be in their national interest.

But we cannot move toward the world of the future without first maintaining peace in the world as it is. These very days we are vividly reminded that this requires vigilance and a continuing commitment.

So our journey must start from where we are now. This is a time of lessened tension, of greater equilibrium, of diffused power. But if the world is better than our earlier fears, it still falls far short of our hopes. To deal with the present does not mean that we are content with it.

The most striking feature of the contemporary period—the feature that gives complexity as well as hope—is the radical transformation in the nature of power. Throughout history power has generally been homogeneous. Military, economic and political potential were closely related. To be powerful a nation had to be strong in all categories. Today the vocabulary of strength is more complex. Military muscle does not guarantee political influence. Economic giants can be militarily weak, and military strength may not be able to obscure economic weakness. Countries can exert political influence even when they have neither military nor economic strength.

It is wrong to speak of only one balance of power, for there are several which have to be related to each other. In the military sphere, there are two super powers. In economic terms, there are at least five major groupings. Politically, many more centers of influence have emerged; some 80 new nations have come into being since the end of World War II and regional groups are assuming ever increasing importance.

Above all, whatever the measure of power, its political utility has changed. Throughout history increases in military power—however slight—could be turned into specific political advantage. With the overwhelming arsenals of the nuclear age, however, the pursuit of marginal advantage is both pointless and potentially suicidal. Once sufficiency is reached, additional increments of power do not translate into usable political strength; and attempts to achieve tactical gains can lead to cataclysm.

This environment both puts a premium on stability and makes it difficult to maintain. Today's striving for equilibrium should not be compared to the balance of power of previous periods. The very notion of "operating" a classical balance of power disintegrates when the change required to upset the balance is so large that it cannot be achieved by limited means.

More specifically, there is no parallel with the nineteenth century. Then, the principal countries shared essentially similar concepts of legitimacy and accepted the basic structure of the existing international order. Small adjustments in strength were significant. The "balance" operated in a relatively confined geographic area. None of these factors obtain today.

Nor when we talk of equilibrium do we mean a simplistic mechanical model devoid of purpose. The constantly shifting alliances that maintained equilibrium in previous centuries are neither appropriate nor possible in our time. In an age of ideological schism the distinction between friends and adversaries is an objective reality. We share ideals as well as interests with our friends, and we know that the strength of our friendships is crucial to the lowering of tensions with our opponents.

When we refer to five or six or seven major centers of power, the point being made is not that others are excluded but that a few short years ago everyone agreed that there were only two. The diminishing tensions and the emergence of new centers of power have meant greater freedom of action and greater importance for all other nations.

In this setting, our immediate aim has been to build a stable network of relationships that offers hope of sparing mankind the scourges of war. An interdependent world community cannot tolerate either big power confrontations or recurrent regional crises.

But peace must be more than the absence of conflict. We perceive stability as the bridge to the realization of human aspirations, not an end in itself. We have learned much about containing crises, but we have not removed their roots. We have begun to accommodate our differences, but we have not affirmed our commonality. We may have improved the mastery of equilibrium, but we have not yet attained justice.

In the encyclical for which this conference is named, Pope John sketched a greater vision. He foresaw "that no political community is able to pursue its own interests and develop itself in isolation" for "there is a growing awareness of all human beings that they are members of a world community."

The opportunities of mankind now transcend nationalism, and can only be dealt with by nations acting in concert:

For the first time in generations mankind is in a position to shape a new and peaceful international order. But do we have the imagination and determination to carry forward this still fragile task of creation?

For the first time in history we may have the technical knowledge to satisfy man's basic needs. The imperatives of the modern world respect no national borders and must inevitably open all societies to the world around them. But do we have the political will to join together to accomplish this great end?

If this vision is to be realized, America's active involvement is inescapable. History will judge us by our deeds, not by our good intentions.

But it cannot be the work of any one country. And it cannot be the undertaking of any one Administration or one branch of government or one party. To build truly is to chart a course that will be carried on by future leaders because it has the enduring support of the American people.

So let us search for a fresh consensus. Let us restore a spirit of understanding between the legislative and the executive, between the government and the press, between the people and their public servants. Let us learn once again to debate our methods and not our motives, to focus on our destiny and not our divisions. Let us all contribute our different views and perspectives but let us, once again, see ourselves as engaged in a common enterprise. If we are to shape a world community we must first restore community at home.

With Americans working together, America can work with others toward man's eternal goal of a Pacem in Terris—peace abroad, peace at home and peace within ourselves.

CHILD HEALTH

Mr. MONDALE. Mr. President, recently President Nixon issued a proclamation designating October 1 as Child Health Day. Few would disagree with the importance that proclamation attached to child health.

But as the Citizens' Committee for Children of New York pointed out, unfortunately the administration's performance in the area of child health does not support its rhetoric.

In a careful review of maternal and child health, school lunch, medicaid regulations, child development and other programs with child health components, the committee carefully documented the efforts of the administration to freeze or cut back vitally important initiatives for children.

In order that this analysis be available to my colleagues, and the public, I ask unanimous consent that it be printed in the RECORD.

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

CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.,
New York, N.Y., October 1, 1973.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have read with interest your Proclamation designating October 1st as Child Health Day.

Although you "invite all citizens, agencies and organizations to join in such activities as will help alert all Americans to the vital importance of child health," we see no mention of the role which your Administration must take in promoting the health of the nation's children. It is both useless and pernicious to pretend that this problem can be turned over to the voluntary sector, to private citizens or organizations, no matter how dedicated, without increased support from the Federal Government.

On the occasion of Child Health Day of 1973, we of the Citizens' Committee for Children of New York believe it is appropriate to review the record of your Administration, a record which is not in keeping with your Proclamation's statement that, "One of our most important national responsibilities is the assurance of full and healthy development for the children of America."

MATERNAL AND CHILD HEALTH

Although the cost of health care rose three times as fast as the cost of living between 1967 and 1972, and we know that costs have continued to rise, the budget request for Maternal and Child Health for F. Y. 1974 which your Administration sent to Congress was $244,144,000, the same amount as in the 1973 revised budget. It was inadequate then and is even more inadequate now. When Congress in 1973 voted an additional $7.8 million, you vetoed the bill.

Your Administration had planned to impound $1.1 billion of $4.7 billion voted by Congress for health programs and at least part of that money was for health services to children. It was only as a result of court action that your impoundment plan was abandoned. How do these actions accord with your Proclamation's statement of concern for the health of children?

SCHOOL LUNCHES

Your Administration opposed increasing the reimbursement rate for school lunches in the appropriation bill before the Congress. Nutrition is an essential element in the health of a child but with the skyrocketing cost of food, many children of welfare and low income families will not receive an adequate diet. School lunch is the one nutritious meal these children can count on. As of April, 1973, 8.8 million children of low income families were receiving free or low cost school lunches but without increased Federal aid, the School Lunch Program cannot survive. Already a few schools have stopped serving hot lunches and others may have to follow suit. It is now estimated that hundreds of thousands of children may be forced to drop out of the program because the amount they must pay has gone up. This in turn reduces the income of the lunch program and necessitates the substitution of alternate, less appetizing food which children don't like. Local communities do not have the funds to cover their share of the cost and this share is rising because the Federal subsidy is too rigid.

To compound the difficulty, you also opposed increasing the equipment assistance to schools which would enable them to purchase equipment necessary to the preparation and service of school lunches. The present allocation of $16 million in Federal expenditures is less than half what is required to meet the needs of all the children who should be receiving school lunches.

Despite the soaring cost of food, the Department of Agriculture budget which you submitted to the Congress not only failed to provide for an increased reimbursement rate for the School Lunch Program, but also failed to include an escalator clause which would require adjustments in the Federal grant to keep pace with any future increase in food costs. It is our hope that the Senate School Lunch Bill, just passed, will not be substantially altered in conference and that it will soon be on your desk. A Presidential veto of this bill would be a terrible blow to the health of millions of children. We call on you, on Child Health Day, to pledge your approval of this bill.

MILK PROGRAM

Your Administration, in January 1973, proposed a cut in the national School Milk Program from $95 million to $25 million. The Department of Agriculture then proceeded to discontinue the subsidized milk program in all schools having a school lunch program, in violation of Congressional policy.

Surely you are aware of the fact that milk is an essential element in the diet of all children, and that providing milk at a cost many families can afford requires the assistance of the Federal Government. In recognition of this, the Agricultural Appropriations Bill now in conference, raises the milk subsidy back to $97 million. We trust that you will not veto this bill.

SUPPLEMENTAL FEEDING PROGRAM

Your Department of Agriculture never implemented the supplemental feeding program until ordered to do so by a Federal judge. The court also ruled that the full $40 million authorized must be spent on this two-year pilot project designed to test and evaluate various approaches to the feeding of pregnant and lactating women, and infants. We sincerely hope that you will pledge your Administration to full implementation of all heath programs without further necessity for court action.

MEDICAL CARE

Your Administration testified before the Ways and Means Committee against extending Federal grants for both the Maternal and Infant Care and Children and Youth Projects. A nationwide study has shown that under the special Children and Youth Projects it costs less to provide medical services per child, per year, than under Medicaid. In New York City the data shows that in the neighborhoods served by the Maternal and Infant Care Projects, maternal and infant mortality have sharply declined. Fortunately, the Congress attached a one-year continuation of Title V as a rider to the Public Debt Limit Bill, which you felt obligated to sign. However, you failed to include in your budget the $30 million needed to implement the law. Thus, no new projects are possible this year.

NEW MEDICAID REGULATIONS

Your Administration has consistently proposed that families be required to pay Medicaid deductibles and premiums even when they are so poor that they are eligible for public assistance or Medicaid. To our great regret, Congress passed (as part of Public Law 92–603) provisions requiring a premium to be paid by all medical assistance patients (those who are not receiving public assistance but are eligible for Medicaid). The Law states that in addition to the premium, a co-payment or deductible *CAN* be imposed by each state on all services for the "medical assistance" patients and on the "optional" services (those not mandated) even for people receiving public assistance. Federally mandated services do not include such essentials as prescription drugs, dental care, hearing aids, eyeglasses.

The Department of Health, Education and Welfare has now proposed premiums at a minimum of $1.00 a month for a family with monthly gross income of $150 or less, regardless of the size of the family. A family of five or more with monthly gross income of $350 would pay the same premium. Thus a mother and child not receiving public assistance but with a monthly income of about $140.00 could still be required to pay a $1.00 monthly premium in order to be included in a state plan.

These actions have been taken in spite of the fact that the cost of medical care continues to rise and the cost of living to soar.

It is hard for us to see how these premium requirements can be met since they use gross income as a base and fail to take into account required deductions, expenditures and taxes. What will happen to families and children and their health needs if these regulations are implemented? Will they be forced to go on welfare because they require medical care but are unable to pay the monthly premium?

E.P.S.D.T.

The Early and Periodic Screening, Diagnosis and Treatment Program for Medicaid Eligible Children, which is part of Title XIX of the Medicaid Law, is one of the most hopeful signs on the horizon. Although the Law was passed and signed in 1967, the regulations were issued by H.E.W. only in 1971. Citizens' Committee for Children is devoting a great deal of time and effort in an attempt to get this program moving in New York City. The Congress mandated that each state reach every child eligible for Medicaid and that each child must be screened, diagnosed and, if necessary, treated. Penalties were included for non-compliance by any state. The Department of H.E.W. has failed to exempt EPSDT from the new premium regulations, and this may well deter parental use of appropriate medical services.

CHILD DEVELOPMENT

Your Proclamation stresses the importance of child development and three and one-half years ago, on February 19, 1969, you stated that,

". . . many of the problems of poverty are traceable directly to early childhood experience . . . if we are to make genuine, long-range progress, we must focus our efforts much more than heretofore on those few years which may determine how far, throughout his later life the child can reach. . . . Much of our knowledge is new. But we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

However, on December 9, 1971, you vetoed the Child Care Bill sent to you by the Congress. At that time you stated,

"I return herewith without my approval S. 2007, the Economic Opportunity Amendments of 1971. . . . The most deeply flawed provision of this legislation is Title V, "Child Development Programs". . . . Neither the immediate need nor the desirability of a national child development program of this character has been demonstrated. . . .

"Given the limited resources of the Federal budget, and the growing demands upon the Federal taxpayer the expenditure of two billions of dollars in a program whose effectiveness has yet to be demonstrated cannot be justified."

The post of Director, Office of Child Development, Children's Bureau (H.E.W.), has remained vacant for the past 15 months. More recently, the Associate Director also resigned, so that this agency is now without any administrator. Is it possible that you do not want to fill these positions and if so, does this mean that you are not interested in child development?

HANDICAPPED CHILDREN (HEAD START)

Federal law mandates that all Headstart programs for pre-school youngsters include handicapped children as 10% of their enrollments.

This is a most laudable goal but it requires that each Headstart center receive expert help and special equipment if these children are to benefit from their pre-school experience. Yet the financial support provided by the Federal Government is so minimal that the centers will be unable to give these handicapped children the assistance they need. The Agency for Child Development in New York City, for example, is receiving only $100 per handicapped child, which is clearly insufficient to train the teaching staff, purchase special educational equipment and make whatever physical renovations may be necessary.

ADOLESCENT HEALTH CARE

One of the great unmet needs in this country is specific health services for adolescents. In New York City there is only one project where Federal money is being granted for adolescent health services and new programs cannot be added for lack of Federal funding. There is now no possibility of providing the necessary medical care appropriate to this vulnerable age group.

In conclusion, Mr. President, we at Citizens' Committee for Children welcome your Proclamation declaring October 1st Child Health Day. However, our organization and many others in the voluntary sector do not need to be alerted to the multiple problems which remain unsolved, nor do we need to be reminded that, as a nation, we have failed woefully to meet the health and developmental needs of our children.

We are painfully aware that the U.S.A. has a higher infant mortality rate than twelve other countries; that the President's Panel on Mental Retardation found retardation in 3% of all births; that 5 out of 7 physically and mentally handicapped children receive no care at all; that 12 million children need special care for eye conditions; that 50% of the nation's children under the age of 15 have never been examined by a dentist; and that 2 million children need special care for orthopedic handicaps.

It seems appropriate on this day to bring these matters to your attention and to ask for a full commitment by you and your Administration to reverse the present trends which are so damaging to the health of the children of our country. We have a long tradition of offering a helping hand to the children of other countries when their well-being is threatened. Surely we must now make a united effort to safeguard the health, the nutrition and the sound development of our own children.

Sincerely yours,

MRS. MAX ASCOLI,
Chairman, Health Section.

BONNEVILLE UNIT OF CENTRAL UTAH PROJECT

Mr. MOSS. Mr. President, some of my colleagues have come to me with the draft of a letter they have been given by Dr. David C. Raskin, a member of the Sierra Club of Salt Lake City. Dr. Raskin has asked them to send this letter to Secretary of the Interior Rogers Morton in an attempt to scuttle the Bonneville unit of the Central Utah project. Central Utah is Utah's most important and comprehensive water resource development project and Bonneville is its indispensable unit.

Frankly, I am outraged. The letter is the ultimate in irresponsibility. It is not founded on facts. Early completion of Bonneville is imperative—clearly, vehemently: imperative—not only if Utah is to develop and grow in the future, but if our people now living in the State are to maintain the quality of life which they now enjoy.

At least 95 percent of the people of my great State are solidly behind this project. From long experience, they know its importance and their dependence upon it. Only last week the Utah State Legislature, Governor Rampton concurring, passed another strong resolution urging that those in authority pursue early completion of the Bonneville unit.

I am also incredulous. It is hard for me to understand how anyone who has lived in our water-starved State for even the 5 years that Dr. Raskin has been there, could want to endanger in any way a project which makes more water available for beneficial use in any part of it, and particularly, in the case of the collection and distribution system of the Bonneville unit, which would make water available for municipal and industrial use in Salt Lake Valley. Over 50 percent of the people in Utah live in the Salt Lake Valley and environs where water is now so short that a single poor water year would precipitate water rationing in many parts of the valley.

The Central Utah project is no quickly conceived, illogical scheme for the development of Utah's precious water resources. Its roots lie in the Colorado River Compact of 1922 when the four States of the Upper Basin—Utah, Wyoming, Colorado, and New Mexico—met with the lower basin States—California, Arizona, and Nevada, and signed a compact dividing the waters of the Colorado, that mighty river whose every drop of water is valuable beyond price because it flows through one of the most arid regions of the United States. It took another 30 years—until 1956—to plan the projects which would allow the States to use their share of the Colorado River waters, and to get through the Congress the overall authorizing legislation—the Colorado River Project Storage Act. The Central Utah project is the development, the construction of which, will assure to Utah its fair share of the Colorado River water. Completion of the Central Utah project has been a goal sought by several generations of Utah citizens.

The proposal which the Sierra Club, and a number of other environmental groups now advance, and which is suggested in the first paragraph of the draft letter to Secretary Morton, is that the Bonneville unit be held up until it is "thoroughly reevaluated and reformulated" by the Department of the Interior and an interagency team. The letter contends that there has not been "adequate attention to the justification for the project" and that its construction will create some "problems."

I do not know what "attention" would be considered "adequate" to these people. Years of planning have gone into the Central Utah project as a whole and into the Bonneville unit individually. It was 11 years after CUP was authorized, before construction was started—1967—on the Bonneville unit. During that time alternate plans and sites were carefully considered, and abandoned as less desirable, for one reason or another, than were the sites finally chosen for the various project works. Basic considerations, of course, were what is necessary to make the project economically feasible, and what will be the most efficient use of the water.

As my colleagues well know, water projects built by the Bureau of Reclamation have to be financially justifiable, and that means they have to pay back over a period of years the money loaned by the Federal Government for their construction. The pay back comes from water and power users, and both water and power have to be made available at prices the users can afford to pay. To date, some $90 million has been spent on Bonneville, 90 percent of which will be paid back eventually to the U.S. Treasury if the project is allowed to continue as planned. We are about one-fifth of the way through the $490 million project and this is no time to start "replanning" it.

As to the second objection—that construction of the Bonneville Unit will create some "problems"—of course, it will. No project of the dimensions of the Bonneville unit could be constructed without having some impact on the land it touches and considerable impact on the people it serves. But most of the "problems" outlined in the draft of the letter Dr. Raskin is asking Members of the Senate to send to Secretary Morton either do not exist, or are, to use a phrase "greatly exaggerated."

The proposed letter states:

> Specifically, the proposed plan to divert water from the Uinta Basin to the Bonneville Basin will have a number of severe economic, environmental, and social impacts which could be avoided with proper planning and reformulation of the project. Those problems include ultimate costs in excess of $1 billion in Federal funds, economic losses approaching $2 million annually to downstream users due to increased salinity of the Colorado River, increased water shortages in in the Uinta Basin and lack of necessary water to continue development of the major oil fields there, massive Federal subsidy to local irrigation interests, destruction of hundreds of miles of trout streams and thousands of acres of wildlife habitat during a period of growing public concern over preserving and restoring our diminishing natural environmental and recreation resources, and taking water from the Ute Indian Tribe for use by non-Indians in spite of the unavailability of water or authorized projects to repay the Ute Tribe according to legally binding contracts.

I do not know where the figure of Federal costs in excess of $1 billion for the Bonneville Unit comes from—out of thin air, I suspect. As I have indicated, total cost of the project is set at $490 million, most of which will be repaid to the Federal Government by the water and power users. The benefits of the Bonneville Unit, estimated conservatively, to the Federal Government, the State of Utah, and county and community governments will approach $50 million a year in increased tax revenues, expanded jobs, farm products, and new industries.

Nor do I know how the projected $2 million loss to downstream users in increased salinity of the Colorado River waters is calculated. The environmental impact statement shows an increase of 10 to 14 parts per million in salinity at Lake Mead, and a loss of benefits estimated to be no more than $414,000 to $580,000 annually.

Use of the Colorado River waters for irrigation or other purposes where it runs out over the land and back into the river does increase the salt content. This problem exists on rivers all over the world—not exclusively on the Colorado. But surely no one is suggesting that because it exists here that the Upper Basin states not exercise their rights under the Colorado River Compact to make use of their share of the water.

The problem is to remove the salt from the water, not remove the water from the land—or from the faucets in people's homes. Last year the seven Colorado River States met to formulate a salinity control program, and it is under intensive study. There is also legislation pending to implement it and other desalinization measures. Furthermore, the United States recently agreed to build a desalinization plant at the Mexican border to improve the quality of the water we send to our downstream neighbor.

To indicate that water will be taken from the Uinta Basin to benefit the Bonneville Basin—without regard to the welfare of the Basin—is to misrepresent the situation deliberately. The Bonneville Unit has been formulated carefully to involve water development in both the Uinta Basin and the Bonneville Basin. Also the Upalco, Uinta, Vernal and Jensen Units of the Central Utah Project are entirely within the Uinta Basin and will provide water supplies to meet the needs there. The Bonneville Unit is a thoroughly balanced unit, utilizing water which is well within the apportionments by the compact for the State of Utah. There exists additional water available for further industrial development elsewhere in the State.

The oil industry in the Uinta Basin has been made possible, in part, by water made available through the construction of earlier units of the Central Utah project, and will be sustained by units yet to be built. The population there in the Uinta Basin is increasing rapidly.

Water for oil shale is not adaptable by location to the Bonneville Unit but could well become a part of the Ute Indian unit of the central Utah project. If oil shale development becomes an acute national problem, the oil shale industry could participate in programs to augment Colorado River Basin water supplies. The most logical source of water is the White River in Colorado which is not involved at all in CUP.

The charge that the Ute Indians will be ill served by completion of the Bonneville Unit can best be answered by saying that the Indians themselves do not believe this—the Ute Indian Tribe recently passed a resolution opposing any delay in the construction of the Bonneville Unit. The Tribe is for Bonneville—all the way. They know their needs will be well met if we are allowed to complete the central Utah project as planned, and that only through the CUP can water be made available to their area.

The thrust of the opposition to Bonneville is contained in what Dr. Raskin calls "the growing public concern over preserving and restoring our diminishing natural environment and recreation resources," and more specifically the concern about "the destruction of hundreds of miles of trout streams and thousands of acres of wildlife habitat".

Most of the concern is related to the Strawberry Aqueduct of the Bonneville Unit. The truth is that there would be an irretrievable loss of only 20 miles of stream by reservoir inundation. Water flow would be reduced in about 143 miles of stream, with flows of significant reduction for fishing in 113 miles. Of that 113 miles, only 46 miles would be severely reduced. This is far from the hundreds of miles claimed by Dr. Raskin.

Mr. President, every American must be concerned with the extent to which the face of our Nation is changed by development of various types. But we are a rapidly growing citizenry, and we must have more homes for our people to live in, more food for them to eat, more jobs for them at which they can earn a living—more of everything.

In the past we raped our environment to provide these things. We are trying to turn about now; we are truly trying to protect our natural heritage. In many ways we are succeeding. The environmental impact statement on the Bonneville Unit was over 2 years in the drafting. It cleared the Department of the Interior about 2 months ago, and has been before the Council for Environmental Quality for the required 30-day period. Every effort has been, and will be made, to minimize the impact of water development upon the land it will touch. It is not possible to leave that land entirely unchanged. Some wildlife habitat will be affected. There will be diminished flows at times in some trout streams—but flows of some streams would be enhanced at times of normal low flow.

And there are vast areas for the wildlife to go, in the miles and miles of uninhabited areas not touched by the project. There will be new "fishing holes" in the new reservoirs which will fill up behind the dams—far more places for more fishermen to cast their rods. And there will be new beauty, too, as water contrasts with towering canyons where normally there would only be water in the spring. And there will be many people who can enjoy outdoor sports and recreation at these reservoir sites in valleys now seen by only the heartiest of hikers and back packers.

We must keep our perspective. We must set and hold to priorities in developing our water resources. In the instance of Bonneville, it is regretted that there must be any change in the contours of a few hundred acres of our land, in the rush of water in our streams, in the habitat of our wildlife. But this must happen to allow us to provide more water for the people who live in our towns and cities, for our industries, for supplemental irrigation water in areas of low agricultural income, for growing more food to meet a frightening worldwide food shortage. First things must come first.

The last paragraph of the letter many of you are being asked to send to Secretary Morton suggests that there are "ample alternatives" to the Bonneville project. I do not know what they are. We must develop and put to beneficial use every drop of water we have within the State of Utah if the State is to have a future. We must develop and put to use Colorado River water, underground water, water from every little stream and backyard well. Until we find an alternative to water, there is no alternative in Utah to full development of the waters of the Colorado River and its tributaries—our greatest single source of water.

The Bonneville Unit Plan was adopted in good faith by the people of Utah and it has become the basis for contracts and agreements with the Federal Government, and between various interests concerned, including the Central Utah Water Conservancy District, the Salt Lake County Water Conservancy District, the Ute Indian Tribe and the State of Utah.

Construction has been brought to a standstill by the present controversy. To require that Bonneville be restudied, reevaluated and reformulated—to be held up for any length of time whatsoever now or in the future—would be catastrophic.

I ask my colleagues to disregard any request that may come to them to write the Secretary of the Interior to hold up the Bonneville Unit for further study, and I ask for your support in getting this most important, this most indispensable project, moving again. We do not start anew; we only continue what is now underway.

Earlier today the Governor of Utah and the entire Utah congressional delegation visited Secretary Morton with this unanimous urgent request.

THE UNITED METHODIST CHURCH STATEMENT ON WATERGATE

Mr. MONDALE. Mr. President, recently, the executive committee of the Board of Church and Society in the United Methodist Church issued a statement on Watergate and the moral crisis it has precipitated.

I commend this frank, forthright statement to my colleagues as the expression of deep concern by one important church group. It should serve to make us even more concerned with the need to restore accountability to our Government and to reform many institutions in our Government to help insure that we never again experience another Watergate.

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

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

WATERGATE—1973

(The following statement is addressed to the members and congregations of the United Methodist Church by the Executive Committee of the Board of Church and Society for their earnest consideration and study.)

I. INTRODUCTION

The Watergate events constitute a serious moral crisis for the nation. Too many citizens cynically accept these events as normal and traditional political exercises. We cannot agree. We are appalled at the kind of mentality that justifies burglary in the name of national security, encourages federal harassment of citizens if on a list of enemies, that frustrates the electoral process with dirty tricks and political corruption. This is not "politics as usual." For it is doubtful that we can find anywhere in American history government corruption of such magnitude.

Although, as a Christian body, we acknowledge the need to temper judgment with mercy, we must declare our moral outrage over the Watergate break-in, its cover-up, and other illegal or unethical campaign-related activities. These events confirm our belief in the strong probability of corruption among those who exercise excessive power.

The 1972 General Conference of our United Methodist Church declared: "A free citizenry in a democracy is dependent upon access to accurate information in order to arrive at an informed opinion." And: "The Christian faith stresses the dignity of and respect for human personality. Invasion of the privacy of an ordinary citizen of society negates this dignity and respect. Further, the Christian faith is supportive of a society which elicits hope and trust, not a society that foments fear and threatens oppression."

We in the churches may have mixed feelings about Watergate—moments of righteous anger, moments of shame, moments of compassion for its victims and their families, moments of disgust at those obsessed by power, moments of pride that the system has thus far survived a constitutional crisis, moments of wondering if any reforms or safeguards can protect the political process against perverse manipulations.

At the same time we must admit our common guilt for what is currently ailing the body politic.

Some of us are tempted to relish the plight of those we dislike, to focus on the sins of others whose faults are unable to escape public scrutiny while ours remain in unpublicized oblivion.

We confess that sometimes our own loyalty to institutions and leadership takes precedence over the principles we profess.

We acknowledge that too long have we tolerated an electoral process that places candidates for high office under compromising obligation to special interests.

II. OUR CONCERN OVER WATERGATE EVENTS

Nevertheless, we are greatly disturbed about specific aspects of Watergate and surrounding events:

That certain persons high in the White House staff and the Committee to Re-elect the President thought it so important to reelect President Nixon that they deceived the American public, and made an informed and responsible election decision impossible.

That the basic rights of all citizens were endangered through illegal wiretapping and criminal burglary carried out in the name of "national security."

That deliberate obstruction of justice was justified for the sake of entrenchment in power.

That independent agencies, such as the FBI and CIA, were pressured into partial cooperation with the illegal aims of Executive staff.

That campaign contributions, received as a public trust, were diverted into payment for commission of criminal acts, for legal defense and hush money, and for the performance of "dirty tricks."

That corporations and individuals, in a dangerous form of political extortion, were coerced into making substantial illegal contributions under the fear of reprisals and in order to maintain influence within government.

In the course of the Watergate hearings, we have also been disturbed by the use of language to minimize the full character of many illegal or immoral acts performed. For instance, the term "national security" has been used to cover domestic actions taken out of partisan political consideration and without regard to any substantiated foreign threat. Further, we are concerned about euphemisms where burglary becomes "surreptitious entry," breaking and entering become "intelligence-gathering operations," and government-sponsored crimes are called "White House horrors."

There are many things that we still do not know or understand about Watergate:

What pressures were brought upon the House Banking and Currency Committee to prevent its members from holding hearings on Watergate in August of 1972, hearings that might have informed the American electorate regarding the affair before the Presidential elections?

What, if anything, did the President know regarding the Watergate cover-up before being informed about it on March 21, 1973?

How could the President be shielded so completely from knowledge of the cover-up when many of his aides and daily associates were actively conspiring to "keep the lid on?"

Who in the White House authorized the burglary of Daniel Ellsberg's psychiatrist's office to gain access to confidential medical records?

Yet we *do* know that the Watergate cover-up was effective and that, by the obstruction of justice and with the help of perjured testimony, the lid was kept on until well after the election in November 1972.

We *do* know that the President's political associates, inside and outside the White House, became deeply involved, not only in covering up the Watergate break-in, but also in other deplorable activities tending to subvert our democratic political institutions.

We *do* know that a thorough attempt was made by Presidential aides to keep the information on the cover-up from the American public.

Those responsible for such flagrant wrongdoing should be prosecuted for violations of the law. Yet they are entitled, as are all Americans citizens, to the full safeguards of the judicial process. Any extenuating circumstances should be given consideration in particular cases.

III. WHAT NEEDS TO BE DONE

Watergate and surrounding events make clear to us that at least three national governmental reforms are in order: (1) the American political system must be improved; (2) the accessibility of the President must be effectively increased; and (3) certain powers being currently exercised by the office of the President must be examined as to their constitutional basis.

The Political System: The Executive Committee of the Board of Church and Society registers its support of the following measures:

Strict limitations on the amount an individual or organization may contribute to the political campaign of any given candidate or party.

A carefully devised form of public financing for a substantial part of national election campaign costs.

Only *one* campaign committee to be eligible to receive both public and private contributions for each candidate.

An independent Federal Elections Commission with the power to enforce as well as monitor election laws.

Development of checks and safeguards to keep the Executive branch from using the instruments of government power to attack political adversaries.

Elimination of the use of wiretapping and electronic surveillance by public authorities without a specific court order, as an unwarranted invasion of privacy in line with the Supreme Court's ruling.

Strengthening the independent agencies so as to enable them to withstand improper pressures, whether by the Executive branch of the federal government, by Congress, or by any special interest group.

Establishing effective Congressional oversight of the FBI and the CIA, both in regard to budget and expenditures and in regard to policy and operations.

Accessibility of the President: We offer the following suggestions with respect to making the office of the President more open:

(1) Presidents should be expected to meet with the press in open dialogue at least monthly.

(2) Presidents, in order to keep appropriately in touch with the American people, should be willing to meet personally, from time to time, with responsible representatives from the various major segments of society.

(3) Members of the President's Cabinet and agency heads should be expected to appear regularly as requested before the Congress and its respective Committees and be subject to questioning regarding the policies and performance of their departments and agencies.

The Constitutional Powers of the Presidency: The Constitution was initially formulated to "establish justice, insure domestic tranquility . . . promote the general welfare, and secure the blessings of liberty . . ." Historically the church has found itself staunchly in support of such high purposes and we now affirm our continuing faith in the validity of these lofty principles.

When the President takes the oath of office he (she) affirms that "I . . . will to the best of my ability, preserve, protect, and defend the Constitution of the United States." Under the Constitution the office of the President, including the White House staff, is subject to the laws of the country.

In light of the provisions of the First Amendment, the office of the President should not be permitted to use bureaucratic means to silence the criticism or compel the support of journalists, political enemies, or corporate executives. No executive privilege inherent in the Constitution was meant to protect such self-serving use of power.

Further, under the Fourth Amendment, the President, in the absence of a grave emergency presenting a "clear and present danger," should not have the authority to abrogate "the right of the people to be secure . . . against unreasonable searches and seizures. . . ." Surreptitious entry should never be justified in domestic affairs on the basis of some vague doctrine of national security. The President should not be placed upon a pedestal, somehow above the law. We urge that the Congress share in the responsibility for interpretation of what may or may not be done in the name of national security.

We recognize the doctrine of "separation of powers" as provided for by our Constitution. Yet we do not believe that such a doctrine can rightfully be invoked to prevent Presidential documents from being surrendered to the courts or to the Congress when criminal acts may be involved. Therefore, we respectfully urge the President to provide access to the pertinent papers and tapes, with appropriate safeguards for any necessary confidentiality, in order that there may be an objective determination as to whether any wrongdoing has been committed.

The overwhelming majority of our citizens respect and honor the office of President and want to be able to have confidence in the incumbent. The maintenance of that confidence will be determined largely by the continuing conduct, accessibility, and accountability of the President.

The President said he assumes "full responsibility" for the campaign abuses that have taken place in connection with Watergate and surrounding events. He feels we should leave Watergate to the courts and "get on with the job that needs to be done." But how does one assume responsibility for events by turning one's back on them? How can a President assume responsibility and yet dissociate himself from the improprieties of his own staff?

Instead of putting it all behind us and drawing the curtain of half-knowledge, we need to ask what it means to "assume responsibility" and to "learn the important lessons of Watergate." We believe that assuming responsibility means doing everything possible to bring out the truth; it means supporting specific campaign reforms; it means selecting White House personnel who will uphold the honor of the office and place themselves under the just restraints of constitutional authority. But it also means that all American citizens must become more deeply involved in the electoral process.

In any event, it is our earnest hope and fervent prayer that the God of history who stands above the destinies of all states and persons will lead our nation in the days ahead toward a more open government, a more responsible citizenry, and a new awakening of conscience for all.—Adopted by the Executive Committee, Board of Church and Society, the United Methodist Church, September 18, 1973.

AFRICAN DROUGHT RELIEF

Mr. JAVITS. Mr. President, many of us are aware of the terrible tragedy that has struck the six nations of the Sahel region of West Africa. Massive famine now threatens millions of people in this region, because of prolonged drought, and already large numbers have starved to death or died from diseases they have been made susceptible to by extreme malnutrition.

It has been estimated that the 24 million people of this area, during this year, may lose 60 percent of their cattle and 50 percent of their grain harvest. Only an outstanding multilateral relief effort, in which the United States has actively participated, has saved millions from starvation already.

During the August recess I traveled to one of the drought stricken countries, Upper Volta, in order to determine the extent of the drought and to view the relief efforts for myself. It is difficult for us who live comfortable lives to conceive of the suffering and anguish that exists in the poorest parts of the world.

A visit such as I underook must strengthen anyone's resolve to back strongly the new foreign aid program by broad functions and to oppose an inward looking policy or to avert our eyes from the needs of our fellow men. I am greatly encouraged by the passage by the Senate last week of the new foreign aid bill, which would emphasize agricultural production, population planning, and health, precisely those areas of need so evident on my visit to Upper Volta.

I have cosponsored a bill, S. 2241, with Senators HUMPHREY, MCGEE, PEARSON, and KENNEDY, that would authorize $30 million for relief and rehabilitation in the six West African Sahel countries of Upper Volta, Mali, Senegal, Chad, Niger, and Mauritania. This is a necessary step to provide funds for the relief effort and begin long-range plans to rehabilitate the drought area. The United States has already provided $4.7 million in fiscal year 1973 for disaster relief in the area, and an additional amount of about $5 million is projected for use in fiscal year 1974.

I arrived in Ouagadougou, the capital of Upper Volta, on the morning of August 29, 1973. On my arrival I visited an airdrop bagging operation at the airport. U.S. Peace Corps volunteers, local and Red Cross volunteers were loading planes in preparation for dropping sorghum gifted by the United States of America from French, Belgian, and West German planes into the remote regions of the country. I next visited an indigents' center, where the needs of the old and infirm were heart-rending. I also visited the central market and a grain sales point as 25 percent of the grain is sold on a cash-and-carry system of distribution to the people who are employed and the money is used to underwrite the cost of transporting the grain into the country by truck.

During my stay in Ouagadougou I met a number of government officials, including the Prime Minister Gerard Kango Ouedraogo. The government ministers were thoroughly appreciative of American aid and were on excellent terms with the U.S. Embassy. Much of the credit for this cordial attitude toward the United States must go to the outstanding work of the U.S. Ambassador in Upper Volta, Mr. Donald Easum. Also the Peace Corps was well received and well liked by the ministers.

The government ministers and other officials stressed that their primary needs are already emergency millet and sorghum for next year. For, although a new crop is coming in, it will clearly be inadequate for more than a few months because so much of the seed has been used for food, and so many of the cattle have died from starvation. Their other important needs are water, for irrigation and well digging; conservation, especially reforestation; and control of black flies, which cause blindness. They infested an area with good soil and resulted in 30 percent of the best farmland being evacuated.

I emphasized the humanitarian basis of the aid in my discussions with Upper Voltan officials, and I urged them to be "humanitarian" in return, most particularly on the Convention on Terrorism. This appeal to responsible action in the councils of developing countries was well received by the ministers.

I commend to my colleagues a thorough analysis of the situation in the

West African drought region that Senator BROOKE introduced in the RECORD on October 2, 1973. I also ask unanimous consent that two articles by David Ottaway published in the Washington Post and details on American drought relief aid to Upper Volta be printed in the RECORD.

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

AMERICAN DROUGHT-RELIEF AID TO UPPER VOLTA

21,000 tons of sorghum (including 12,000 tons under the Grain Stabilization Program and 9,000 tons emergency relief) ($3,187,000)

4,000 tons cornmeal via the World Food Program ($400,000)

10,000 tons of grain (type unspecified) approved in mid-August ($1,000,000)

Food aid via ongoing programs of Catholic Relief Services is at a rate of about $90,000 per month.

1,400 tons of livestock feed (900 tons of wheat bran and 500 tons of cottonseed) ($156,000)

Anti-parasitic medicines for Voltan livestock returning from the South ($75,000)

100 tons of salt licks ($25,600)

50,000 tablets Tetracycline (250 mg) ($959)

1,000,000 Multi-Vitamin tablets (proposed)

60,000 doses measles vaccine ($15,000)

A nutrition specialist for two months ($6,000)

Bags and stitching machine for free-fall airdropping sorghum to inaccessible areas ($22,000)

One portable field hospital ($7,000 US Army surplus price)

AID TO UPPER VOLTA, 1973—DELIVERY BASIS

[In thousands]

Grain stabilization (12,000 tons sorghum)	$1,821
Food aid via Catholic relief	1,034
Grain storage facilities loan	450
Technical assistance to OFNACER	83
Measles vaccine	15
Fada-Niamey road study	100
Peace Corps (based on local costs)	417
Self-Help fund	115
Travel and study grants	100
Total	4,135
Emergency grain (9,000 tons sorghum)	1,366
Cornmeal via world food program 4,000 tons)	400
Livestock feed (1,400 tons)	156
Livestock anti-parasitic medicines	75
Livestock salt licks (100 tons)	26
Tetracycline tablets (50,000)	1
Nutrition specialist	6
Materials for sorghum airdrop	20
Hospital equipment	7
Wells program	60
Internal transport for 900 tons grain	15
Total	2,132
Shares of Regional projects	
Regional cereals research	$40
Technical assistance to ELC	50
Demographic and health study	167
Technical aid to OCCGE	5
Other regional technical assistance	38
Etnente African enterprises loan	333
ELC livestock sector loan	(1)
Total	633
Grand total	6,900

1 Unavailable.

NOTE.—An additional 10,000 tons of emergency grain has been set aside for Upper Volta.

[From the Washington Post, Aug. 7, 1973]

WEST AFRICA GETS MAKESHIFT DROUGHT AID

(By David B. Ottaway)

OUAGADOUGOU, UPPER VOLTA, Aug. 6.—The West German air force C-160 transport swooped down over the low hills surrounding the mud-brick, thatched huts of Aribinda as if preparing to land on the dirt airstrip just to the west.

When it was only six feet from the ground, the pilot pressed forward on the throttle and the plane shot skyward. At just that moment, five U.S. Peace Corpsmen and two West German crew members pushed a wooden pallet with over a ton of American grain bundled on it out the back.

Seven times the Transall cargo plane passed over the isolated village, each time dropping a pallet with 27 110-pound sacks on or near the tiny airport.

Nearby, several thousand half starved Fulani peasants stood watching as the first food they had received in several weeks fell from the low-flying plane.

When the last run over the village was completed, the airstrip was littered with splittered pallets and sacks, some of which had been broken open by the impact of the fall. But all but 10 per cent of the 13 tons of American-supplied sorghum would later be recovered by the villagers.

It is in this makeshift fashion that emergency relief food coming from the United States and Europe is now being delivered to the remote villages in northern-most Upper Volta, where heavy rains have now set in making the roads mostly impassable.

This semi-desert land-locked country of 5.2 million inhabitants, one of the poorest in the world, is struggling to recover from a six-year drought thought to be the worst of the century. With stocks exhausted and crops just planted, 500,000 persons in the far reaches of Upper Volta, one out of every ten Voltans, is now totally dependent on air drops of grain until the harvest in September.

Flying north from the Voltan capital of Ouagadougou, one sees vast stretches of flooded plains and overflowing rivers that only a few weeks ago were littered with the carcasses of dead cattle, camels and goats. Now, there is so much water from the rains—which have come late and are less plentiful than normal again this year—that the main road leading north from the capital is often cut on the city's outskirts.

The makeshift system of air-dropping food without parachutes, which the experiment at Aribinda showed has a 90 per cent success rate, was the brainchild of the U.S. ambassador here, Donald B. Easum, who roped West German and Belgian pilots, Voltan Red Cross volunteers and vacationing Peace Corpsmen into helping him.

"It's a great success given what we're working with," said Easum. The 49-year-old bearded, bespectacled ambassador, who described himself as an "activist," has become the key man in the country for keeping the airlift going to the northern part of the country.

With no parachutes available and intermittent cooperation from Voltan officials, this is not always an easy task as the run to Aribinda, 200 miles north of here demonstrated.

Just loading the German transport at the ill-equipped Ouagadougou airport on a recent Saturday took about three hours as the automatic loader and lift forks took turns stalling or breaking down.

In shirtsleeves and with his brow perspiring profusely, Easum himself had to help push the 1.3-ton pallets off a rickety truck and into the cargo hold. Only once did a middle-ranking Voltan official appear on the scene that sultry Saturday afternoon to see how the operation was going. Five minutes later, he disappeared.

While Voltan teen-age volunteers are easy to find and eager to work, it is another matter to find Voltan officials involved in the program, according to all foreigners working in the emergency relief program here.

Easum spends hours every day running the hotels, offices, and private Voltan residences trying to find the right official to give the necessary order.

"What you need here is someone who can contact 24 hours a day, and that has not happened," remarked the ambassador visibly frustrated by the lack of full-time cooperation from Voltan officialdom.

After several months of being pestered, the Voltan government finally distributed to embassies the name of the official whom they were to contact about the emergency relief program. But neither his phone number nor his address was indicated.

Yet the situation is so serious that 10 of the country's 44 districts, all of them in the far north are now relying totally upon the free distribution of foreign-supplied grain to keep their people alive.

One Voltan official explained that his government had been overwhelmed by the magnitude of the disaster and therefore had to depend on foreigners to run the relief operations.

The situation in Dori, the northernmost point now open to traffic, 175 miles north of here, seemed indicative of the plight facing Voltan nomads and peasants bereft of food, money and most of their cattle.

The town, crowded with Fulani and Tuareg nomads who have come south from Mali and Niger in their desperate search for food and water, has more than doubled in population. But there is no grain to be bought on the open market, and the government has had to arrest 60 merchants for black-marketing 110-pound grain sacks for as much as $30, nearly triple the official price.

But the coming of the rains has painted the parched and barren plains with a new coat of greenery and the dried out lake that formerly almost encircled Dori now has a few ponds in its bed around which scrawny sheep and goats are grazing.

In the view of Kam Ollet Baboubacar, the government-appointed mayor, the worst is over. People are no longer eating leaves and cotton seed air-dropped for the animals, and the cholera epidemic, which caused 189 officially registered deaths throughout the country, is over.

For now, there is even enough American grain coming into the town overland to keep the 130,000 to 150,000 nomads from Mali and Niger in the area from starving.

But Baboubacar is cautious about the future.

"At the end of August, we can say whether things are good or bad. If the rains don't continue falling in the next two months, there will be an even worse crisis next year."

REFUGEES FROM NIGER TREKKING TO NIGERIA

LAGOS, AUG. 6.—Hungry and exhausted refugees from drought-stricken Niger have reached as far south as Enugu in eastern Nigeria, after trekking for hundreds of miles across both countries, it was reported here today. Many of them died on the way.

Thousands of refugees have already migrated into Nigeria from the north in search of food and water. The Sunday Renaissance weekly reported here today.

According to the newspaper, the refugees are being quartered in a makeshift camp in Enugu. They go out every morning to beg, the paper reported.

Although faced with a language problem, the refugees have said they would remain in Nigeria unless the situation in their country improved.

[From the Washington Post, Aug. 8, 1973]

BLINDNESS BY FLYBITE: CATASTROPHE IN WEST AFRICA

(By David B. Ottaway)

BOBO-DIOULASSO, Upper Volta.—Karama Kamoo stood in the shade of the trees before his village, smiling broadly.

The French doctor grabbed his arm and greeted him. "So, how are things today, my friend?"

"Fine, doctor," said Karama, his eyes staring blankly straight ahead, his radiant smile showing a row of rotting teeth.

But for 46-year-old Karama, things were not fine at all. He had been going blind almost from the day he was born, and for nine years now he has not seen the light of day.

Karama is not alone in his darkness. Most of the old people in his village are also blind. Throughout this part of West Africa, there are 1 million persons stricken by the same disease afflicting Karama, and as many as 60,000 are, like him, totally blind.

They have literally been bitten blind by blood-sucking river flies, bearers of parasitic disease known as onchocericasis, or river blindness.

The small blackfly, slightly larger than a gnat that carries the debilitating disease is found in such diverse parts of the world as Yemen, Central and South America, and East and West Africa. It is estimated to have infected somewhere between 20 and 30 million people with small parasitic worms.

By all accounts, the blackfly has worked its worst ravages in central and western Upper Volta, along the fastflowing Black, Red and White Volta and other rivers rising in the savanna belt below the Sahara Desert.

River blindness is rivaled only by sleeping sickness—also carried by flies—as the most devastating disease in West Africa. But unlike sleeping sickness, it has not even begun to be brought under control.

The disease has forced thousands of peasants to abandon millions of fertile river valley farmlands here and in the northern Ivory Coast, Ghana, Togo and Dahomey. For Upper Volta, a country no longer able to feed all of its 5.2 million people, river blindness is a national disaster.

The devastating effects of river blindness are written in the history of Karama's own village.

Situated 100 miles southwest of here on the main road to Abidjan in the Ivory Coast. Dangouadougou was a prosperous roadside market ten years ago. Now, most of the young men and women has left, many of the mud-brick houses are dilapidated and thick underbrush is creeping into the village.

Although five miles from the Komoe River that flows south through the Ivory Coast to the sea, Dangouadougou is well within flying distance of the female blackfly, which must feast on animal or human blood to breed.

Karama and his fellow villagers have been bitten by these flies practically since the day they were born; each bite injects into the victim's skin thread-like worms that produce the parasitic disease in the children of the bite victim—if he or she is not already a bearer of it.

After years of accumulated fly bites, Karama's skin has become honey-combed with these worms, which have finally found their way into his eyes and eaten away his optic nerves.

The telltale signs of river blindness abound in Dangouadougou. Some of its old people have wrinkled, elephant-like skin or spots of depigmentation on their arms and legs. One wizened old woman was blind with cataracts and another was half blinded by eye lesions. Several of the younger men had large nodules on their hips or around their knees. The worms live inside those nodules.

Dangouadougou is fairly typical of the infected villages along the rivers of Upper Volta, according to Rene le Berre, a French specialist in river blindness. About 80 per cent of the villagers are afflicted, and at least 10 per cent, mostly the old people, are totally blind.

Karama says he does not know why he went blind. Even the village chief seems perplexed that so many of his people are in such bad health. But he understands perfectly well that the young men are leaving the village to look for brides in other villages and that fewer and fewer women are coming to marry and live in Dangouadougou. In short, he knows he rules over a dying village.

For the stricken villagers of Dangouadougou, there is no hope of ever recovering from river blindness. While several drugs are known to be effective in combating the disease, the toxic and allergic reactions they produce can kill the patient before they cure him.

But the plight of this and dozens of other heavily infected villages in this part of West Africa have come to the attention of the international community, thanks largely to the missionary-like zeal of Le Berre and a team of French doctors who have been studying river blindness at a research center here in Bobo-Dioulasso for 13 years.

LIFETIME DREAM

In March 1972, Le Berre met World Bank President Robert S. McNamara and talked to him for three hours about his dream of a lifetime. "McNamara immediately understood the economic and social importance to West Africa of a campaign against this uncontrolled disease," the intense, bearded Frenchman said.

As a result of their meeting, McNamara agreed to help mobilize the interest and resources of the international community, with the bank taking the lead. In early June, interested international agencies and governments met in Paris and approved a 20-year $120 million campaign.

An all-out war against river blindness in West Africa is now scheduled to begin in early 1974 and to cover about a 270,000 square-mile area in seven states: most of Upper Volta, southeastern Mali, western Niger and the northern third of the Ivory Coast, Ghana, Togo and Dahomey.

In a sense, the war on river blindness has already begun: Early last month a Swiss helicopter arrived and 500 miles of waterways in southwestern Upper Volta and northern Ivory Coast were experimentally sprayed.

A day-long, 300-mile helicopter trip down the Komoe River and back up the Leraba flowing along the Ivory Coast border made it immediately clear why this campaign is particularly important to this badly overpopulated country. Nearly 2 million acres of flat, cultivable farm land have been almost entirely abandoned because of river blindness. Here and there one sees the tracks of former villages along the rivers, but otherwise nothing but wild elephants, monkeys and antelopes.

Lee Berre and his team, now working under the auspices of the World Health Organization, which is gearing up to lead the campaign, are in the process of verifying the effectiveness of an American insecticide, Abate, on the blackfly larvae.

HEAVY TOLL

A check at a dozen different rapids along the two rivers showed that the insecticide, which has already been sprayed on the water three times, has begun to take a heavy toll of blackfly larvae.

The flies lay their eggs on reeds, rocks and branches in the midst of the fast-flowing water because the larvae need large amounts of oxygen to mature. After 24 to 48 hours, the flies hatch and literally pop out of the water into the air.

Although the blackfly lives only about one month, Le Berre said the campaign would have to continue 15 to 20 years, the life span of the parasitic worms.

"There will always be some blackflies, but many fewer, while there will be a lot more people to absorb the parasite worms," Le Berre explained. "We must create a better equilibrium between the human and fly populations."

River blindness was not a problem in West Africa until the combined effects of the slave trade, colonization and civil wars greatly reduced the number of people living in these river valleys, according to Le Berre. As a result, there were just too many flies feeding off too few people.

He estimates that as many as 400,000 Voltan peasants can be settled in the now-deserted river valleys of Upper Volta once river blindness is curbed, thus creating a new disequilibrium in favor of the people rather than the fly.

If this turns out to be true, the campaign will relieve the enormous pressure on the greatly overpopulated land around the capital of Ouagadougou and farther to the east.

It should also help to lift several hundred thousand Voltan peasants above the subsistence level, to which they are now just barely clinging.

NIGERIA

Mr. JAVITS. Mr. President, as a part of my trip to Africa during the August recess I was able to stop in Lagos, Nigeria on August 30, and meet the U.S. Ambassador and stop and meet some officials of the Nigerian Government.

Nigeria is most important to U.S. policy countries in Africa as it has the largest population of any in Africa. The Head of State, Gen. Yakubu Gowon, was elected chairman of the Organization of African Unity in 1973, as a confirmation of Nigeria's leading role in Africa, and it is already an important oil producer. Nigeria is now one of the six top petroleum exporters in the world, and is our third largest supplier of crude oil. In 1972 Nigeria's oil exports amounted to $1.76 billion, or 82 percent of all its exports. Oil contributes about 20 percent of Nigeria's Gross Domestic Product, and 75 percent of its government revenues.

While in Lagos, the capital, I had an opportunity to meet Dr. Adebayo Adedeji, Commissioner of the Federal Ministry of Economic Development and Reconstruction. We discussed the vast potential for private capital investment to aid development that Nigeria offered. Dr. Adedeji felt that U.S. companies may not be investing sufficiently in Nigeria. But, I noted that the Overseas Private Investment Corp., which was set up to assist U.S. investors in developing countries, was not able to insure U.S. investment in Nigeria and that this situation is the result of the insistence of the Nigerian civil service that the Nigerian Government must approve any claims settlement before OPIC can pay. Treaties with other countries require only that OPIC consult with the host country government. Nigeria's position inhibits U.S. investment which would otherwise find the booming Nigerian economy most attractive.

I emphasize to Dr. Adedeji the strong appeal that Nigeria could make for investment from the United States. Also, as the second largest black community in the world to increase the interest of Americans who are black in tourism and enterprise there in Africa. I stressed the humanitarian nature of our aid to the drought stricken countries of the Sahel region of West Africa, which I had just visited, and urged Nigeria to assist their fellow Africans. It is gratifying to note that Nigeria is offering material aid to its neighbors to assist them in relief and rehabilitation efforts. I argued the need for humanitarianism in relation to the convention on terrorism, and that this would keep and not hinder the struggles for self determination in Africa.

I found on my visit that two major questions concern the Nigerians in Africa: apartheid and colonial rule; and, economic development of their own country and Africa. The future can be bright for Nigeria and the United States can assist with their major concerns by providing development aid and private investment on the one hand, and, on the other, a strong stand on behalf of human rights in southern Africa, including a repeal of the amendment allowing Rhodesian chrome imports.

Mr. President, I as unanimous consent to print in the RECORD a perceptive article on Nigeria by Robert E. Hunter of the Overseas Development Council that appeared in the Washington Post on August 14, 1973.

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

NIGERIA'S "BLACK GOLD"

(By Robert E. Hunter)

LAGOS, NIGERIA.—Coming to Lagos from French West Africa is a startling experience. After a succession of miniature capitals—with improbable names like Ouagadougou and with a quality of tropical movie-sets from the 1930s—Lagos is the New Age. The Nigerian capital has a modern port, skyscrapers, signboards advertising the good life, television (with Peyton Place) and endless bustle in Western dress. All this is capped by the clutter and inconvenience of yet another automobile culture.

In West Africa, Lagos is the symbol of success in rapid economic development, albeit with all the raw edges that accompany a boom. It also symbolizes Nigerian confidence, deriving partly from economic activity and partly from victory in war—even though that was a victory over part of Nigeria's own population. This sense of confidence—of aggressive independence—also helps to explain why tourism is made difficult; and why the federal military government is prepared, on two days' notice to commandeer the largest and best hotel in room-shy Lagos for an international conference, as it did recently.

But the key to Nigeria's progress—and to its confidence—lies elsewhere, and is the main reason for this nation's growing importance to the outside world. That key is oil. With only a fledgling industry a decade ago, Nigeria is raising its petroleum output this year to the magic level of 2 million barrels a day—fully one-fifth the size of U.S. production, and enough to rank Nigeria eighth in the world, almost equal to politically-quixotic Libya. And with a phenomenal rate of growth Nigeria oil production should reach 2.5 million barrels a day by 1975.

Almost all of Nigeria's oil is destined for foreign markets, primarily in Western Europe, but to a growing extent in the U.S. as well. Gulf, Phillips, Texaco and Mobil have been here for some time; and there is a long queue of U.S. independents hoping to get in. Of course, Nigeria is no Saudi Arabia or Venezuela for the U.S.—we now take about 15 per cent of Nigerian oil or 300,000 barrels a day—but it is our number three source of crude oil imports and it does promise to supply 5 to 10 per cent of U.S. imports even at the end of the decade when we will take so much Midwest oil. Thus Nigeria will not reduce U.S. energy dependence on the Mideast producers by very much, but at the margin it could be important.

At the same time, the federal military government is beginning to realize the importance of its natural gas reserves, whose magnitude is yet unknown. Today, about 2 billion cubic feet a day are simply flared off. Within the next four-year plan however (1975–79), liquid natural gas will almost surely begin flowing to customers in West Europe and the United States; and Nigeria is already being flooded with outside offers to build the needed facilities.

Energy is certainly important for Nigeria, itself. Oil now provides more than 75 per cent of government revenues (and more than 80 per cent of Nigeria's exports, vital to finance economic development). This income gives Nigeria a basis of wealth that virtually all of its smaller neighbors lack, and helps to enhance both the power of the federal government in dealing with the country's 12 states (there is a form of revenue sharing, here, largely based on oil money), and in African political councils. Oil, for example, must be given at least part of the credit for the elevation of General Gowan—Nigeria's Head of State—to the leadership of the Organization of African Unity (OAU). Nor would he be lionized, as during his state visit to London in June, if it weren't for Nigeria's reserves of the precious black gold.

Inevitably, outsiders are considering the reliability of Nigeria as a supplier of oil. To begin with, it has certainly not been a passive partner with the foreign producer companies. Four years ago, for example, all foreign companies (in all industries) were required to register in Nigeria, thus making their books subject to local inspection (U.S. oil firms were given a partial exemption to enable them to continue claiming Nigerian subsidiaries for U.S. tax purposes). Second, in 1971 Nigeria stopped granting new oil concessions to outside companies, and created the Nigerian National Oil Company (NNOC), which works with outside producers—reportedly with considerable success. Third, foreign oil companies are now require to hire Nigerians to fill 75 per cent of all staff positions—though most are concentrated in the lower ranks.

Most important, Nigeria plays an active role in the Organization of Petroleum Exporting Countries (OPEC), which has negotiated several price increases with producer companies and, more recently, the principle of country "participation" in ownership of assets. In the Persian Gulf, 25 per cent ownership of facilities and production is passing to the countries this year (51 per cent by 1982, if not sooner). Nigeria has gone one better, recently concluding a 35 per cent participation agreement with Shell-BP, the industry leader in Nigeria. Other foreign oil companies are now in negotiation with the government, and are hardly likely to fare better than the British-Dutch combine.

None of this, however, is any real cause for alarm on the part of consumer states. Nigeria's dependence on markets to sell its oil and finance development is at least as great as the dependence of oil companies and consumers on Nigeria. Nor have international politics entered into the oil picture here as they have in the Mideast.

The greater concern is with the future of Nigeria, itself. Three years after the Civil War with Biafra (a word I have not heard mentioned in Lagos), the country is doing remarkably well, politically. The defeated Ibo people have long since been officially "rehabilitated," and the Ibo East Central State alone has a civilian rather than military or police governor. And even if reconciliation has not progressed as far as officials here say, there is certainly no Nigerian policy of Reconstruction.

Nigeria's really pressing problems are naturally economic ones, ironically in some ways a bit more difficult because of the oil boom. Lagos and the west are a long way from the farthest corners of Nigeria—both in miles and in economic conditions. Population growth is high in this already most populous of African countries. The literacy rate outside the cities is low—although Nigeria is also generally spared the curse of over-educated and under-skilled students, as is true in most former French African colonies. Unemployment, meanwhile, is high and growing, although here, too, the drift of people to the towns and cities is offset somewhat by the migrants' continuing links to family or tribe.

Most important, Nigeria is finding a growing gap between what it has been able to do in the "modern" sector of the economy, and what has not happened in agriculture. This may be the most critical area in the long term—for Nigeria as for so many other developing countries.

In general, however, Nigeria is a dynamic place. It is seeking to be reliable in the supply of oil and as a recipient of foreign investment, while being quite shrewd in its dealings with oil companies and other multinational corporations. It is trying to solve its own mighty problems in its own way, and to be a model for other African countries to follow. And as one diplomat here said this week, "Lagos may not be a charming place, but it is becoming damned important throughout Africa, and even in the rest of the world."

QUORUM CALL

The PRESIDING OFFICER (Mr. STEVENSON). Is there further morning business?

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 15, 1973, the President had approved and signed the joint resolution (S.J. Res. 160) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, and for other purposes.

REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

I transmit herewith the Annual Report on the International Educational and Cultural Exchange Program conducted during fiscal year 1972 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

During the past quarter century, the increase in economic and scientific interdependence among nations, the growth of new transnational communities based on common interests and concerns, the global reach of communications and the upsurge in travel have all radically altered the international environment. All these developments make it particularly important that the quality of the participants selected for exchange programs and the nature of their exchange experiences be truly outstanding. Added attention should also be given to relatively low-cost ways of enhancing the professional and cultural experiences of foreign students and others who come to live and to work in our country.

During this past year, a special effort has been made to foster group exchanges concerning problems we have in common with other countries. At the same time, we are striving to concentrate on the exceptional individual, on the promising young leader or the influential communicator, for example, as well as to develop exchanges that introduce our visitors to America's exceptionally rich ethnic and cultural diversity.

Our exchange programs have proved especially valuable in recent months in our developing relations with the Soviet Union and the People's Republic of China. The American and Soviet peoples are now working more closely in a wide range of areas—exchanging reactor scientists, sharing research findings in heart disease, cancer, and environmental health, cooperating in nearly 30 environmental projects, collaborating in the use of computers in management and planning joint probes into space. Cultural groups and performing artists are moving between the two countries in increasing numbers. Similar exchanges are occurring with the People's Republic of China. In the past year, Chinese table tennis players, physicians, scientists and acrobats have visited the United States, and businessmen, doctors, journalists, educators, scientists and scholars from this country have gone to China.

Scientific, educational and cultural exchanges between the United States and scores of other countries are also steadily increasing, under both official and unofficial auspices. These exchanges have helped to open new levels of dialogue with present and prospective leaders in much of the world.

A unique feature of the exchange program and a major source of its vitality through the years has been the enthusiastic involvement of thousands of private individuals, associations and businesses in its activities. They have voluntarily given a great deal of their own resources and time and effort to these programs and have thus made the exchange program truly representative of the people of the United States. I gratefully salute those who have taken part in this highly effective form of people-to-people diplomacy.

All of these elements are discussed in greater detail in this Annual Report and I am pleased to commend this document to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *October 16, 1973.*

REPORT OF ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Government Operations. The message is as follows:

To the Congress of the United States:

Pursuant to the Intergovernmental Personnel Act of 1970, I hereby transmit the first report of the Advisory Council on Intergovernmental Personnel Policy.

The members of the Advisory Council include elected public officials, career administrators, labor union leaders, and public administration scholars—people from local, State, and Federal Governments and from private life. I am sure you will share my pride in the Council and my appreciation for their dedicated effort toward improving the ability of government at all levels to respond to the people's needs.

It is noteworthy that this first report of the Council is submitted in the 90th anniversary year of both the Federal and the New York State merit systems, for in many ways the Intergovernmental Personnel Act of 1970 reaffirms as public policy those merit concepts framed in the Civil Service Act of 1883.

In this report, the Advisory Council has recommended new ways to simplify the grant-in-aid process and other aspects of intergovernmental relations. It has also suggested means for strengthening the Federal system through improved personnel management at the State and local level. The Council's recommendations, which would place new emphasis on the rights, powers, and responsibilities of State and local governments for the management of their own affairs, are receiving careful consideration. Since the Council's recommendations could be carried out by the executive branch under its current authority, no draft legislation accompanies the report.

RICHARD NIXON.

THE WHITE HOUSE, *October 16, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Harry J. Hogan, of Maryland, to be an Associate Director of ACTION, which nominating messages were referred to the appropriate committees.

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

AUTHORIZATION TO RECEIVE MESSAGES DURING ADJOURNMENT UNTIL THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States during the adjournment of the Senate over until Thursday next at 12 noon.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, awaiting the call of the Chair, with the understanding that the recess not extend beyond 2 p.m. today.

The motion was agreed to; and at 1:35 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:56 p.m., when called to order by the Presiding Officer (Mr. HATFIELD).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 14, 15, 26, 31, 33, 34, 37, 43, 46, 47, 48, 49, 50, and 51 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 16, 20, 21, 32, 38, 40, and 44 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974;

S. 2282. An act to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga. and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. 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.

The PRESIDENT pro tempore subsequently signed the last two abovementioned enrolled bills and joint resolution.

RECESS UNTIL 2:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 2:30 p.m. today.

The motion was agreed to; and at 1:57 p.m. the Senate took a recess until 2:30 p.m.

The Senate reassembled at 2:30 p.m., when called to order by the Presiding Officer (Mr. DOMENICI).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond the hour of 3 p.m. today.

The motion was agreed to; and at 2:30 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:35 p.m., when called to order by the Presiding Officer (Mr. DOMENICI).

TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a 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. 9590), making appropriations for the Treasury, U.S. Postal Service and General Government for the fiscal year ending June 30, 1974, and for other purposes.

On behalf of the distinguished chairman of the Subcommittee on Treasury, U.S. Postal Service, and General Government of the Committee on Appropriations (Mr. MONTOYA), I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

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

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 10, 1973, at pp. 33594–33596.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by Mr. MONTOYA in explanation of the conference report and in support of the conference report be inserted at this point in the RECORD.

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

STATEMENT BY SENATOR MONTOYA

I wish to make a relatively brief statement on the conference action on H.R. 9590, the Treasury, Postal Service and General Government Appropriation Bill for fiscal year 1974.

The conference report contains a total of $5,233,189,000. This is $388,466,000 over the House bill, $109,837,000 over the Senate bill, $604,277,000 under 1973, but $140,156,000 under the estimate.

The large increase in the conference bill over the House bill results mainly from Senate action on a $300 million budget amendment for Disaster Relief contained in Senate Document 93–36 of August 7, 1973. The House did not consider this budget request and the sum was not contained in the bill as passed the House.

The $109,837,000 increase in the conference bill over the Senate bill results mainly from the fact that the bill as passed the Senate contained $100 million for operating expenses, GSA, to be derived by transfer from 1973. The Conferees did not agree to the transfer of these particular funds and instead made a direct appropriation of funds as proposed in House Document 93–161 of October 2, 1973.

For the Treasury Department, the conference bill contains $1,747,417,000, an increase of $50,322,000 over 1973. The amount allowed is $15,468,000 under the estimate, and $2,330,000 under the House bill. Contained in this total is $1,186,800,000 for the Internal Revenue Service. This is $37,573,000 over 1973; $2,000,000 under the House allowance, and $2,000,000 under the estimate.

For the Bureau of Customs, there is included $221,200,000. This is an increase of $7,500,000 over 1973 and $1,000,000 million under the estimate and $1,000,000 under the House allowance.

For the Bureau of the Mint, there is included $23,375,000. This is a decrease of $2,375,000 under 1973; $375,000 under the House allowance and an increase of $375,000 over the Senate allowance.

For the Bureau of Alcohol, Tobacco and Firearms, Salaries and Expenses, the conference allows $72,250,000. This sum is $750,000 under the estimates and $750,000 over the House allowance.

For the Bureau of the Budget, the conference bill appropriates $18,500,000, a decrease of $1,100,000 under 1973 and represents a reduction of $1,100,000 in the estimates but $2,500,000 over the House allowance.

For the General Services Administration, the conference bill contains $680,640,000. This is a decrease of $85,894,000 under the estimates, as amended; $90,348,000 over the House allowance; $101,572,000 over the Senate allowance.

The Commitee has been informed that the language of Sec. 3 under General Provisions—General Services Administration, may be interpreted in such a manner as to require approval of a proposed purchase contract by the Committee on Appropriations of the Senate and House of Representatives, in every instance prior to the availability of appropriations for administrative expenses in connection with the execution of a purchase contract. This was not the intent of the Committee in inserting this language in the Act.

It was the intent of the Committee, and Sec. 3 should be so construed, that after the expiration of 60 days from the presentation of a proposed purchase contract to the Committees on Appropriations of the Senate and House of Representatives, appropriations shall be available for the administrative expenses of executing such a purchase contract unless, and only unless, Congress, within that 60-day period, has passed an appropriation for the acquisition of an equivalent amount of space. No action by the Committees on Appropriations within said 60-day period, should affect the availability of funds after the expiration of such period.

The language in the section "or, alternatively, during such period [60 days] the proposed contract has been approved by the Committees on Appropriations of the Senate and House of Representatives" was intended as a method of shortening the 60-day waiting period, and funds would be available within less than 60 days upon receipt of such approval.

For the Defense Civil Preparedness Agency, the Conference bill appropriates $82,000,000, a decrease of $1,535,000 under 1973; a reduction of $6,500,000 in the budget estimates; $5,500,000 under the House allowance and an increase of $12,000,000 over the Senate allowance. It was the sense of the Conferees that the amount agreed to—$82 million—will prove to be adequate and sufficient for activities of this Agency if prudent and wise fiscal management is exercised.

Mr. President, the conferees believe that the conference report presents a good agreement. It meets the requirements and needs in the programs covered by the bill with minimal increases.

Mr. President, I thank the conferees on the part of the Senate for their fine cooperation and help in the conference. I hope the Senate will be willing to accept the conference report without question.

Mr. HATFIELD. Mr. President, the ranking Republican Member of the Subcommittee, the distinguished senior Senator from Oklahoma (Mr. BELLMON) is necessarily away from the Senate today but I know that he, too, joins me in endorsing this conference report, and commending the chairman for his faithful diligence to maintaining the priorities established by the Senate in this bill that reflects the true spirit of compromise.

There is one item in this bill that I know has drawn considerable attention since the Committee on Appropriations reported out this bill back on August 3, and that is the item dealing with the civil preparedness activities of the Department of Defense. For my own part, I have serious misgivings based upon close observation of this program as Governor of Oregon and I fully supported the reductions recommended by the Committee on Appropriations. However, in the conference a consensus developed that the reductions recommended by the Senate should be deferred until further hearings could be held on these programs. Accordingly, the final bill restores both the operation and maintenance and the research, shelter survey, and marking appropriations to approximately last year's level.

An item of particular interest to me in this bill is the emergency health program of the Department of Health, Education, and Welfare. This program was scheduled to be phased out and no funds were recommended in the budget. However, our committee received a strong statement from the Oregon Volunteer Ambulance Association endorsing the training and technical assistance programs provided by the Division of Emergency Health Services. Based on that excellent testimony and other data, I was able to obtain an additional $3 million when the bill was before the Committee on Appropriations to continue this vital activity. I am pleased to note that the Committee of Conference has fully approved the action of the Senate and that the necessary minimum funds will be available to continue the emergency health program.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there may be inserted in the RECORD a statement by the distinguished ranking member of this subcommittee (Mr. BELLMON) regarding the funding of the Office of Telecommunications Policy.

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

Mr. HATFIELD. I would add my own endorsement to these remarks and I, too, urge the administration to consolidate the research budgets of the Office of Telecommunications Policy and the Office of Telecommunications in the Department of Commerce. This has been a matter of concern to both this subcommittee and the subcommittee that handles the budget of the Department of Commerce and there is a near unanimous feeling that these funds should all be in one place in next year's budget.

Mr. President, I also ask unanimous consent that a statement prepared by the ranking minority member of the Committee on Appropriations, the distinguished senior Senator from North Dakota (Mr. YOUNG), be included in the RECORD immediately following the statement of the Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HATFIELD. Mr. President, I urge the Senate to give this report immediate consideration in order that the bill may be sent to the White House for the President's signature so that the many necessary and vital functions that this bill includes can get underway.

STATEMENT BY SENATOR BELLMON

There is confusion as to the relationship of the Office of Telecommunications Policy to other Government entities, particularly the White House, the Department of Commerce and the Federal Communications Commission. There is concern that OTP is unduly influenced by political considerations because of its location in the Executive Office. With respect to the Department of Commerce and the FCC, there is also concern about overlap and duplication in the area of research and analysis regarding telecommunications issues. It also appears that agencies of the government are making inconsistent policy decisions on issues of telecommunications policy.

Both the House and the Senate reports point to apparent duplication in the research budgets between OTP and the Office of Telecommunications of the Department of Commerce, and the Senate requested that consideration be given to consolidating that portion of the Department of Commerce's budget with the OTP budget. The Conference Committee shares these concerns and anticipates that the Administration will follow through on steps that would clarify the telecommunications decision-making process.

STATEMENT BY SENATOR YOUNG

As both a conferee on this bill and the ranking Minority Member of the Appropriations Committee, I recommend Senate approval of this Conference Report. The final version of the bill has the peculiarity of being higher than the version as passed by either House. This only comes about because of the large increase inserted in the Senate version of the bill for disaster relief; and because of the insistence of the House managers of the bill for direct appropriations for certain General Services Administration activities for which the Senate funded by transfers from funds available from last year. The latter change was reflected in the Administration's revised budget estimate for these activities.

I particularly commend the Chairman (Mr. Montoya) and the ranking Minority Member (Mr. Bellmon) of the Subcommittee for obtaining a $26 million appropriation for the Special Fund for the Special Action Office for Drug Abuse Prevention. This is $4.5 million more than was provided in the House version of the bill and is vital to the efforts of the Special Action Office for the prevention and treatment of drug abuse.

Mr. ROBERT C. BYRD. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted, insert: "and the provisions of Section 7(e) of the Act of August 16, 1973 (Public Law 93–100), $1,036,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken by the amendment of the Senate, insert: "after submission to the House and Senate Committees on Appropriations,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert: ": *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted, insert:

"That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading: Provided further, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"SEC. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, and the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"*Provided further*, That $1,280,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, reqired for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted, insert: "$6,000,000, of which $3,000,000 shall be available only for transfer to the General Services Administration for the purpose of disposal of the medical stockpile".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 16, 20, 21, 32, 38, 40, and 44.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a tabulation of the fiscal year 1973 appropriation, the 1974 budget estimates, as revised, to the House and Senate, and conference committee allowances for fiscal year 1974 be printed at this point in the RECORD.

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

COMPARATIVE STATEMENT OF CONFERENCE TOTAL WITH NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1973, BUDGET ESTIMATES FOR FISCAL YEAR 1974, AND HOUSE AND SENATE ALLOWANCES

TITLE I—TREASURY DEPARTMENT

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974 (as amended)	New budget (obligational) authority, House version	New budget (obligational) authority, Senate version	Conference allowance	Conference allowance compared with— 1973 appropriations	1974 estimates	House version	Senate version
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Office of the Secretary	$16,500,000	$18,185,000	$17,600,000	$18,185,000	$17,892,000	+$1,392,000	−$293,000	+$292,000	−$293,000
Federal Law Enforcement Training Center:									
Salaries and expenses	1,900,000	2,200,000	2,200,000	2,200,000	2,200,000	+300,000			
Construction		6,000,000					−6,000,000		
Total, Federal Law Enforcement Training Center	1,900,000	8,200,000	2,200,000	2,200,000	2,200,000	+300,000	−6,000,000		
Bureau of Accounts:									
Salaries and expenses	63,341,000	71,100,000	70,000,000	70,000,000	70,000,000	+6,659,000	−1,100,000		
Government losses in shipment	300,000	800,000	800,000	800,000	800,000	+500,000			
Total, Bureau of Accounts	63,641,000	71,900,000	70,800,000	70,800,000	70,800,000	+7,159,000	−1,100,000		
Bureau of Alcohol, Tobacco and Firearms	74,427,000	73,000,000	71,500,000	73,000,000	72,250,000	−2,177,000	−750,000	+750,000	−750,000
Bureau of Customs	213,700,000	222,200,000	222,200,000	221,200,000	221,200,000	+7,500,000	−1,000,000	−1,000,000	
Bureau of Engraving and Printing fund	3,000,000					−3,000,000			
Bureau of the Mint:									
Salaries and expenses	23,000,000	24,500,000	23,750,000	23,000,000	23,375,000	+375,000	−1,125,000	−375,000	+375,000
Construction of Mint facilities	2,000,000					−2,000,000			
Total, Bureau of the Mint	25,000,000	24,500,000	23,750,000	23,000,000	23,375,000	−1,625,000	−1,125,000	−375,000	+375,000
Bureau of the Public Debt	71,900,000	79,400,000	77,000,000	77,000,000	77,000,000	+5,100,000	−2,400,000		
Internal Revenue Service:									
Salaries and expenses	34,500,000	34,687,000	34,687,000	34,687,000	34,687,000	+187,000			
Accounts, collection, and taxpayer service	517,600,000	531,683,000	531,683,000	530,000,000	531,683,000	+14,083,000			+1,683,000
Compliance	597,127,000	622,430,000	622,430,000	620,430,000	620,430,000	+23,303,000	−2,000,000	−2,000,000	
Total, Internal Revenue Service	1,149,227,000	1,188,800,000	1,188,800,000	1,185,117,000	1,186,800,000	+37,573,000	−2,000,000	−2,000,000	+1,683,000
Office of the Treasurer:									
Salaries and expenses	11,300,000	12,700,000	12,400,000	12,400,000	12,400,000	+1,100,000	−300,000		
Check forgery insurance fund	1,800,000					−1,800,000			
Total, Office of the Treasurer	13,100,000	12,700,000	12,400,000	12,400,000	12,400,000	−700,000	−300,000		
U.S. Secret Service	64,700,000	64,000,000	63,500,000	63,500,000	63,500,000	−1,200,000	−500,000		
Total, title I, Treasury Department, new budget (obligational) authority	1,697,095,000	1,762,885,000	1,749,750,000	1,746,402,000	1,747,417,000	+50,322,000	−15,468,000	−2,330,000	+1,015,000

TITLE II—U.S. POSTAL SERVICE

Agency and item	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Payment to Postal Service Fund	$1,410,000,000	$1,373,096,000 [1]	$1,373,000,000 [1]	$1,373,000,000	$1,373,000,000	$−37,000,000	$−96,000		

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Agency and item	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Compensation of the President	$250,000	$250,000	$250,000	$250,000	$250,000				
Council of Economic Advisers	1,369,000	1,376,000	1,376,000	1,376,000	1,376,000	+$7,000			
Council on International Economic Policy	1,000,000	1,400,000				−1,000,000	−$1,400,000		
Disaster Relief	592,500,000	[2] 400,000,000	100,000,000	400,000,000	400,000,000	−192,500,000		+$300,000,000	
Domestic Council	1,800,000	1,168,000	1,100,000	1,100,000	1,100,000	−700,000	−68,000		
Economic Stabilization Activities	30,400,000	62,654,000	60,000,000	55,000,000	55,000,000	+24,600,000	−7,654,000	−5,000,000	
Emergency fund for the President	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Executive Residence	1,372,000	1,370,000	1,370,000	1,370,000	1,370,000	−2,000			
Expenses of management improvement	700,000	350,000	350,000	350,000	350,000	−350,000			
National Commission on Productivity		5,000,000					−5,000,000		
National Security Council	2,762,000	2,802,000	2,802,000	2,802,000	2,802,000	+40,000			
Office of Emergency Preparedness:									
Salaries and expenses	6,404,000					−6,404,000			
Defense mobilization functions of Federal agencies	3,471,000					−3,471,000			
Total, Office of Emergency Preparedness	9,875,000					−9,875,000			
Office of Intergovernmental Relations	322,000					−322,000			
Office of Management and Budget	19,600,000	19,600,000	16,000,000	19,100,000	18,500,000	−1,100,000	−1,100,000	+2,500,000	−$600,000
Office of Telecommunications Policy	3,000,000	3,270,000	2,070,000	1,500,000	2,070,000	−930,000	−1,200,000		+570 000
Special Action Office for Drug Abuse Prevention:									
Salaries and expenses	6,856,000	25,190,000	5,000,000	5,000,000	5,000,000	−1,856,000	−20,199,000		
Pharmacological Research	20,000,000		20,000,000	20,000,000	20,000,000		+20,000,000		
Special fund	25,000,000	40,000,000	21,500,000	30,000,000	26,000,000	+1,000,000	−14,000,000	+4,500,000	−4,000,000
Total, Special Action Office for Drug Abuse	51,856,000	65,199,000	46,500,000	55,000,000	51,000,000	−856,000	−14,199,000	+4,500,000	−4,000,000
Special assistance to the President	773,000	675,000		675,000	675,000	−98,000		+675,000	
Special projects	1,500,000	1,500,000		1,000,000		−1,500,000	−1,500,000		−1,000,000
White House Office	9,767,000	9,110,000	9,110,000	9,110,000	9,110,000	−657,000			
Total, title III, Executive Office of the President, new budget (obligational) authority	729,846,000	576,724,000	241,928,000	549,633,000	544,603,000	−185,243,000	−32,121,000	+302,675,000	−5,030,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFERENCE TOTAL WITH NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1973, BUDGET ESTIMATES FOR FISCAL YEAR 1974, AND HOUSE AND SENATE ALLOWANCES—Continued

IV—INDEPENDENT AGENCIES

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974 (as amended)	New budget (obligational) authority, House version	New budget (obligational) authority, Senate version	Conference allowance	Conference allowance compared with— 1973 appropriations	1974 estimates	House version	Senate version
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Administrative Conference of the United States	$450,000	$700,000	$600,000	$600,000	$600,000	+$150,000	−$100,000		
Advisory Commission on Intergovernmental Relations	806,000	901,000	850,000	1,036,000	1,036,000	+230,000	+135,000	+$186,000	
Civil Service Commission:									
Salaries and expenses	65,974,000	65,774,000	65,774,000	65,774,000	65,774,000	−200,000			
By transfer	(12,000,000)	(14,000,000)	(14,000,000)	(14,000,000)	(14,000,000)	(+2,000,000)			
Annuities under special acts	1,079,000					−1,079,000			
Government payment for annuitants, employees health benefits	137,608,000	125,114,000	125,114,000	125,114,000	125,114,000	−12,494,000			
Payment to civil service retirement and disability fund	737,470,000	589,905,000	589,905,000	589,905,000	589,905,000	−147,565,000			
Federal Labor Relations Council, salaries and expenses	714,000	726,000	720,000	720,000	720,000	+6,000			
Intergovernmental personnel assistance	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−5,000,000	−6,000		
Revolving fund									
Total, Civil Service Commission	957,845,000	791,519,000	791,513,000	791,513,000	791,513,000	−166,332,000	−6,000		
Commission on Executive, Legislative, and Judicial Salaries	100,000					−100,000			
Commission on Government Procurement									
Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped	200,000	240,000	200,000	240,000	240,000	+40,000		+40,000	
Advisory Committee on Federal pay		130,000	130,000	130,000	130,000	+130,000			
Commission to Review National Policy Toward Gambling		356,000	200,000	250,000	250,000	+250,000	−106,000	+50,000	
General Services Administration:									
Public Buildings Service:									
Operating expenses (by transfer)	442,500,000	[3] 480,582,000	[4] 390,582,000	[5] 380,582,000	480,582,000	+38,082,000		+9 000,000	+$100,000,000
				(100,000,000)	( )		( )	( )	(−100,000,000)
Repair and improvement of public buildings	88,045,000	[6] 82,000,000	[7] (82,000,000)	[8] (82,000,000)	[9] (82,000,000)	−88,045,000	−82,000,000		
Construction, public buildings projects	203,312,000	[10] (2,572,000)	[11] 2,572,000	[12](2,572,000	[13] 2,572,000	−200,740,000	+2,572,000		+2,572,000
Sites and expenses, public buildings projects	25,031,000	2,000,000	500,000	500,000	500,000	−24,531,000	−1,500,000		
Payments, public buildings purchase contracts	2,450,000	7,300,000	7,300,000	7,300,000	7,300,000	−4,850,000			
Expenses, U.S. court facilities	5,344,000	7,512,000	7,512,000	7,000,000	7,000,000	+1,656,000	−512,000	−512,000	
Total Public Buildings Service	766,682,000	579,394,000	408,466,000	395,382,000	497,954,000	−268,728,000	−81,440,000	+89,488,000	+102,572,000
Federal Supply Service	93,630,000	98,753,000	95,000,000	97,000,000	96,000,000	+2,370,000	−2,753,000	+1,000,000	−1,000,000
National Archives and Records Service:									
Operating expenses	31,585,000	33,230,000	33,000,000	33,230,000	33,230,000	+1,645,000		+230,000	
Records declassification	860,000	1,000,000	1,000,000	1,000,000	1,000,000	+140,000			
Total, National Archives and Records Service	32,445,000	34,230,000	34,000,000	34,230,000	34,230,000	+1,785,000		+230,000	
Automated Data and Telecommunications Activities	7,514,000	6,688,000	6,600,000	6,600,000	6,600,000	−914,000	−88,000		
Property Management and Disposal Service	43,962,000	33,837,000	33,000,000	33,000,000	33,000,000	−10,962,000	−837,000		
Office of Administrator:									
Salaries and expenses	1,480,000	2,900,000	2,750,000	2,750,000	2,750,000	+1,270,000	−150,000		
Indian Tribal Claims	1,264,000	2,280,000	2,200,000	2,200,000	2,200,000	+936,000	−80,000		
Allowances and office staff for former Presidents	408,000	236,000	60,000	60,000	60,000	−348,000	−175,000		
Expenses, Presidential transition	900,000					−900,000			
Administrative operations fund (on administrative expenses)	(37,100,000)	(44,703,000)	(40,000,000)	(44,703,000)	(42,350,000)	(−5,250,000)	(−2,353,000)	+2,350,000)	(−2,353,000)
Emergency preparedness:									
Salaries and expenses	(5,219,000)	4,846,000	4,846,000	4,846,000	4,846,000	+4,846,000			
Defense mobilization functions	(3,471,000)	3,370,000	3,370,000	3,000,000	3,000,000	+3,000,000	−370,000	−370,000	
Total, Office of Administrator	4,052,000	13,632,000	13,226,000	12,856,000	12,856,000	+8,804,000	−776,000	−370,000	
Total, General Services Administration	948,285,000	766,534,000	590,292,000	579,068,000	680,640,000	−267,645,000	−85,894,000	+90,348,000	+101,572,000
United States Tax Court:									
Salaries and expenses	4,307,000	5,760,000	5,760,000	5,480,000	5,760,000	+1,453,000			+280,000
Construction	1,916,000					−1,916,000			
Total, United States Tax Court	6,223,000	5,760,000	5,760,000	5,480,000	5,760,000	−463,000			+280,000
Department of Defense:									
Civil Defense Preparedness Agency:									
Operation and maintenance	60,335,000	64,100,000	63,500,000	50,000,000	60,000,000	−335,000	−4,100,000	+3,500,000	+10,000,000
Research, shelter survey, and marking	23,200,000	24,400,000	24,000,000	20,000,000	22,000,000	−1,200,000	−2,400,000	−2,000,000	+2,000,000
Total Civil Defense Preparedness Agency	83,535,000	88,500,000	87,500,000	70,000,000	82,000,000	−1,535,000	−6,500,000	−5,500,000	+12,000,000

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974 (as amended)	New budget (obligational) authority, House version	New budget (obligational) authority, Senate version	Conference allowance	Conference allowance compared with— 1973 appropriations	1974 estimates	House version	Senate version
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Department of Health, Education, and Welfare:									
Health Services and Mental Health Administration:									
Emergency health	$3,081,000	$6,000,000	$3,000,000	$6,000,000	$6,000,000	+$2,919,000		+$3,000,000	
Total, title IV, independent agencies, new budget (obligational) authority	2,000,525,000	1,660,640,000	1,480,045,000	1,454,317,000	1,568,169,000	−432,356,000	−$92,471,000	+88,124,000	+$113,852,000
Grand totals, titles I, II, III, and IV, new budget (obligational) authority	5,837,466,000	5,373,345,000	4,844,723,000	5,123,352,000	5,233,189,000	−604,277,000	−140,156,000	+388,466,000	+109,837,000

[1] Of which $142,333,500 shall be transferred to the Civil Service Retirement and Disability Fund.
[2] Reflects revised estimate of $400,000,000 contained in S. Doc. 93-36, dated Aug. 7, 1973, in lieu of $100,000,000 requested in January budget.
[3] January budget proposed $390,582,000 by direct appropriation and an additional $100,118,000, to be derived by transfer, from "Construction, PBS," 1973, or a total of $490,700,000. H. Doc. 93-161, dated Oct. 2, 1973, proposes amendment which provides for direct financing in amount of $480,582,000, and no transfer of unobligated funds.
[4] Disallowed transfer of $100,118,000, as requested.
[5] $380,582,000 by direct appropriation and in addition $100,000,000, to be derived by transfer from "Construction, 1973."
[6] January budget proposed that $97,937,000 be derived by transfer from "Construction, PBS," 1973. H. Doc. 93-161, Oct. 2, 1973, proposes a budget amendment which provides for direct financing in amount of $82,000,000.
[7] Disallowed transfer of $97,937,000 from "Construction, PBS," 1973 and in lieu thereof permitted $82,000,000 be transferred from Operating Expenses, PBS, 1974.
[8] $82,000,000 to be derived by transfer from "Construction, PBS," 1973.
[9] To be derived by transfer from the appropriation, Public Buildings Service, Operating Expenses, 1974, in lieu of reappropriation from "Construction, 1973."
[10] To be derived by reappropriation from "Construction, 1973."
[11] By direct appropriation.
[12] From unobligated balance in the Construction, PBS, 1973, account.
[13] By direct appropriation.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Thursday at 12 noon. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Rhode Island (Mr. PELL) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes.

The leadership anticipates no rollcall votes, and no action is expected except in the event there is a conference report that can be acted upon or a bill on the calendar that has been cleared for action, not necessitating a rollcall vote. Such measures would be taken up and disposed of.

ADJOURNMENT TO THURSDAY, OCTOBER 18, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Thursday next.

The motion was agreed to; and at 2:39 p.m., the Senate adjourned until Thursday, October 18, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate on October 16, 1973:

DEPARTMENT OF DEFENSE

Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army, vice Dudley C. Mecum, resigned.

ACTION

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of the ACTION Agency. (New Position).

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency. (New Position).

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Abbott, William Arlen
Alexander, Corington A., Jr.
Alvarado, Philip Daniel
Alvarez, Everett, Jr.
Anderson, Bryan Richard
Anderson, Harland Dewayne
Armbruster, William Arthur
Asher, John Wilson, III
Bailey, Fred Wilkin
Baker, Harry John
Baker, Henry Theodore
Baldwin, John Stanley
Ball, Hugh Earnest, Jr.
Barker, Francis Oscar
Bash, John Franklin
Batts, William Henry, Jr.
Beck, Victor
Behning, William Penn
Bennett, David Michael
Bennett, Maurice Hogue, Jr.
Binczak, Joseph Francis
Black, Ronald Eugene
Blasch, Lynn Paul
Boatright, Keith Arnold
Bock, Karl Ford
Boland, Joseph Eugene, Jr.
Boltz, Norman Donald
Boorda, Jeremy Michael
Borgquist, Bruce Warren
Botkin, Harry Lee
Bowles, Vivian Knight
Boynton, Thomas Franklin
Bradbury, Craig Merrill
Branchflower, Norman H., Jr.
Briggs, Roger Clarence
Briggs, Steven Russell
Brons, John Clemons
Brown, Alan Richard
Brown, Ronald Lee
Brownlie, Robert Clark, Jr.
Brumwell, Robert Keith
Burke, Lauren Dean
Burnett, James Reed
Burns, John Joseph
Burt, David Leete
Burton, John George
Bushey, William Edward
Buss, Richard Henry
Cadow, William Schuyler, Jr.
Calder, Donald James
Camp, William George
Cannon, John Wesley
Carden, Francis Deleveaux, Jr.
Cargill, Lee Bruellman
Carlsen, Kenneth Leroy
Carlson, Gilman Regenous, Jr.
Carpenter, John Embry
Carter, Frederick Whitton, Jr.
Catalano, Alvin Nicholas, II
Catalano, Peter Rocco
Chambers, Leroy
Chandler, David Fessenden
Chandler, Ralph Wallace
Clarity, Michael Gerard
Clegg, William Louis
Clexton, Edward William, Jr.
Collis, Charles David
Copeys, Joseph Edward
Connerton, James Edward, Jr.
Converse, Joseph Irwin, Jr.
Cornelius, Patrick Bryan
Cox, Kenneth Hildred
Craft, Charles David
Crippen, Robert Laurel
Crombie, Todd Austin
Crowninshield, George W.
Cuddy, John Vincent
Cunneen, William James, Jr.
Dachos, John
Dafoe, James Lyle
Damato, Joseph Jack
Davis, Joseph Fleming
Dee, James David, Jr.
Delpercio, Michael, Jr.
Derryberry, William David
Dewalt, Gary Lee
Dew, Harry Philip, Jr.
Dietz, Donald Lee
Dobbins, James Ryan
Dodge, Peter Burnett
Doe, Francis Patrick
Donis, John Nicholas
Donodeo, Roger Francis
Doyle, William James
Driver, Ace Charles, Jr.
Drude, Leonard Joseph
Dvornik, Donald Frederick
Dyke, Conrad Scott
Dykeman, Charles John
Effron, Herbert Marshall
Egan, Joseph Robert
Eilertsen, James Trigen
Ellison, Paul Emery
Endter, Elmer William, Jr.
Evans, Ronald Arthur
Fairly, James Peter, Jr.
Fang, George Weiming
Feldhaus, John Anthony

Ferguson, Robert Harvey
Finkelstein, Jimmie Bennie
Fitzgerald, Thomas A., Jr.
Fitzpatrick, Eugene Edward
Flanagan, George Thomas
Fleming, Robert Earle
Flynn, Cathal Liam, Jr.
Forst, Ronald John
Frame, Don Dale
Franks, Richard Newell
Frederick, Richard Amby
Fuchs, Jerry Lee
Fulcher, James Marion
Fullerton, George Edward, Jr.
Furminger, Harry Carlos
Galavotti, Edward Louis
Gentry, Donald Gunn
Georg, John August
Gerrish, Donald Aikman, Jr.
Gillett, Robert Milton, Jr.
Gilmore, James Gordon
Gilstrap, Ralph Madison
Goldsmith, Albert Lewis, Jr.
Gomez, Alvaro Raymond
Goodwin, James Clivie, Jr.
Goodwin, Robert Leo, Jr.
Gost, William John
Goto, Irving Ken
Gracy, Ronald Alsberry
Graff, Dennis Theodore
Guilbault, Roland George
Gunter, Billie Gene
Hadfield, Richard Reuben
Hagan, Wayne Edgar
Hahn, Donald Lee
Hahn, John William
Haigis, Erwin Giles, Jr.
Hakanson, Gary Evan
Haller, Hubert Michael
Harper, William Lawrence
Hassler, Thomas Andrew
Hayden, John Roderick
Henderson, Ronald Gordon
Hendricks, Paul Vincent
Henry, Robert Lee
Herig, Richard Weir
Hernon, Donald Mearns
Higginbotham, John David
Hildebrand, Wayne Thompson
Hock, Joseph Thomas
Hoech, Donald Gene
Hoffer, Leon Erwin, Jr.
Hogan, Thomas William
Holcomb, Charles Curtis
Holmes, Frederick Lee
Homan, Clifford Francis
Houck, Jack Carlton
Houghton, Harry Allen, Jr.
Howley, Thomas Francis
Huff, Douglas
Hunter, Richard Webster
Huston, Richard Stanley
Iverson, Dale Allen
Jackmond, Arnold Darrell
Jacobson, Walter Dobbs
Jacoby, Cliffton Gordon
Jampoler, Andrew Christopher
Jerns, Robert Lee
Jockel, Joseph Andrew, Jr.
Joe, Lawrence Palmer
Johnson, Charles Otis
Johnson, Raymond Leroy
Johnson, Roland Ralph
Jones, Howard Richard, Jr.
Jones, Meredith Roy
Jones, William Olmstead
Kalleres, Michael Peter
Kane, William Robert
Kaup, Robert Charles
Keener, Thomas Vernon
Kelley, Robert Douglas
Kellogg, Edward Francis
Kelly, Harold Thomas
Kerr, Daryl Lee
Kesler, Walter Wilson
Kessler, Robert Roth
Kight, James Runnells
Killelea, Francis Robert
King, John Joseph
King, William Kenneth
Kirk, Robert George
Klett, William Gustav
Kramer, Robert Gene
Krasts, Ilmars
Kuhn, Edward Robert
Kunkel, Barry Eugene
Lanam, Jackson Morris
Laning, Clifford Leroy
Larsen, John Thomas
Lauk, Richard Eugene
Lavender, Carlos Floyd
Lawrence, Paul Lewis
Lazo, Reinaldo
Lee, Arthur Rowland
Lee, Leonard Floyd
Leisentritt, Frederick C., III
Lesesne, Henry Deas
Leshko, Thomas John
Lester, Roy Edward
Lester, Walter Briscoe, Jr.
Lewis, Harry Gene
Lindland, Donald Fredrick
Lloyd, George Thomas
Luter, Thomas Harris
Lyon, Edward, III
Maier, William Henry
March, Daniel Peter
Markowski, David L.
Marrapodi, Joseph Frank, Jr.
Marsh, Arnold David
Martin, William Glynn
Marvin, Timothy Haigh
Matolay, Nils Arche
Maurer, John Howard, Jr.
McCall, Ralph Bennett
McClendon, Leigh A., III
McEwen, Robert Michael
McGann, Robert Gregory
McGowen, William Rankin
McKinney, Charles Joseph, Jr.
McKinney, Henry Clayton
Mendenhall, Carlos Curtis, Jr.
Mercer, Thomas Alexander
Meyers, Michael Stanley
Mezzadri, Francis Xavier
Miller, Hawkins Gordon
Miller, Nigal Edward, Jr.
Milligan, Richard David
Moellmer, Karl Albert
Moore, James Baker
Moore, James Sylvan
Moore, Thomas Joseph
Moore, William Bishop, Jr.
Moran, Francies Joseph, Jr.
Morgan, William Allen
Moroney, William Maurice
Morse, Raymond Montgomery
Moser, John August
Mosher, Norman Gardner
Moss, Jack Linwood
Mueller, Lincoln Henry
Mulhern, Thomas Anthony
Munsinger, Melvin David
Murphy, Arthur Robert
Murphy, John Cowden
Naughton, Robert John
Newlin, John Joseph
Newman, Irwin Gerald
Nielsen, Emanuel Kevin
Nollan, Walter John
Nonni, John, Jr.
North, William Joseph
O'Brien, Gerald Henry
Oliver, David Rogers, Jr.
Orejuela, Henry
Osgood, Franklin Baker
Parker, Richard Lee
Partlow, Robert Greider
Patella, Lawrence Matthew
Patterson, David Rufus
Pederson, Charles Lloyd
Peltz, Theodore Anthony
Peterson, Charles Alan
Petroske, Kenneth Constantine
Petty, Howard Crosby
Pfeifer, Robert Dean
Piccioni, Jerome David
Pidgeon, Edward Timothy, Jr.
Pippenger, William Wayne
Porter, Richard Brooks
Potter, James Allison
Pottratz, Richard Karl
Powers, Robert Carney
Purcell, William Clarence
Quigley, Joseph Mathew
Rasmussen, Larry Kay
Rawcliffe, Leonard Harrison
Re, Joseph Mario
Redman, Robert Lee
Reed, William Henry, Jr.
Rein, Robert Joseph
Renner, William Scott
Reppert, Thomas Charles
Resare, Ronald Albert
Rickwald, Ronald Raymond
Riedel, Bernard, Jr.
Roberts, Gary Kirkwood
Robertson, John Stephen
Robinson, David Brooks
Rommel, John Richard
Roth, James Earl
Sajdera, Robert Matthew
Samford, Jack Wallis
Sanders, Sheldon Morton
Sanders, Tommy Louis
Sandke, William Kearns
Savage, Billy Bob
Sawdey, Phillip Gordon
Schrader, Norman Edward, Jr.
Schroeder, Gerard Richard
Schroeder, Raymond Charles, Jr.
Schwarzenbach, Hart J., Jr.
Seger, Ralph Logan, Jr.
Shea, John Joseph
Sheppard, Furman Ladow, Jr.
Sherburne, Douglas Maxwell
Sherlock, Wilbur John
Shoemaker, Hugh Louis
Shope, Theodore Lloyd
Silverman, Richard Alan
Siple, Terrence Eugene
Slater, Charles Edward
Smith, Clinton Lester
Smith, Gary Thomas
Smith, Leighton Warren, Jr.
Smith, Vance Griffin
Smith, Wayne Arnold
Smith, William Patrick
Smoot, John Howard
Snyder, Stephen Vanhekle
Somervill, William Nelson
Somes, Timothy Edmund
Sopko, John Russell
Sparks, Neil Roley, Jr.
Sperling, Harris
Sprecher, Herbert Edgar, Jr.
Springer, Judson Hewitt
Stahel, Ervin Duane
Staiger, Martin
Starbird, Gary Lee
Steckler, Charles Thomas
Stevick, Jerold Champney, Jr.
Stockstad, Ralph Floyd
Stout, Richard Dunbar
Strickland, Virgil Earl, Jr.
Strong, Bruce Walter
Sudholz, Herman Otto
Suereth, Elwood Jay
Sullivan, George Edward, III
Svoboda, Henry Dean, Jr.
Swanson, Leonard Bruce, Jr.
Sweeney, Charles John, Jr.
Syverson, Maurice Scott
Taipale, Raymond Donald
Tarkowski, Ronald Chester
Tate, Kenneth Payden
Taylor, John Keith
Templeton, Robert Neil
Thomas, James Philip Louis
Thomas, Richard William
Thomas, Robert Dean
Thorne, Charles Edward
Toy, George Ervin
Treptow, Harold Clarence
Traux, Robert Charles
Tucker, Robert Eugene, Jr.
Turczyn, Daniel Walter
Tuthill, Donald Leroy
Vaden, Stephen Joe
Vance, John Warren, III

Vancuren, Russell Fay
Vaughan, Joseph Seep
Veazey, Sidney Edwin
Vogt, Larry Gene
Wallace, Theodore Washington
Waples, John Michael
Warmbir, Kenneth Michael
Waters, Irving Asa, Jr.
Weeks, Dennis Carlton
Weller, Antone Mathew
Welch, John Michael
Wenger, Richard Owen
West, Eugene Hal
West, Ward Lee
Whitby, Ralph Earl, Jr.
Whittaker, Thomas Kent
Wile, Alan Rigby, Jr.
Williams, Edward Morgan
Williams, James Edward
Williams, James Kendree, Jr.
Wilson, Dennis Kendrick
Wilson, James Paul
Withsosky, James Howard
Wolfe, Ned Charles
Wolynies, Jon Gordon
Wood, Phillip Ray
Wright, Lawrence Thomas
Wright, William Alan
Wynn, Walter Pierson, Jr.
Yeager, Gary Wayne
Young, Ernest Tillson, Jr.
Young, Robert Bryant
Zachary, William Hugh, Jr.
Zimdar, Robert Eugene

Lieutenant Commander Robert D. Woods, United States Naval Reserve, for temporary promotion to the grade of commander in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following named Regular officers of the line of the United States Navy, for temporary promotion to the grade of commander pursuant to Title 10, United States Code, Section 5787, subject to qualification therefor as provided by law:

Allwine, Robert Anderson
Brown, Harold Eugene
Lasch, Charles Anthony
Rollins, David John

The following named women officers of the United States Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Barker, Cathryn Josephine
Bole, Barbara
Bufkin, Kathryn Lyon
Calene, Mary Lou
Curtis, Mary Ann
Glover, Elizabeth Bevan
Hess, Carleen Rita
Kelly, Barbara Jane
Rice, Sue Ann
Suse, Barbara Jane
Vail, Doris Ruth
Vonwantoch, Jordine Skoff
Watlington, Sarah Jane

WITHDRAWAL

Executive nomination withdrawn from the Senate October 16, 1973:

Harry J. Hogan, of Maryland, to be an Associate Director of Action, vice Charles W. Ervin, which was sent to the Senate on September 5, 1973.

HOUSE OF REPRESENTATIVES—*Tuesday, October 16, 1973*

The House met at 12 o'clock noon.

The Reverend Harold E. Petersen, Grace Bible Church, Anaheim, Calif., offered the following prayer:

Eternal God, our gracious Heavenly Father, we thank Thee for the sacred privilege of prayer; that we as finite man can call on Thee, an infinite God, to seek Thy guidance and Thy direction.

In these days of uncertainty, problems and perplexities, when we cannot know what the future holds; we trust in the One who holds the future.

Thou art the source of true blessing; Thou art the foundation that is steadfast and sure. In Thee alone do we find comfort, blessing, and strength.

Guide these assembled leaders of our great Nation. Give them true wisdom and insight. May their decisions bring glory to Thy name, and blessing to the people of these United States.

Show us Thy will O God, that Thy best may be achieved for our Nation, and for our lives individually. Make us aware of Thy love and grace. May we see a new spirit of repentence of our sins and a returning to those principles and precepts that have made our Nation great.

We pray this in the name of Jesus Christ who is the way, the truth, and the life; in whom by faith alone we have salvation and eternal life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sunday messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

THE REVEREND HAROLD E. PETERSEN

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCOLLISTER. Mr. Speaker, the gentleman who just delivered our opening prayer this afternon, the Reverend Harold E. Peterson, is pastor of the Grace Bible Church in Anaheim, Calif. But he is a native Nebraskan who was born in Omaha and was graduated from Benson High School there. He received his theological training from the Grace Bible College in Grand Rapids, Mich. He has been the pastor of churches in Kansas, Colorado, California, and was pastor of the First Grace Gospel Church in Omaha.

Reverend Petersen has been very active as a youth camp speaker and director on the west coast and has been active in his denominational circles, having served as president of both the midwestern and west coast regional boards.

As a tribute to the respect in which he is held by his denomination—the Grace Gospel Fellowship—he is currently serving as vice chairman of the executive board of the national cabinet.

Reverend Petersen's parents, Mr. and Mrs. Alvin Petersen, live in Omaha and are constituents of mine. It was indeed a great honor for me to have heard Reverend Petersen deliver the opening prayer today.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE CASE OF DR. LEV LIBOV

(Mr. DRINAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DRINAN. Mr. Speaker, 2 weeks ago, I joined with several other Members of Congress in a special order in support of the Mills-Vanik freedom-of-emigration provision. It is our intent to bring to the attention of our colleagues and the American people the continuing harassment and intimidation still experienced by those individuals seeking to emigrate from the Soviet Union. We will continue to present these individual cases until the Mills-Vanik provision is finally enacted.

On May 22, 1973, I spoke at some length by phone with Dr. Lev Libov in Moscow. Dr. Libov has his doctorate in metallurgy and did distinguished work in that field. Two and a half years ago Dr. Libov applied to go to Israel with his wife and 9-year-old son. He immediately lost his position and is now a laborer.

Dr. Libov has subsequently submitted his application to emigrate some four or five times. The only explanation given to him for the continued denials is the allegation that he had done classified work and is therefore not permitted to leave the Soviet Union. Dr. Libov assured me that all of his writings have been published in learned periodicals and that he was never at any time involved in secret or classified work.

I wrote to Ambassador Anatoly Dobrynin on May 22, 1973, urging that he intercede on behalf of Dr. Libov and his family. I have yet to receive even an acknowledgment of my letter.

The tragic case of Dr. Lev Libov and his family is only one of thousands of similar heartbreaking stories. It is estimated that over 100,000 applications of Soviet Jews seeking to emigrate have still not been acted upon by the Soviet authorities.

It is incumbent upon the Congress of the United States to stand firm on the