fectively describes the pitfalls involved in the controls placed on rising prices.

The article follows:

THE PHONY CURE OF CONTROLS

(By Jenkin Lloyd Jones)

In the evil old days when patent medicine manufacturers could get away with anything, it was customary to lace "consumption cures" with large dollops of opium. The results were marvelous.

The coughing stopped, for the cough mechanism was effectively anesthetized. The astonished and delighted patient fired off a glowing testimonial. Sometimes he had time to write two before lung congestion took him to the undertaker. By interrupting nature's effort to remove infection, the medicine provided a brief appearance of health, and then zap!

Price controls are like the old consumption cures. They "cure" inflation. Prices suddenly cease going up. The consumer is delighted. But generally the producer, caught in a cost squeeze, stops producing. The controlled commodity vanishes from the shelves. So the buyer does without or hunts up a black market.

A classic example is what happened to housing in Germany and France following World War II. The French sought to ease rising rents by slapping on stiff ceilings. It became uneconomical to build housing. Rents were cheap enough, but you had to practically inherit an apartment. Today, 28 years after the war's end, the urban Frenchman is still scrambling for a place to live.

Most German cities were largely destroyed. People were living in cellars, boxes, tents. But the Germans didn't put on controls. Rents rose astronomically. It was so profitable to produce rental space that the building business roared. Everyone rushed to bulldoze up the rubble and clean the bricks for re-use. The cement mixers churned.

In consequence, within five years the housing crunch vanished. People could become choosy and rents slipped back.

Cheaper beef is no good if there's no beef. We found that out last August. Still, there remains the wistful hope that if some bureaucrat writes a magic number on a price tag, without regard to demand, supply and production incentives, the consumer will be served.

Efforts to fix prices for everything go back 41 centuries to the kings of ancient Sumer. They probably caused the invention of counters so that business could be carried on under them.

It is a sad fact of life that free prices remain steady only as long as supply and demand are in perfect equilibrium. When inventories are drawn down, prices edge up, and when things gather dust in the stockroom, cut-rate sales are offered.

These fluctuations distress everyone, but they are nature's corrective. For, in general, higher prices encourage more production, which meets demand, which softens the market, which causes prices to fall, which increases demand, which strengthens prices.

But what we are beginning to run into in this country is the phenomenon of shortages we never felt before. In a time of higher-than-ever personal incomes, spaghetti-eaters upgrade to ground round and ground round eaters go for sirloin.

If there were limitless pasturage and limitless grain for feed yards, supply would eventually catch up to demand. But the number of head of cattle you can carry on any given acreage is not easily expanded, and the whole world is bidding for our grain supplies. So meat goes up. To artificially hold down the price and thus discourage breeding is nut-house economics.

The cheap energy days are drawing to a close in America. For years it was the Federal Power Commission's policy to hold down the price of natural gas. So most of America threw away its coal shovels and oil burners and hurried to tap into this lovely clean source of instant heat.

As the odds against hitting a good gas well went up and the cost of drilling went up and the price stayed the same, the chances for profitably exploring for gas went down. So wildcatting languished as the market soared. And now we have a gas crunch.

How much better off we would be if we had let the mechanism adjust itself—higher prices, slower conversion from more plentiful fuels, less incentive to waste this most versatile hydrocarbon in inefficient fireboxes, more incentive to find new reserves and a more gradual and orderly adjustment toward the inevitable day when natural gas is gone.

Monkeying with prices seems irresistible to Washington. But a rigged priced is not the same as a true value. And value eventually triumphs. The kid who traded a $1,000 dog for two $500 cats stayed happy only until he tried to sell the cats.

SENATE—*Tuesday, November 13, 1973*

The Senate met at 10 a.m. and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

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

O God, the light of the hearts that see Thee, the life of the souls that love Thee, the strength of the minds that serve Thee, from whom to turn is to fall, to whom to turn is to rise, and, in whom to abide is to stand fast forever, grant that as we turn to Thee we may have light for our hearts, life for our souls, strength for our minds. As we pray for ourselves so we pray for our Nation that it may be born again of the spirit, redeemed by Thy grace, stand secure upon Thy word, and henceforth be obedient to Thy law that it may fulfill Thy purposes in this time of trouble.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 13, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES ABOUREZK, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

The message also announced that a bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) subsequently signed the enrolled bill.

HOUSE BILL REFERRED

The bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, was read twice by its title and referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Friday, November 9, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 464 up to and including No. 470.

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

SENATE COMMITTEES EMPLOYEES PAY

The Senate proceeded to consider the bill (S. 2315) relating to the compensation of employees of Senate committees which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and as modified by the Order of the President pro tempore of the Senate of October 4, 1973, is amended as follows:

(1) In paragraph (1), strike out "ranging from $18,525 to" and insert in lieu thereof "at not to exceed":

(2) In paragraph (2)(A), strike out "8,265 to" each place it appears therein and insert in lieu thereof "not to exceed".

(3) In paragraph (2)(B), strike out "$18,240 to", "$14,250 to", and "$8,265 to" and insert in lieu thereof in each place "not to exceed".

The amendment was agreed to.

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

COVERAGE OF U.S. NATIONALS

The bill (H.R. 3801) to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government, was considered, ordered to a third reading, read the third time, and passed.

TRAINING REPORT REQUIREMENTS

The bill (H.R. 5692) to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308 was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF FEDERAL EMPLOYEES LEAVE SYSTEM

The Senate proceeded to consider the bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, in line 23, strike out "subsections (b) and (d)," and insert "subsections (b), (d), and (e)"; on page 3, line 2, after the word "new" strike out "subsection;" and insert "subsections:"; in line 5, after the word "when", strike out "such" and insert "the"; in line 8, after the word "when", strike out "such" and insert "the"; in line 10, after the word "when", strike out "such" and insert "the"; in line 23, after the word "this", strike out "title."." and insert "title."; after line 23 insert:

"(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payments shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the salary rate in effect on the date of the lump-sum provisions became applicable.".

On page 6, in line 12, after the word "Notwithstanding", strike out "any other provision of law," and insert "other statutes,"; in line 16, after the word "was", strike out "forefeited" and insert "forfeited"; and in line 18, after the word "status.", strike out "Such payment" and insert "Payment".

The amendments were agreed to.

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

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the passage of Calendar 467, S. 1284, be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, the passage of the bill is vitiated.

Mr. MANSFIELD. And that the bill be restored to the calendar.

The ACTING PRESIDENT pro tempore. The bill is restored to the calendar.

PRIVILEGES AND IMMUNITIES FOR THE ORGANIZATION OF AFRICAN UNITY

The bill (H.R. 8219) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to a third reading, read the third time, and passed.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973

The bill (S. 2681) to authorize appropriations for the United States Information Agency was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2681

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

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $188,124,500 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $4,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

SEC. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"SEC. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

LOUISIANA LAND TRANSFER

The bill (S. 2477) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of State university was considered, ordered to be engrossed for a

third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without monetary consideration, to the State of Louisiana, for the use of Louisiana State University, all right, title, and interest of the United States in and to the real property at Robson, Caddo Parish, Louisiana, containing 99.956 acres in section 19, township 16 north, range 12 west, and sections 24 and 25, township 16 north, range 13 west, Caddo Parish, Louisiana, being a part of lot 3 (Martin survey) Robson Plantation and described as follows:

Beginning at a point 260 feet south and 230 feet west of northwest corner section 30, township 16 north, range 12 west, thence north 42 degrees 37 minutes each, 2,986 feet to Harts Island Road, thence along road north 44 degrees 55 minutes west, 1,381 feet to intersection with Robson-Forbing Road; thence along latter road south 30 degrees 25 minutes west, 523 feet south 51 degrees 40 minutes west, 832.5 feet south 48 degrees 15 minutes west, 1,008.4 feet south 24 degrees 40 minutes west, 572 feet (all courses along both roads being a distance of 40 feet from centerlines of said roads); thence south 35 degrees 20 minutes east, 467 feet along Bayou Pierre; thence south 1 degree 30 minutes east along Bayou Pierre 530 feet; thence south 85 degrees 02 minutes east along drainage canal 641 feet to place of beginning.

SEC. 2. The real property conveyed pursuant to this Act shall be used consistent with the purposes of Louisiana State University, including, but not limited to, the maintenance of a pecan production research station.

NOMINATION OF SENATOR SAXBE OF OHIO TO BE ATTORNEY GENERAL

Mr. HUGH SCOTT. Mr. President, I believe that the Committee on Post Office and Civil Service is meeting this morning to consider the emoluments bill reducing the salary of the Attorney General to the amount which was authorized prior to the recent increase.

I hope that the committee will promptly report the bill so that we may dispose of it.

If it is necessary to have the Judiciary Committee hold any hearings, I hope that the hearings will be held in 1 day. I would not want to see a bill which would empower one of our colleagues to serve in the President's Cabinet held hostage for any other legislation. I would not want to see any partisan or political division arising from this nomination. I think we have some obligation to one another in the Senate.

I would feel, on behalf of our colleague from Ohio, that a considerable disappointment would arise in the Senate itself if this otherwise routine bill were made a vehicle for anything other than what it purports to accomplish. So I should like us to keep any partisan or political consideration apart and treat the nomination for what it is. Then if Senators wish to express themselves on the forthcoming confirmation of the nomination of our colleague, the distinguished Senator from Ohio (Mr. SAXBE), to be Attorney General, we can discuss that as an issue on the merits.

I hope that we will not let partisanship or political considerations interfere with a routine bill; I do not think it would be fair to do so. It would hardly be comity. If I were our colleague from Ohio, I would simply say, if that is the kind of behavior we have in the Senate, "You can have the job," and forget it.

Mr. ROBERT C. BYRD. Mr. President, may I say in response to the distinguished Republican leader, with respect to the bill that will be reported by the Committee on Post Office and Civil Service permitting the appointment of our distinguished colleague from Ohio (Mr. SAXBE) to the office of Attorney General, it will be my intention, as I indicated last Friday, to move to refer that bill to the Committee on the Judiciary, so that that committee might have an opportunity to consider the constitutional aspects that are involved.

I wish to assure the distinguished Republican leader that my purpose in moving to send the bill to the committee will not be one of partisanship; it will not be one of obstructionism. It is not with any political consideration in mind that I would take that action.

I also want to say for the record that in speaking to Senator SAXBE a few days ago, I indicated to him that I did not feel at that time that the legislation would present any problem.

But subsequent to my talking with him, I have given considerable thought to the pertinent constitutional provision. I have done considerable research in that regard, and I am convinced in my own mind that a very serious constitutional question is involved here.

My purpose in moving to send the bill to the committee, therefore, is clear. I think we would be remiss in our duties in the Senate if we failed to send this bill to the Judiciary Committee and if the House of Representatives should itself decide to look at the constitutional aspects when we had ignored such a question. A failure to face up to the constitutional question, in my opinion, would make the Senate look bad.

I realize that we do have the considerations that have been mentioned by the distinguished Republican leader. The fact that it is one of our colleagues who is being considered makes it difficult for me to take upon myself the burden of moving to send the bill to the Judiciary Committee. I am sorry that this has to occur.

I certainly want to assure the distinguished Republican leader and the distinguished Senator from Ohio (Mr. SAXBE) that nothing personal is involved, and that nothing partisan is involved. So far as I am concerned, I would be willing to send the bill to the Judiciary Committee with the understanding that it be reported back within a certain time, 2 or 3 days, or a week or whatever amount of time is necessary to hear some of the constitutional experts in regard to the bill.

Personally, I have no desire to attach any extraneous matter to the bill; but I just do not think that we, as Members of this body, can avoid the possible constitutional issue here, and I believe there is one. Many of us may have resolved it already in our own minds. I may be wrong in my own viewpoint. But I do not think we can avoid the constitutional issue simply because, in this case, it happens to involve a colleague of ours.

Moreover, I must respectfully disagree with the distinguished Republican leader's characterization of this bill as an "otherwise routine" bill. I do not think this bill is otherwise routine at all. Only one instance of this kind has occurred in this century, and that was the appointment of Senator Knox to be Secretary of State in 1909. There was legislation, of course, enacted in that instance, but I am going to discuss that particular case more fully at a later time. Suffice it to say that in that instance, the bill was sent to the Judiciary Committee, although at that time in our Nation's history we did not have the delineation of jurisdiction over legislation, with respect to the various Senate committees, that we now have. But, at least, that historical precedent indicates that the bill in that instance was sent to the Judiciary Committee.

I can give no stronger assurances than those I have given already. I have no motive in mind other than that I think the Judiciary Committee has a responsibility in this area. I think the Judiciary Committee should conduct a hearing on the bill; because if there are serious constitutional questions that cannot be resolved in favor of the bill, then the full Senate ought to make a decision in this regard, and I think it should be with the benefit of a record of hearings by the Judiciary in regard to any constitutional question.

As I say, in closing my remarks—and I will be glad to yield to the distinguished Republican leader—I think we would be making a mistake if we in the Senate did not take a look at the constitutional aspects of this problem, and if they would be raised in the House of Representatives. I am almost sure that they would do just that in the other body.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUGH SCOTT. If we do not have enough time, I will ask that the time of the distinguished assistant minority leader be transferred.

I thank the Senator for clarifying something here, because we are really talking about two things. What the Senator is talking about is his concern about the constitutionality. What I am talking about is the risk which anyone here will take in holding this bill hostage for any other purpose.

I have discussed this matter with the distinguished assistant majority leader, and he has indicated to me that perhaps one day of hearing may do. I do not know whether it will. But I would have no personal objection to referring it to the Judiciary Committee, if the chairman and the ranking member of the Committee on Post Office and Civil Service have no objection, with instructions to report back promptly, in order that we may consider the bill. Perhaps that is the right way to do it.

I have no personal concern about the constitutionality, because we have one precedent, and a good one. Senator Knox was appointed, I believe, by President Taft to be Secretary of State. The salary of the office had been raised from

the magnificent sum, I believe, of $8,000 to $12,000, and Congress discovered that it would have to reduce the salary to $8,000 in order for Senator Knox to accept the job.

There was a great deal of debate in the CONGRESSIONAL RECORD about it at the time, and I have had occasion to look it up on an earlier date, and I think it settles the matter.

This is the concern I have about constitutional experts: Frankly, I doubt that there are really any constitutional experts in this country who know the Constitution any better than many Senators do. I am very wary of constitutional experts, because I remember Shakespeares' adjuration:

O judgment! thou art fled to brutish beasts,
And men have lost their reason!

There is so much hatred afoot at Yale and Harvard in the law schools and there is so much hatred afoot in other universities that these people have already prejudged their ability to judge. Most of them have signed fiery statements to indicate that the President should either resign, or be impeached or leave town. They have been, in considerable part, the same ones who were the activists in the demonstrations against the war.

Most of them are now on record as indicating their thorough disapproval of anything this President does. Now we ask them to come in and give us an impartial, fair judgment on whether or not this investigation can go ahead. Well, I know what they are going to say.

I hope some impartial deans of law schools exist. I really do. I would like to find them. I think that, like Diogenes, I would need a lantern. But, I think I would find that their lanterns are all red lights, with not a green light among them.

So I mistrust these men. As one who has been a former teacher himself, I know how bias seeps into the mind and from the mind into the student and from the student into the street. I have seen it too often.

So, yes, let us get them, but let us not tell them that they know more constitutional law than we do; because we practice constitutional law every day of our lives here, and we know the Constitution, and we live by it and have taken an oath to support and defend it. I really believe that we can be trusted to do our duty.

Let us examine what happens. I am not talking about what the distinguished assistant majority leader wants. He is on the right track, and we ought to have some kind of assurance, if he needs it—I do not. If he or others need it, let us have it. But let us not regard it as the word of God handed down on the tablets from the mountain, because it is not. It is merely an opinion of some professor who does not like Nixon, and we ought to recognize that. And how they have lined up in parade formation, lances tipped with venom, erupting their hatred and their prejudice and their ill will.

So let us define them for what they are. Impartial? I hope so. If we can find one, we will get the red carpet out all the way from the committeeroom to the street. But let us not assume that they are impartial.

I am talking about another thing. I am talking about holding this bill hostage in order to get some other legislation through. We have special prosecutor legislation. It will be brought up in the Judiciary Committee today. We have not finished the hearings, but that does not stop some people who cannot wait for the hearings, if it serves their purpose, to say, "Oh, we do not need hearings; report the bill out." So we will debate that in the Judiciary Committee this morning. I do not want this bill held hostage. I do not want the Senator from Ohio to say that his colleagues are playing games with him; that they are hanging every bill they can think of on him, on his willingness to lose $25,000 a year as a reduction in salary, unless and until Congress can restore it. That is what is involved here. He is entitled to better treatment than that.

Mr. President, if you want an investigation, for God's sake, let us have an Attorney General; if you want an investigation, let us let Jaworski go ahead and see what he can find out; if you want a special prosecutor, let us debate it. Let us put so many prosecutors around that they get under each other's feet and into each other's hair so no one knows what he is doing. That is as good a way to defeat the purpose and in the end say, "We could not get anything done."

But I do not want it said that it was the Senate that made it impossible. I do not want it said that the Senate would not even let the Attorney General be named. I do not want it said that the Senate allowed its feelings or its attitudes in other matters to prevent the administration from going on with an investigation, because if this investigation is delayed by the action of Congress in failing to act on the appointment of an Attorney General I know who will be responsible for it, and I am going to take that issue to the country and I know how to take an issue to the country; believe me, I will.

All I suggest is that we try to work out what the distinguished assistant majority leader has suggested. I am not for it, but it is reasonable, and it is fair, and if we can do it, that is all right. But I hope the distinguished assistant majority leader will agree with me that he and I know more constitutional law than some of the witnesses we call.

Mr. ROBERT C. BYRD. I am not sure about that for myself.

Mr. HUGH SCOTT. The Senator is so modest and I am so lacking in modesty I reassert it. Let us, by all means, consider proceeding along the lines the distinguished assistant majority leader proposes, and that is not to add anything to the bill, not to hold it hostage, not to play games with colleagues, not to do things we will be ashamed of. Let us play it straight and say to the administration, "We will give you the tools, and if you have not done the job, we will tell you so," because in some respects they have not done the job; I am anxious for them to do it, and for that to be corrected.

That is the burden of my song today. Perhaps I have not kept to the beat, but that is my humor, that is my tenor, and that is my refrain. I thank the distinguished assistant majority leader.

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

Mr. ROBERT C. BYRD. As I understood it, the distinguished Republican leader had gotten the permission of the distinguished assistant leader to be recognized on Mr. GRIFFIN's time.

Mr. HUGH SCOTT. That is correct.

The ACTING PRESIDENT pro tempore. He controls 15 minutes. Without objection, that time is transferred.

Mr. HUGH SCOTT. I yield back the remainder of my time unless the Senator wishes to proceed.

Mr. ROBERT C. BYRD. I would like to make a further comment and then the distinguished Republican leader may also have a further comment.

Mr. HUGH SCOTT. Yes, I yield.

Mr. ROBERT C. BYRD. The distinguished Republican leader, as always, is able to quote bountifully from Shakespeare, and the Bible, and from other great literature, and he has done so this morning. If I may be pardoned for quoting from that Great Book, the Bible, there is a passage therein that states:

The wicked fleeth when no man pursueth.

Mr. HUGH SCOTT. "But the righteous are as bold as a lion."

Mr. ROBERT C. BYRD. That is right, but let us stay with the wicked for a moment.

May I say most respectfully to the distinguished Republican leader that this talk I heard from him this morning about "holding" something "hostage" is completely the product of his own imagination, as far as I am concerned. I think he made it clear in his statement that he did not suspect me of that motive.

Mr. HUGH SCOTT. I did so intend.

Mr. ROBERT C. BYRD. Yes. I have no desire to hold that bill hostage. As far as adding amendments to that bill to provide for a special prosecutor, I doubt we could do that in the Judiciary Committee. Because if we do not have the votes in committee to report out a specal prosecutor bill, we would not have the votes in the committee to attach such an amendment to the bill we are talking about here.

Now, I want to say also for the RECORD, so that my friend from Ohio (Mr. SAXBE) can know my thoughts, I am not playing any "games," to use the Republican leader's words, I want to assure the distinguished Republican leader with regard to his reference to "colleagues playing games." This colleague is not playing games. I am interested in one thing only here, and that is in having the Judiciary Committee take a look at this bill and conduct whatever hearings are necessary on its constitutionality.

Now, whether or not 1 day's hearings will be sufficient, I cannot say. I do not know how much time it would take to gear up for something like that, but as far as I am concerned, the bill could be reported back in a week, because any member of that committee can exercise his rights anyhow under the 7-day rule. I have no desire to hold up the bill. I have only a desire to have a hearing on it and let the Judiciary Committee reach a judgment on it and report it out and then let the Senate debate it.

I do not want it said that this Senate, simply because it is one of our colleagues

who is being appointed to an important office, summarily passed legislation without taking a look at the constitutional question. I think we would be remiss in our duties. That is, I think, an appropriate explanation of the action which I will take in moving to send the bill to the Judiciary Committee on tomorrow. I hope we can reach an agreement whereby it can be reported back in a reasonable length of time.

Mr. HUGH SCOTT. I fully support what the Senator proposes. While I do not think it is necessary, I do not quarrel with it, because it is eminently reasonable, and perhaps we can work it out. Let us try it when the report comes in from their committee.

Mr. ROBERT C. BYRD. Very well. I thank the distinguished Republican leader.

Is the Senator going to yield back the remainder of his time?

Mr. HUGH SCOTT. I am glad to yield to the distinguished asssistant majority leader.

Mr. ROBERT C. BYRD. I do not need more time. I thank the able Senator.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of Mr. GRIFFIN on tomorrow, I be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the recognition of Senators under the orders previously entered, there be a period for the transaction of routine morning business tomorrow of not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

AUTHORITY FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE COMMITTEE REPORT ON S. 2589, THE NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file its report on S. 2589, the National Energy Emergency Act of 1973.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION BY THE ATTORNEY GENERAL

A letter from the Acting Attorney General, transmitting a draft of proposed legislation to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969 (with an accompanying paper). Referred to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 1398. A bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes (Rept. No. 93-496).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2589. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes (Rept. No. 93-498).

ANNUAL REPORT OF SUBCOMMITTEE ON SEPARATION OF POWERS—(S. REPT. NO. 93-497)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the annual report of the Subcommittee on Separation of Powers pursuant to Senate Resolution 256, section 17, 92d Congress, 2d session.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

William H. Donaldson, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs;

Carlyle E. Maw, of New York, to be Legal Adviser of the Department of State; and

John M. Thomas, of Iowa, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

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

Mr. FULBRIGHT. Mr. President, as in executive session, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

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

The nominations ordered to lie on the desk are as follows:

Gori P. Bruno, of Texas, and sundry other persons for promotion in the Diplomatic and Foreign Service.

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. JAVITS:

S. 2687. A bill to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHILES:

S. 2688. A bill for the relief of Alvin V. Burt, Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor. Referred to the Committee on the Judiciary.

S. 2689. A bill requiring studies to be

made prior to leasing military facilities for oil drilling or exploration, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 2690. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. HUMPHREY, Mr. NELSON, and Mr. PROXMIRE):

S. 2691. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. CASE:

S. 2692. A bill to provide emergency security assistance authorizations for Israel and Cambodia. Referred to the Committee on Foreign Relations.

By Mr. SPARKMAN:

S. 2693. A bill for the relief of Miss Patricia J. Basbas. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. BAKER, and Mr. BARTLETT):

S. 2694. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement within it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy and energy-related technologies designed to resolve critical energy shortages. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH:

S. 2695. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S.J. Res. 171. Joint resolution relating to U.S. support of United Nations activities in maintaining international peace and in providing and coordinating international disaster relief. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 2687. A bill to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

AMENDMENTS TO JAVITS-WAGNER-O'DAY ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference legislation suggested by the administration to amend the Javits-Wagner-O'Day Act in three ways:

First, to shorten the name of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped to "Committee for Purchases From the Blind and Other Handicapped." It is my intention to further amend the administration's bill by adding the word "Severely" before "Handicapped";

Second, to expand the definition of "direct labor" to include services, as the present definition pertains primarily to commodities; and

Third, to provide authorizations beyond the current fiscal year.

In introducing this administration measure, I wish to make clear that I retain freedom of action with respect to the consideration of other proposals to amend existing law which might be desirable.

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 2690. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which post-hospital home health services may be provided under part B thereof. Referred to the Committee on Finance.

By Mr. CHURCH:

S. 2695. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies which will provide home health services. Referred to the Committee on Labor and Public Welfare.

HOME HEALTH MEDICARE AMENDMENTS OF 1973

Mr. MUSKIE. Mr. President, I introduce today the Home Health Medicare Amendments of 1973, a bill to provide increased home health benefits under the medicare program.

This legislation would clarify and expand the definition of home health care medicare benefits to meet the needs of the elderly for nursing and personal care in their own homes. It would also bring under medicare the homemaking services so necessary to maintain the independence of the patient who requires continued care, but not institutionalization. And it would increase from 100 to 200 the number of home health care visits covered by medicare.

This bill is a companion to a bill introduced today by Senator CHURCH, the Home Health Services Act of 1973, which provides "startup" funds for home health agencies and funds for training home health personnel. Together, these bills would give new Federal emphasis to the critical needs of home health care.

In July, I conducted 2 days of hearings on home health care as chairman of the Subcommittee on Health of the Aging. Witnesses representing such diverse groups as the Gray Panthers and the American Medical Association endorsed home care.

Yet it was also brought out at these same hearings that home health agencies are relegated to an almost insignificant provider role under medicare—receiving less than 1 percent of medicare expenditures. In fact, payments for home care under medicare declined from $115 million in fiscal 1970 to $69 million in fiscal 1972.

In addition, a paper on the current status of home health services prepared by Brahna Trager for the committee reported a decline in the number of certified home health agencies: 2,350 in 1970 compared to 2,221 in 1972. and many of these agencies are having financial trouble.

There is general agreement as to the reason for the decline in home health services under medicare. Our witnesses agreed that it is due not to the lessening in the need for such services, but to a narrowly restrictive policy applied under the medicare program.

Thomas Tierney, Director of the Bureau of Health Insurance for the Social Security Administration, admitted that beginning in 1969 the interpretation of the language of the law has become increasingly restrictive "in application and practice." Yet he also stated that "one of the greatest breakthroughs that medicare made was that it was the first program of any size that ever really recognized a home health service as a covered benefit."

Mr. Tierney asserted that the restrictive policy toward the home health benefit was caused by congressional concern about the overall high costs of the medicare program compared to original estimates.

The result of this approach was evaluated by Dr. Andrew Jessamin, speaking for the American Hospital Association. He said that SSA policy on home health benefits has become so restrictive that few patients can qualify.

He added:

Apparently concern over opening the door too wide has kept the door so tightly shut that very little light and air could get in and few home care services could get out.

Another witness, Dr. Henry Smith, director of the Nebraska Department of Health, spoke of the "double standard" in reimbursement policy which makes it much easier to justify institutional services than to justify alternative care under medicare reimbursement procedures. He suggested that a more affirmative attitude, among other things, would be helpful.

This reimbursement double standard was affirmed by other witnesses and the experiences of many agencies. The hospital stay seems to sanctify claims while home care is subject to the most piercing and technical scrutiny.

I have received letters from agencies all over the country detailing medicare denials and delays of reimbursement and the subsequent effects on home health agencies. A feeling of terrible frustration and concern for their elderly patients is expressed again and again in these letters.

One Indiana agency wrote:

The abuses of Medicare on the home care level have been practically non-existent. The on again off again policies of the federal government and SSA are making orderly development of home health care services practically impossible. Board, staff and patients are confused and disgusted. Many patients go without needed care because their right to Medicare coverage of health care services has been denied them.

The restrictive policy of medicare administrators also puts an unfair burden on concerned agencies who feel obligated to provide care even though the patient cannot afford it. As one administrator, a nun, succinctly put it:

Do we refuse to give these patients the care they need, or do we give them the care without third-party reimbursement?

When care is given without third-party

reimbursement, agencies may be faced with a financial crisis. Then agencies are faced with the cruel choice of either not taking care of the elderly poor or becoming poor themselves.

This is an intolerable situation unworthy of a nation which professes to have a system of medical care for the elderly.

Therefore, it is imperative that the medicare law be amended to provide a home care benefit that truly meets the needs of the aged and provides a real alternative to institutional care. The Congress must reaffirm its intention that home care be a viable medicare benefit.

Mr. President, the legislation which I am introducing today would make the following changes in current law: First, delete the restriction that only "skilled" nursing care or physical or speech therapy may be reimbursed as home health services under medicare, and the requirement that home health treatment be related to the condition which required previous hospitalization; second, include full homemaker services in medicare coverage; and third, increase from 100 to 200 the number of home health services covered by medicare. Each of these changes remedies a barrier to the effectiveness of home health services which has been identified by witnesses testifying in hearings we have held.

The "skilled" nursing-physical-or-speech-therapy requirement has been one of the main barriers to the provision of needed home care to the elderly since it has in effect limited the home care benefit primarily to those who are acutely ill and need rehabilitation. It does not cover, and thus bars from medicare coverage, a wide range of situations when the patient's condition has stabilized or when the patient requires something less than the level of "skilled" nursing care as defined by the Social Security Administration. All nursing care performed by a nurse is skilled, but the term has come to have a very narrow meaning.

As an example of what is not covered, SSA cites the following in its intermediary letter No. 395, which defines skilled nursing care:

> A stroke patient whose condition is stabilized and has no more potential for rehabilitation may require help in getting in and out of bed, getting meals and meeting other activities of daily living. A nurse would visit this patient to evaluate his personal care needs and, subsequently, to assure that the home health aide is performing necessary duties and that the patient's social and personal care needs continue to be met.

Such a situation, I repeat, is not covered. And one of the managers of a home health agency commented on this type of denial as follows:

> In receiving Medicare denials, I have often wondered just how much rehabilitation can be done for an 88 year old person who has perhaps had a stroke or some other debilitating disability and is being cared for by a spouse of equal age. It would almost seem that the provisions of Medicare could more appropriately be applied to a 21 year old, where rehabilitation potential is naturally higher and health problems for long-term chronic disease disability are very low. Medicare, however, is specifically for our senior citizens. Therefore, it ought to be realistic about the health care needs and problems of geriatrics. Under the present restrictions it certainly is not fulfilling that realistic need.

In order to meet that very common and even desperate need, this bill would make a patient eligible when he needs, on an intermittent basis, nursing care or any other home health services listed in the law. These other home health services include: Physical, occupational or speech therapy; medical social services; medical supplies or the use of medical appliances; and part-time or intermittent services of a home health aide. The need for nursing care or other necessary services would make the patient eligible if directed by the doctor. Thus, a patient could need only the services of a home health aide for bathing, dressing, et cetera and would qualify if the service was approved by a doctor and carried out under appropriate supervision.

The bill also deletes the requirement that the home health care treatment must be related to the condition which required hospitalization. This requirement has resulted in the denial of many home health care claims because the condition requiring home treatment is different from the one which was originally diagnosed as a cause of hospitalization. As one witness testified:

> Frequently we get patients with four to five or more diagnoses, and if hospitalized for one of these diagnoses and then sent home to home care, we should be treating the reason for hospitalization in order to have Medicare coverage. This condition perhaps was resolved in the hospital, but the other chronic problems appear now to be more disabling. This should be covered under Medicare but usually is not.

By deleting this requirement, this bill makes no change in the requirement that home health services are only covered if they follow a medicare-covered hospitalization.

My bill would also expand medicare coverage of the important service of homemakers. Homemaker services are not now listed in the law as one of the services which may be provided by a home health agency, and the services of the home health aide are narrowly defined in terms of personal care. As a result, aged persons who live alone may be forced to remain in a hospital longer than necessary for the lack of a few simple supportive services such as cleaning or shopping. They may be forced from their own homes and communities into an institution earlier than necessary.

The testimony which I received pointed out again and again the great need for homemaking services by medicare patients. And the report to the committee by Brahna Trager stated:

> The assumption [by Medicare] that others in the home are available to provide the essential supportive services of daily living is not generally applicable to the age of living arrangements of the insured group. It is far more likely that the patient who lives alone or with an elderly spouse will be able to achieve his 'personal care' services independently, than that he will be able to maintain a decent environment and get the laundry in.

Since homemaking services are so often essential to the continued independence of the ailing elderly, my amendment would include the part-time or intermittent services of a homemaker in the list of services that may be provided by a home health agency.

Finally, the Home Health Medicare Amendments I introduce today would increase the number of home health visits covered by medicare from 100 to 200. The limitation on visits to 100 under both parts A and B is a hardship to persons requiring extended home care visits. Relatively few medicare recipients need more than 100 home health visits. But those who do should not be cut off from necessary home health services, and possibly forced back into the hospital. Establishing a limit of 200 visits would grant coverage to almost all qualifying home health patients.

Mr. President, medicare is now very much oriented to post-hospital acute-illness care, and is not meeting the needs of many of our elderly. These Home Health Medicare Amendments would make medicare more responsive to the need for home care for patients with chronic and stabilized conditions.

These liberalizations are not costly in terms of the medicare program as a whole. And in the long run it is possible that they may save money by substituting home care for more expensive institutional care.

In fiscal year 1975, for instance, it is estimated that my amendments would raise home care expenditures under medicare from approximately $100 million to between $275 and $300 million. This would be about 2 percent of the total projected medicare benefit expenditures.

These actuarial estimates do not take into account any savings that could be made by the shortening of a hospital stay and the avoidance of hospitalization and nursing home admittance. And these savings could be substantial. The General Accounting Office, for example, has stated that 25 percent of the patient population are treated in facilities which are excessive to their needs.

Home care can normally be provided at a fraction of the cost of inpatient care. The exact ratio is dependent upon the level of care provided. There are no definitive national cost figures. Under the medicare hospital insurance program, however, the amount reimbursed per claim in 1972 was $844 for inpatient hospital care, $398 for skilled nursing facilities and $91 for home health care or roughly 9 to 1 and 4 to 1. These figures give only a very rough idea of cost ratios, for medicare does not necessarily cover total costs, particularly in the case of home care.

Other estimates from the National Association of Home Health Agencies state that home care is 3½ times less expensive per case than hospitalization and four to five times less expensive per day than skilled nursing home care.

Home health services not only cost less than institutional services, but from a communitywide perspective these services can lessen the pressure to build expensive new facilities. And it is from the community perspective that we must view home care—not from the narrow perspective of the cost analyst who may see the home care benefit "cost more" because of this legislation.

Dr. Charles Edwards, Assistant Secre-

tary of Health, stated at the subcommittee hearings that in order to contain the costs of health care we must "encourage the service that will push health care away from the institution and closer to home."

I see an expanded home care benefit as a cost effective and humanitarian device that will help take care of the people in the way that they want to be taken care of and at the least possible cost. It is time to quit paying lip service to home care and make it a viable supplement and alternative to institutional health care for older Americans under medicare.

Mr. President, on behalf of the distinguished chairman of the Committee on Aging, FRANK CHURCH, and myself, I ask unanimous consent that the text of the bills we introduce be printed in the RECORD following his remarks.

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

(See exhibit 1.)

STIMULATING HOME HEALTH CARE

Mr. CHURCH. Mr. President, I introduce for appropriate reference legislation (S. 2695) to stimulate the expansion of home health agencies and services.

These bills are part of a twofold legislative package being introduced by the distinguished chairman of the Subcommittee on Health of the Elderly of the Committee on Aging, Senator EDMUND MUSKIE, and myself as chairman of the committee. This legislation would open up the home health care benefit for the elderly under the medicare program and at the same time expand the services available from home care agencies.

We are just beginning to realize that there are many illnesses that can be better treated at home if they do not really require the specialized and very expensive services of a hospital. Often an older person can be happier at home in familiar surroundings than in an institution and it will be far less expensive.

Institutional costs have continued to soar upward dramatically and they constitute the great bulk of costs under the medicare program. I think it is about time to reverse this trend and enlarge the home care aspect of the program.

Home care is nowhere more needed than in rural areas where institutional facilities are sparse and there are large proportions of elderly people. I recently chaired a field hearing at Coeur d'Alene, Idaho, as part of the "Barriers to Health Care for Older Americans" series and a witness testified that the home health agency was the only link between the patient and distant physician. This was in an area without public transportation and an elderly population with limited incomes.

Many rural areas, however, have no home health agencies or agencies that can provide only limited service. About half of the agencies certified under the medicare program offer nursing plus one other service, usually physical therapy. These agencies cannot provide the range of professional and supportive services which will encourage physicians to utilize and depend upon home care.

Now no mechanism exists for agencies to expand or for new ones to be established in communities without such services. Home health agencies do not have sufficient funds to finance the expansion of services since their fees for services performed barely cover operating costs. One agency wrote the committee of being asked to expand into two neighboring counties without any home care services. It was hesitant to do so, because of the possibility of incurring increased costs which surpass income.

Mr. President, because of the need to expand home care agencies, particularly in rural areas, my bill would provide funds for public and nonprofit agencies in areas without such agencies. It would also authorize funds to expand services in existing agencies.

In addition, the proposed legislation would provide grants to public and nonprofit private agencies and institutions for training programs for home health personnel. Professional and paraprofessional personnel would be trained to staff expanding agency services.

Under the companion legislation which Senator MUSKIE and I have also introduced, homemaker and home health aid services would be made more available under medicare. Therefore it is anticipated that many more aides will be required. Now we have only about one homemaker-home health aide for every 7,000 population and the aides are clustered primarily in urban areas of the eastern seaboard. Just how inadequate this supply of aides is can be judged by the fact that the White House Conference on Aging recommended a ratio of one homemaker-home health aide per 100 older persons.

Mr. President, this legislation would make it possible for home health agencies to begin to expand their services and to reverse a downward trend caused in part by a too narrow interpretation of the medicare home care benefit. Other legislation which I have cosponsored would liberalize this benefit and allow coverage for desperately needed home services. The bill I am introducing now would insure that comprehensive home care services are available not just in a few urban areas, but to all of the elderly wherever they may be.

Mr. President, I urge early adoption of this legislation and ask unanimous consent that the bills be printed in the RECORD at this point.

EXHIBIT 1

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814 (a) (2) (D) of the Social Security Act is amended to read as follows:

"(D) in the case of post-hospital home health services, such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861 (m) (7)) and needed nursing care on an intermittent basis or any of the other items or services referred to in section 1861(m); and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; or".

(b) Section 1835(a) (2) (A) of such Act is amended to read as follows:

"(A) in the case of home health services, such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m)(7)) and needed nursing care on an intermittent basis or any of the other items or services referred to in section 1861(m); and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician;".

(c) The amendments made by subsections (a) and (b) shall be effective only with respect to services provided in calendar months after the calendar month which follows the month in which this Act is enacted.

SEC. 2. (a) (1) Section 1812 (a) (3) of the Social Security Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1812(d) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(b) (1) Section (a) (2) (A) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1834(a) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(c) the amendments made by subsection (a) shall be applicable in the case of home health services provided under part A of title XVIII of the Social Security Act on visits which occur in one-year periods (described in section 1861(n)) of such Act which begin, in the case of any individual, after the date of enactment of this Act. The amendments made by subsection (b) shall be applicable in the case of home health services provided under part B of such title XVIII in calendar years which begin after the date of enactment of this Act.

SEC. 3. (a) Section 1861(m) (4) of the Social Security Act is amended to read as follows:

"(4) part-time or intermittent services of a home health aid and of a homemaker,".

(b) The amendment made by subsection (a) shall be applicable only in the case of services furnished in calendar months after the calendar month which follows the calendar month in which this Act is enacted.

S. 2695

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

SEC. 2. Title VI of the Public Health Service Act (42 U.S.C. 201) is amended by redesignating Part D as Part E and inserting after Part C the following new Part:

"PART D—Establishment and operation of home health agencies

"SEC. 635. (a) For the purpose of assisting in the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary may in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available in existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services in existing agencies.

"(b) No part of any grant made under this section shall be used for the construction of facilities, and no recipient of an initial grant under this section shall be eligible for further assistance under this section.

"(c) In making grants under this section, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

"(d) Applications for assistance under this section shall be in such form and contain

such information as the Secretary shall prescribe by regulation.

"(e) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments as the Secretary may determine.

"(f) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary. Funds appropriated under this subsection for any fiscal year shall remain available until expended.".

SEC. 3. (a) Part D of title VII of the Public Health Service Act (42 U.S.C. 201) is amended by inserting after section 767 the following new section:

"GRANTS FOR TRAINING OF PERSONNEL TO PROVIDE HOME HEALTH SERVICES

"SEC. 767A. (a) From the funds appropriated to carry out this section, the Secretary is authorized to make grants to public and nonprofit private agencies and institutions to assist them in initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

"(b) Applications for grants under this section shall be in such form and contain such information as the Secretary shall by regulations prescribe.

"(c) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments as the Secretary shall determine.

"(d) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary. Funds appropriated under this section shall remain available until expended.".

(b) The caption for Part D of title VII of such Act is amended by adding at the end thereof:

"AND TRAINING OF PERSONNEL TO PROVIDE HOME HEALTH SERVICES"."

By Mr. MONDALE (for himself, Mr. HUMPHREY, Mr. NELSON, and Mr. PROXMIRE):

S. 2691. A bill to designate the Kettle River, in the State of Minnesota, as a component of the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today introducing a bill to designate the Kettle River in the State of Minnesota as a component of the National Wild and Scenic Rivers System.

The Kettle is one of the few still primitive rivers in the United States which lie within easy access of a major population center. It is a river of extraordinary scenic beauty, located midway between Duluth and the Twin Cities metropolitan area. More than 2 million people—or over half the population of Minnesota—could reach this untouched scenic and recreational area by 1 hour's drive.

Since the mid-1960's the tremendous potential of the Kettle for river-related recreational opportunities has been recognized by the State of Minnesota. It was first designated by the Minnesota Department of Conservation as a State canoe route, and earlier this year the Kettle was among those rivers cited for study under the new Minnesota Wild and Scenic Rivers Act. The Minnesota Department of Natural Resources is currently conducting a study of the Kettle to identify methods to protect this unique natural resource for future generations.

But with limited State resources, I believe Federal help is necessary to insure an effective preservation program. There is a strong Federal interest in seeking to safeguard the Kettle, an interest that is intensified by the fact that it is a tributary of the St. Croix River, a component of the National Wild and Scenic Rivers System.

On its own merits, however, I have no doubt that the Kettle would qualify for protection under the criteria set forth in the National Wild and Scenic Rivers Act.

The Kettle is a fascinatingly wild and picturesque river with rapids interspaced with long pools providing a challenge as well as a chance for relaxation and quiet reflection to its visitors.

The glacial geology of the area, as reflected in the river corridor, is also a strong point of interest. Moraines, glacial outwash plains, gorges, kettle holes, and caves can be seen along the river.

Wide varieties of wildlife roam the riverway. Deer, beavers, muskrats, herons, and hawks all inhabit the area. Fishing is excellent, especially for walleyes, sturgeon, and small mouth bass. Northern pike, red horse, suckers, and trout are also caught in the Kettle's clear waters.

The Kettle River has its headwaters in Carlton County and flows in a generally north-south direction, crossing Pine County and emptying into the St. Croix roughly 53 miles away.

Along the northern part of the river, for the first 6 miles, the river flows through an area of glacial moraine. Pools and rapids are closely spaced and do not exceed 50 yards in length. The rapids are very difficult to canoe even in high water.

The river banks are gravel with heavy forests of small aspen and birch and with an occasional stand of larger Norway pine, white pine, and black spruce. The magnificent forest growth extends very near the water's edge enclosing the river.

Starting at mile 6.9 a large open field on the left bank signifies a change in the river's characteristics. The mouth of the Kettle widens so that pools and rapids become longer—100 yards—and deeper. Rapids are more easily traversed because of the gravel bottom, and the banks of the river are higher and grassy, leveling out on top.

From mile 10 to 13 the river broadens out among islands, grass areas with low banks of sand and gravel. Distinguishing the main channel is difficult. Maple and elm are the dominant species of hardwoods, but there are a few pine visible. At mile 12.8 the Moose River joins the Kettle contributing a great deal of water which could be the reason for the strange behavior of the Kettle River directly above.

Below the confluence with the Moose River, the Kettle becomes entrenched and narrows down once more. Pine are intermingled with hardwoods; farmland extends down to the edge of the river. The open woods, caused by grazing, are peaceful and scenic. There are no rapids in this stretch.

Beginning at mile 21, the Kettle River widens to more than 150 feet with the average depth about 4 feet. The banks slope up and away from the river and are covered with pine and hardwoods. At mile 23.9 a short set of rapids with a speed pitch occurs and running them in high water is possible. A magnificent rock outcrop stands more than 10 feet above the water on the right bank, and there is a campsite on top of the rock outcrop. Directly below these rapids, interstate 35W crosses the river, but there is no road access to the river. Downstream, high hills begin to appear, and the river's characteristics remain much the same until entering Banning State Park.

The Kettle River flows through Banning State Park in a gorge approximately 130 feet deep, which forms the Hells Gate Rapids. These rapids are about 1 mile long and consist of four major drops of about 5 feet each. There is no portage and running the rapids is exciting and challenging. The river remains entrenched for more than 100 feet until it reaches the remains of the Kettle River Dam 33 miles from its northern beginning.

Below the Kettle River Dam, the river passes through several short rapids of moderate difficulty and through numerous pools, one of which is more than 20 feet deep. At mile 36.1 skillful, swiftly flowing rapids about one-half mile long appear.

From mile 37 to 46 the river once again, becomes more than 200 feet wide and placid: Flood plains develop on both sides with open hardwood forests. At this point the lower Kettle River Rapids begin. These rapids are moderate in difficulty and very popular with canoeists. They are, however, wide and shallow and, like other Kettle rapids, cannot be run in low water.

The Kettle basin is largely in the central and northern part of Pine County, but headwaters are partly in Carlton County and to a lesser degree in Aitkin and Kanabec Counties. There are some farms, but roughly two-thirds of the basin is forested. Pine County in 1964 included nearly 2,000 farms, predominantly in the southern part, outside the Kettle basin. Forest industries are important, but there is no national forest.

There are several communities near the river—Sandstone and Moose Lake each have populations of about 1,500 persons. Barnum and Willow River, each less than 500, and Kettle River, about 230. In addition to the St. Croix State Park near the mouth of the river, Banning State Park, a tract of about 2,700 acres near Sandstone, was added in 1963. There are three small municipal parks with a few picnic tables; one or more of these parks provide access to the Kettle. There are monuments to historic events, surrounded by numerous trout streams, northern pike spawning areas, and five official fish and game areas.

By nature it is an excellent recreation area, not yet overdeveloped. Pine County in the mid-1960's contained 5 hotels, 6 motels, and 19 resorts. The area is thinly populated and has not begun to reach its recreational potential.

There are 17 homes located along the river's edge although only 5 may be seen from the river. Two of the five are old farmsteads while the remainder are homes which have penetrated the wilderness setting. Fourteen bridges and two trestles cross the river.

There are developed access points at

miles 21, 33, 40.5, and 47; however, access is also possible at other bridge crossings. There are no developed campsites on the Kettle River.

Approximately 26 miles of the Kettle River are already in public ownership of one form or another. The Gen. C. C. Andrews State Forest abuts on the east side of the river from mile 13 to mile 15.2. The undeveloped Banning State Park abuts both sides of the river from mile 24.2 to mile 30.8. The Sandstone Game Refuge abuts the east side of the river from mile 31.5 to mile 40.5.

Chengwatan State Forest and St. Croix State Park abut the river from mile 42.6 to mile 51. Other stretches of the river are within the municipalities of Kettle River, Rutledge, and Sandstone. Finally, the State and county own small parcels of land on the river, which have not been declared parks, game refuges, et cetera.

This description can hardly touch upon the actual beauty of the Kettle, but it is a truly magnificent river which deserves the protection of the wild rivers system.

In too many cases, escalating pressures for development have ruined natural areas before local citizens and Government agencies have been able to respond. With the Kettle I believe action by the Federal Government, cooperation with the State of Minnesota and units of local government, can prevent such a tragedy. The bill I offer today is designed to achieve this objective, and I am hopeful of its favorable consideration by the Senate.

By Mr. CASE:

S. 2692. A bill to provide emergency security assistance authorizations for Israel and Cambodia. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I introduce legislation to provide $2.2 billion to replace equipment lost by Israel in the recent fighting.

The bill authorizes the President to use the funds for emergency military assistance grants or for military sales credits, or for both as the President may determine. This is in accordance with President Nixon's recommendation. Identical legislation has been introduced in the House of Representatives.

The purpose of the measure is to restore the balance of forces in the Middle East, without which peace is impossible. It will not, when enacted, expand Israel's military capacity beyond that level.

The full extent of Israel's losses still remains unknown. We do know that many jet aircraft and tanks were either destroyed or damaged during the conflict. Personnel carriers, trucks, communications equipment, and other military items were damaged or destroyed. A U.S. military mission is now on the scene assessing the damage and estimating what must be replaced and what can be repaired. It is expected this mission will be reporting in a matter of days and it is my hope hearings can then be held by the Senate Foreign Relations Committee.

All of us are enormously encouraged by what appears to be progress in moving toward a peace settlement in the Middle East. This does not, however, take away the necessity of maintaining military balance in the area and insuring that Israel can defend herself. Indeed, maintenance of the balance is the essential condition for continuing progress in reaching a settlement.

By Mr. COOK (for himself, Mr. BAKER and Mr. BARTLETT):

S. 2694. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement within it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy and energy-related technologies designed to resolve critical energy shortages. Referred to the Committee on Interior and Insular Affairs.

Mr. COOK. Mr. President, I am cosponsor of S. 1283, introduced by Senator JACKSON, an energy conservation measure. On review, however, I find that this bill makes no permanent requirements for funding, thus leaving it to Congress to appropriate at any level of funding after the first year, or at no level of funding at all.

Second, it fragments the research as follows:

Coal gasification, $6 million per year for 10 years.

Coal liquification, $7,500,000 per year for 12 years.

Geothermal, $8 million for 15 years.

Advanced power cycle development, $6,500,000 per year for 10 years.

Shale oil development, $5 million per year for 8 years.

Each category has its own corporation and functions independently of the others. On reflection then, the Jackson bill has two serious shortcomings:

First. No trust is established, and funding is thus left to succeeding Congresses.

Second. Separate corporate structures to accomplish the same end is cumbersome, and will not work.

We in this country solved our highway problems with the highway trust—no one doubts that this would never have been accomplished without such a trust.

R. & D. in the energy field will never solve the problems of this Nation without the essentials of a uniform facility to attack the problem and a specific energy trust to allow such a massive program to unequivically meet a deadline of absolute accomplishment.

Therefore, Mr. President, on July 13 of this year for myself, Senator ROBERT BYRD and Senator HOWARD BAKER, I introduced S. 2167, a bill to accelerate energy research and development by providing adequate funding over a continuing period of time through the creation of an energy research and development fund. The fund would draw its support from those moneys received by the Federal Government from its lease sales of public lands on the Outer Continental Shelf. I reasoned that as it was the shortage of energy which now enhanced the value of these public assets, this new revenue should in turn be used to find relief to the energy problem itself. I still believe that this reasoning is sound and am more than ever convinced that we will never achieve our R. & D. goals by year to year financing and must adopt some type of trust fund concept. However, there is good argument for broadening the base of this fund by including receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands.

It has now been 4 months since I introduced this bill and while I have been promised by the chairman of the Senate Interior Committee that hearings will be held at an early date, this date has as yet not been set.

In my original concept I envisioned that the fund would be managed and coordinated by the Interior Department. However, in my introductory remarks, I recognized that new organizational concepts were being considered and suggested that should the President's reorganization reach fruition, that there may be a new office better suited for this purpose.

In his address to the Nation last Wednesday, the President put forward several programs to deal with the immediate energy problems we face today. I support his intent and applaud the rapid action being taken by the Interior Committee to develop the necessary legislation to implement these programs. However, as necessary as these programs are, they are all in the form of a fire fighting stop gap nature and do not address the long-term problem which this Nation must solve.

One program advanced by the President is of particular interest to me and this is the creation of an Energy Resource and Development Administration to control the Nation's efforts in this area. The idea is not new as it is found in the President's earlier program to create a Department of Natural Resources. What is new is the suggestion that we remove R. & D. from the proposed department and create a new independent administration. I think this is sound and I support it.

The President has compared the need for such an effort to the Manhattan project of World War II, which made this Nation the major nuclear power at that time. He also compared this need to the space program of the 1950's which made America the first nation to put a man on the Moon.

I might say there is one that he forgot, Mr. President, and that is that when World War II started, we all thought there was not going to be an automobile in the country that could get any more rubber tires.

It took this Nation 1 year to come up with synthetic rubber, and the only thing we care about rubber trees for today is that they give somebody shade somewhere in the world.

As the President expressed it:

> Whenever the American people are faced with a clear goal and they are challenged to meet it, we can do extraordinary things.

This then is the backdrop for the initiation of "project independence." However, much as I agree with the stated objectives of energy sufficiency by 1980, I am not convinced that the proposal as now being considered can attain this goal. I still hold that we need the energy trust fund. I believe that we need an independent agency to manage this fund and insure that we direct our efforts to programs ranging from the exotic—such as wind and tidal or ocean current power,

to the realizable—such as coal gasification and liquefaction whether our goal is energy self-sufficiency by 1980 or 1985, this Nation's efforts must be wide-ranging and broad in scope. We must not overlook any possibility, however remote or far fetched it may seem.

Accordingly I am today introducing a bill which will accomplish these long-range goals and at the same time incorporate the vital trust fund concept contained in S. 2167. I go one step further, because I do not think that we can reach our goals by research and development alone. I believe that we must include the all important demonstration step in the process.

From my own personal experience I have found that when the R. & D. phase of energy production has been reached there is not adequate provision to support the demonstration phase so necessary to prove or disprove the R. & D. scale model. I suggest that with the creation of the Energy Research Development and Demonstration Administration—ERDDA—supported by adequate trust fund we have a fighting chance of locking our energy problems.

I ask unanimous consent that the bill along with the brief explanation attached be printed at the conclusion of my remarks. I solicit the support of my colleagues and urge that the Senate take prompt action to effect this legislation.

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

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Research, Development, and Demonstration Administration Act."

TITLE I

STATEMENT OF FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. The Congress hereby finds—

(a) The nation is currently suffering a critical shortage of environmentally acceptable forms of energy.

(b) A major reason for this energy shortage is our lack of an aggressive research, development, and demonstration (referred to hereinafter as "research and development," in accordance with Section 117) effort to develop a national capability for energy self-sufficiency by proper utilization of our large reserves of domestic fossil fuels, nuclear fuels, and geothermal energy, and the potentially unlimited reserves of solar power, nuclear, and other unconventional sources of energy.

(c) Many current uses of our limited basic energy resources, including the conversion of basic energy to an alternate form are highly inefficient.

(d) Current levels of funding by the Federal Government for energy research and development are inadequate and too fragmented to develop a program of the scope needed to insure efficient use of existing sources and to identify and develop the most technically, environmentally and economically feasible methods for utilizing energy from domestic resources.

(e) The capital requirements of a total energy research and development program of the magnitude needed are beyond the means of private sources.

(f) The nation's critical energy problems can be timely solved only if a national commitment is made now to accord the highest priority, to dedicate the necessary financial resources, and to enlist our unequaled scientific and technological capabilities to meet the national energy needs, conserve vital resources, and protect the environment.

SEC. 102. (a) The general welfare, the common defense, and security urgently require and it is Congress' purpose here to undertake a national commitment to resolve the energy shortages and provide the means for achieving a national capability for energy self-sufficiency through socially and environmentally acceptable methods for producing, conserving, and utilizing all forms of energy.

(b) To effectuate that commitment it is Congress purpose to consolidate and strengthen existing and initiate new Federal programs for energy research and development, in an Energy Research, Development, and Demonstration Administration, established hereinbelow and authorized and charged with exercising central responsibility for policy planning, coordination, support, and management of research and development programs, including commercial-sized demonstration plants, and respecting all forms of energy sources.

(c) The Congress further declares and finds that it is in the public interest that responsibility for all Federal energy research and development programs be transferred to the Energy Research, Development, and Demonstration Administration, and that this transfer be effected in an orderly manner assuring adequacy of technical and other resources necessary for the performance of such programs.

TITLE II

ESTABLISHMENT AND ORGANIZATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ADMINISTRATION

SEC. 103. There is hereby established, as an independent establishment of the executive branch of the Government of the United States, the Energy Research, Development, and Demonstration Administration (hereinafter referred to as the "Administration" or "ERDDA").

BOARD OF GOVERNORS

SEC. 104. (a) The management and direction of all the affairs and interests of ERDDA shall be vested in a Board of Governors (hereinafter referred to as "the Board" or "the Governors"), composed of 15 members.

Eight of the Governors shall be Government officials, as follows:

1. As Chairman of the Board, the official designated by the President as having primary responsibility for energy policy (subject to Senate confirmation if not already confirmed for his primary office);

2. The Director of the National Science Foundation;

3. An Assistant Administrator of the National Aeronautics and Space Administration, designated by the Administrator of that Administration;

4. An Assistant Secretary of Defense, designated by the Secretary of Defense;

5. A member of the Atomic Energy Commission (proposed hereinbelow to be renamed the "Nuclear Energy Commission"), designated by that Commission;

6. A member of the Federal Power Commission, designated by that Commission;

7. A member of the Council on Environmental Quality, designated by that Council;

8. The Administrator of ERDDA, appointed to that position in accordance with Section 107(b) below.

Seven Governors shall be appointed by the President with the advice and consent of the Senate, as follows:

1. A person with high qualifications and responsibilities in the coal industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the coal industry;

2. A person with high qualifications and responsibilities in the nuclear power industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the nuclear power industry;

3. A person with high qualifications and responsibilities in the natural gas industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the natural gas industry;

4. A person with high qualifications and responsibilities in the petroleum industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the petroleum industry;

5. A person with high qualifications and responsibilities in the electric industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the electric industry;

6. A representative from the public at large with high qualifications and responsibilities for environmental concerns; and

7. A representative from the public at large with high qualifications and responsibilities for consumer concerns.

(b) The terms of the government members of the Board shall coincide with their terms in the offices here qualifying them to serve on the Board. The terms of the seven non-government members shall each be for 4 years subject to prior removal by the President, for cause, except that in order to provide staggered terms, the terms of 2 initial Governors, designated by the President, shall be for 3 years, the terms of 2 shall be for 2 years, and the term of 1 shall be for 1 year. Any Governor appointed to fill a vacancy occurring before the expiration of the term for which his predecessor had been appointed shall serve for the remainder of such term. Each Governor shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board.

(c) 1. The Board shall meet quarterly and on call.

2. Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board.

3. The Board shall act upon majority vote of those members who are present, and any eight members present shall constitute a quorum for the transaction of business by the Board; except that a favorable vote of an absolute majority of the Governors in office shall be required for the approval of annual budgets, and for the appointment, removal, and setting of compensation for the Administrator and Deputy Administrator.

ADMINISTRATOR; DEPUTY ADMINISTRATOR

SEC. 105. The Administrator of ERDDA, appointed pursuant to Subsection 107(a) below, shall serve as the Chief Executive Officer of the Administration, in accordance with Subsection 107(c) below. The Deputy Administrator, appointed under Subsection 107(a) below, shall be the alternate Chief Executive Officer. He shall act for and exercise the powers of the Administrator during his absence or disability.

GENERAL COUNSEL; ASSISTANT ADMINISTRATORS

SEC. 106. There shall be within the Administration a General Counsel, and such number of Assistant Administrators as the Board shall consider appropriate. The General Counsel and the Assistant Administrator shall be appointed by, and serve at the pleasure of the Administrator.

TITLE III

FUNCTIONS

SEC. 107. (a) The Board shall appoint the Administrator of ERDDA from a list of people recommended by the National Science Foundation, the National Academy of Science, and the National Academy of Engineering as highly competent to administer the important and complex energy research and development responsibilities of ERDDA. The Board shall also appoint the Deputy

Administrator, and it shall have the power to remove the Administrator and the Deputy Administrator, and it shall fix their pay and terms of service.

(b) The Board may delegate its authority to the Administrator under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable, and it may establish such Committees as it determines appropriate to carry out its functions and duties; such delegations shall be consistent with other provisions of this Act, shall not relieve the Board of full responsibility for carrying out its duties and functions, and shall be revocable by the Board in its exclusive judgment.

(c) The Administrator, as Chief Executive Officer of the Administration, shall be responsible to the Board for implementation of this Act and administration of ERDDA. He shall present an annual budget to the Board of Governors for their review and approval. After the Board has approved a budget, the Administrator may obtain specific moneys within it, from the fund established in Section 114 hereinbelow, by notice to the Secretary of the Treasury that such moneys are needed as of a certain date to carry out the program and budget approved by the Board.

(d) The Administration shall exercise central responsibility for policy planning, budgeting, initiation, coordination, support, and management of research and development programs respecting all forms of energy sources, including but not limited to those specified in Subsection (e) below. It shall be responsible for assessing the requirements for research and development in regard to various forms of energy sources in relation to near-term and long-range needs, for policy planning, and for budgetary and expenditure control to meet those requirements, for retaining, supporting, and where needed, strengthening effective existing programs, and for initiating new programs as needed for the optimal development of all forms of energy sources, from research through commercial-sized demonstrations, for providing appropriate priority and balance among nuclear, fossil fuel, geothermal, solar, and other energy research and development responsibiilties, for managing such programs, for terminating them when their purpose has been accomplished or when they are no longer feasible, and for disseminating information resulting therefrom.

(e) The Administration shall have all the authority incidential, necessary, or appropriate to implementing its responsibilities, including without limitations, authorization:

1. to ensure that full consideration and adequate support is given to advancing energy research and development of efficient and environmentally acceptable energy sources, technologies, and techniques including but not limited to:

(i) coal gasification;
(ii) coal liquefaction;
(iii) solvent refined coal;
(iv) improved extraction methods and *in situ* conversion of fuels;
(v) advanced power cycle development;
(vi) shale oil development;
(vii) geothermal energy;
(viii) thermally-actuated heat pumps;
(ix) fuel cells and other direct conversion methods;
(x) solar energy;
(xi) hydrogen as an energy form;
(xii) nuclear breeder processes;
(xiii) fusion processes;
(xiv) magnetohydrodynamics;
(xv) use of agricultural products for energy;
(xvi) utilization of waste products for fuels;
(xvii) cryogenic transmission of electric power;
(xviii) electrical energy storage methods;
(xix) alternative to internal combustion engines;
(xx) wind power;
(xxi) tidal power; and
(xxii) ocean current and thermal gradient power;

2. to prescribe such policies, standards, criteria, procedures, rules, and regulations as it deems necessary or appropriate.

3. to enter into such contracts and agreements, including grant agreements, with public agencies and private organizations and persons; to make payments therefor (in lump sum or installments, and in advance or by way of reimbursement, and with necessary adjustments on account of overpayments and underpayments).

4. to engage in joint projects of a research, developmental, and demonstration nature with public agencies and private organizations or individuals in the organizational form deemed appropriate, and to perform services with or for them on matters of mutual interest, the cost of such projects or services to be apportioned equitably by the Administration.

5. to acquire any of the following described rights if the property acquired thereby is for use by or for, or is useful to, the performance of functions vested in the Administration:

(i) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;
(ii) licenses under copyrights, patents, and applications for patents;
(iii) releases, before suit is brought, for past infringement of patents or copyrights; and
(iv) use of Federal lands (except lands preempted for other use by Federal statutes) which contain energy sources which ERDDA determines are necessary to carry out its research and development functions and programs. The responsible officials of such other departments or agencies which have jurisdiction over Federal lands are hereby authorized and directed to make such lands available to ERDDA under terms and conditions promulgated by them to protect the environment and other resource values of lands involved.

6. to make special studies concerning matters within the special competence of the Administration; to prepare from the records of the Administration special compilations, lists, bulletins, or reports; to furnish transcripts or copies of such studies, compilations, and other records; to provide copies of charts, maps, or photographs, and to provide services incident to the conduct of the regular work of the Administration. The administration shall require payment of the actual or estimated cost of such special work in accordance with regulations prescribed by the President.

7. to exercise, in relation to the functions transferred herein, to the extent necessary or appropriate to perform such functions, any authority or part thereof available by law, including appropriations Acts, to the official or agency from which such functions were transferred.

(f) The Administration shall utilize or acquire the facilities of existing Federal scientific laboratories engaged in energy research and development; it shall also establish and operate additional facilities and test sites; and it shall utilize such services of contract agencies as it considers necessary to effectuate the purposes of this Act.

(g) The Administrator shall, as soon as practicable after the end of each fiscal year, submit a Report to the Board, and the Board shall submit a Report to the President for transmittal to the Congress, on the activities of the Administration during the preceding fiscal year, with a full accounting of receipts and expenditures, projects terminated and initiated, and plans and progress made in developing new energy supply and in attaining the capability of energy self-sufficiency from domestic resources.

(h) The President, in the ninth year after the effective date of this Act, shall report to the Congress his evaluation of progress under it and his recommendation for continuance of the Federal energy research and development programs.

TITLE IV

TRANSFERS

SEC. 108. There are hereby transferred to and vested in the Administration such Federal energy research and development functions and programs as are essential to ERDDA's fulfilling its obligations under this Act. Without limitation, such transfer shall include:

(a) All energy research and development functions and programs of the Atomic Energy Commission and of the Chairman and members of the Commission except those pertaining to nuclear weapons or military use of nuclear power. The Atomic Energy Commission's research and development functions related to such military purposes shall be transferred to the Department of Defense, and the Secretary of Defense and ERDDA shall establish a special liaison committee to provide coordination, cooperation, and economy between the Department of Defense and ERDDA as to their respective research and development programs.

The remaining functions of the Atomic Energy Commission shall continue as provided in Section 115 below.

(b) All energy research and development functions and programs of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department.

(c) The energy research and development functions and programs of such other Federal departments or agencies, including without limitation those in the Departments of Commerce, Transportation, Housing and Urban Development, and those in independent agencies such as the General Services Administration, the National Aeronautics and Space Administration, the National Science Foundation, and the Tennessee Valley Authority, as in ERDDA's judgment are necessary or appropriate for it to fulfill its responsibilities under this Act.

(d) Authority for reviewing and coordinating all other energy research and development functions and programs in Federal departments or agencies in the Executive Branch.

(e) Unexpended balances of appropriations, authorizations, allocations, and other funds relating to the functions transferred hereby to ERDDA shall be transferred as determined by the Director of the Office of Management and Budget in accordance with Section 109 below and with Section 202 of the Budget and Procedures Act (31 USC 581 (c)).

SEC. 109. (a) During the transition of transfers every effort shall be made to not in any way impede or impair the progress of current Federal energy research and development programs.

(b) Transfer of nontemporary personnel shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer.

TITLE V

SAVINGS PROVISIONS

SEC. 110. All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act, and which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator,

or other authorized officials, a court of competent jurisdiction, or by operation of law.

SEC. 111. (a) The provisions of this Act shall not affect any proceedings pending at the time it takes effect before any department or agency, or component thereof, functions of which are transferred by the Act, but to the extent such proceedings relate to functions so transferred, they shall be continued. Orders shall be issued in such proceedings, appeals taken therefrom, and payments made pursuant to such orders, as if the Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing herein shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if the Act had not been enacted.

(b) Except as provided in Subsection (d)—

1. the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

2. in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if the Act had not been enacted.

(c) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency whose functions are transferred by the Act shall abate by reason of enactment of the Act. No cause of action by or against any department or agency, functions of which are here transferred, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of the Act.

(d) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit involving any function of such department, agency, or officer transferred by this Act to the Administration, then such suit shall be continued as if this Act had not been enacted, with the Administration substituted.

(e) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if there had been no transfer. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred hereby shall apply to the performance of those functions by the Administration, or any officer or component.

SEC. 112. With respect to any function transferred by the Act and performed after its effective date, reference in any other law (including reorganization plans) to any department or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Administration or officials thereof in which this Act vests such functions.

SEC. 113. Nothing herein shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of the Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

TITLE VI

FUNDING

SEC. 114. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the Federal Energy Research, Development, and Demonstration Trust Fund (referred to herein as the "fund"). The fund shall consist of such amounts as may be credited or appropriated to it as provided in this section, and moneys so credited or appropriated are hereby made available to ERDDA for carrying out the purposes of this Act including the administration thereof, without fiscal year limitations.

(b) Commencing with the fiscal year ending June 30, 1974, and each fiscal year thereafter, all revenues (except so much thereof as may be already obligated under the provisions of other legislation such as Section 2(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) due and payable during each such fiscal year to the United States for deposit in the Treasury as receipts from Federal lease sales of all energy sources, as well as royalties and other revenues derived from operations on, or the use of, such Federal leases, shall, up to $2,000,000,000, be credited to the fund.

(c) In addition to the moneys credited to the fund pursuant to Subsection (b) of this section, there is authorized to be appropriated to the fund for the fiscal year ending June 30, 1974, and each fiscal year thereafter, such amount as is necessary to make the income of the fund $2,000,000,000 for each such fiscal year.

(d)(1) It shall be the duty of the Secretary of the Treasury to manage the fund and (after consultation with appropriate officials of ERDDA) to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall be printed as a Senate and House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purpose for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(3) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(4) The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

TITLE VII

NUCLEAR ENERGY COMMISSION

SEC. 115. (a) The Atomic Energy Commission shall retain its functions pertaining to uranium and thorium reserve assessment, and its functions pertaining to the licensing and related regulatory functions of the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission performing such functions, which functions, officers, and components are not included in the transfer to the Administrator by section 108 above.

(b) The Atomic Energy Commission is hereby renamed the Nuclear Energy Commission.

TITLE VIII

EFFECTIVE DATE AND INTERIM APPOINTMENT

SEC. 116. The provisions of this Act dealing with title II (sections 103, 104, 105, and 106) shall take effect on the day of enactment. All other provisions shall take effect thirty days thereafter. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administration by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

TITLE IX

DEFINITIONS AND ADMINISTRATIVE PROVISIONS

SEC. 117. (a) As used herein references to:

1. "function" or "functions" include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be;

2. "perform" or "performance" when used in relation to functions, include the exercise of power, authority, rights, and privileges;

3. "research and development" include all phases of Federal energy research, development, and demonstration, ranging from the conception of scientific and engineering principles appropriate for attaining a particular technological objective through the demonstration of their practical utility on a commercial scale, except to the extent they are for military purposes;

4. "demonstration" refers to that stage of a research and development program which typically follows the pilot plant stage and the objective of which is to establish the commercial feasibility of a particular process before it is put into commercial use;

5. "energy sources" include fossil fuels, geothermal energy, nuclear energy, solar energy, tidal energy, and other unconventional sources of energy;

6. "person" includes any individual, association, institution, corporation, or other entity, any state or political subdivision, or agency or institution thereof, and any Federal department or agency;

7. "the Act" or "this Act" refers to the "Energy Research, Development, and Demonstration Act" enacted herein;

8. "the Administration" or "ERDDA" refers to "the Energy Research, Development, and Demonstration Administration" established herein; and

9. "fund" refers to the Federal Energy Research, Development and Demonstration Trust Fund established herein.

Any reference to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(b) The Administrator is authorized to accept, hold, administer, and utilize gifts,

and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For the purpose of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

(c) The Administration shall cause a seal of office to be made of such device as the Board shall approve, and judicial notice shall be taken of such seal.

TITLE X

SEPARABILITY

SEC. 118. If any provisions of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

A BILL TO ESTABLISH AN ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ADMINISTRATION

The attached proposed legislation is based on the conviction that a substantially increased centralized, and sustained energy research and development program, including demonstration, is indispensable to development of the nation's domestic energy sources, and thereby its energy self-sufficiency, through socially and environmentally accepted methods for producing, conserving and utilizing all forms of energy. Accomplishment of this vital effort requires a fresh new organization independent of existing organizations and procedures, and charged with overall and specific accountability for coordination, streamlined administration, and results.

The bill accordingly provides for the establishment of a new independent agency, the Federal Energy Research, Development, and Demonstration Administration ("ERDDA"). Responsibility is consolidated therein for coordinating and administering all existing, and for initiating, coordinating and administering extensive new, energy research and development functions and programs applicable to all forms of energy—except those undertaken for military purposes. Commensurate authority extends from overall policy planning and budget control, to all stages of particular projects, from initial conception through design, construction, operation and maintenance of commercial-sized dmonstration plants, such opreations to be carried on internally with ERDDA's own facilities, or by suitable arrangement with contract agencies.

A 15-member Board of Governors, composed of Government Officials qualified in energy and energy research and development, and of experts from the private sector, is responsible for overall supervision of ERDDA. The daily operations of ERDDA are to be directed by an "Administrator," who must be outstandingly qualified in those fields, and their management. He will serve as Chief Executive Officer responsible to the Board for carrying out the Board's policies consistent with the objectives and purposes of the Act.

To carry out this effort, the bill provides for funding through a special trust fund composed of receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands, up to $2 billion a year. The payments to the Federal Government for energy development rights thus earmarked for development of new energy sources would provide the sustained continuity indispensable to a project of this nature.

By Mr. MATHIAS:

S.J. RES. 171. Joint resolution relating to U.S. support of U.N. activities in maintaining international peace and in providing and coordinating international disaster relief. Referred to the Committee on Foreign Relations.

Mr. MATHIAS. Mr. President, an uneasy truce lies with uncertainty in the Middle East. Only now, almost 3 weeks after a truce had been agreed to, have the Israelis and the Egyptians agreed, on the basis of Dr. Kissinger's diplomatic efforts, to permit the United Nations to dispatch peacekeeping forces to the Middle East to assist in observing whether the cease-fire terms agreed to are being respected. Once again, the United Nations is the last resort to keep the peace. Once again the United Nations has been called into action when the situation is almost hopeless.

When the U.N. Charter was written just after World War II, peacekeeping forces composed of units from all member states was seen to be a rational solution to the problem of maintaining the peace and reducing the need for large national standing armies. This rational ideal has never been realized despite the fact that the U.N. has successfully resolved very serious threats to the peace such as the wars in Cyprus and the Congo.

I introduce today a resolution calling for U.S. support of U.N. activities in maintaining international peace and providing for coordinating international disaster relief. I ask unanimous consent that the joint resolution be printed in the RECORD at this point.

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

S.J. RES 171

Whereas Congress has urged that there should be developed permanent organization and procedures to "enable the United Nations promptly to employ suitable United Nations forces for such purposes as observation and patrol in situations that may threaten international peace and security" (H. Con. Res. 373, Eighty-fifth Congress, second session); and

Whereas the need for such forces has been demonstrated by past experience and will be even greater in the future; and

Whereas United Nations impartial peacekeeping forces will continue to be a major instrument for the maintenance of international peace and security; and

Whereas the United Nations has established a permanent Office of Disaster Relief Coordination, to provide and coordinate disaster relief, which Office can be an important instrument in maintaining international stability; and

Whereas the same personnel could be utilized by the United Nations in its peacekeeping activities and its activities in providing disaster relief: Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the Congress reaffirms its support for the United Nations peacekeeping and peacemaking and urges that—

(a) the United States Government—

(1) encourage and support the earmarking and specialized training of units by United Nations member states from their national forces for employment in United Nations peacekeeping operations;

(2) be prepared to make available to the United Nations, in accord with Constitutional processes, transport, communications, logistical, and other technical personnel and facilities; and

(3) be prepared to advocate or support, in accord with constitutional processes, proposals for guidelines to govern the financing, training, and equipping of peacekeeping forces for effective use; and

(b) as part of the long-range development of the United Nations as a more effective instrument for building and keeping peace, the United States Government encourage and support the creation of a permanent force under United Nations command to keep the peace as provided by the United Nations Charter.

SEC. 2. (a) The Congress urges the President to instruct the United States delegation to the United Nations to prepare and submit to the United Nations General Assembly an offer to furnish, in concert with other members of the General Assembly, support to the United Nations Office of Disaster Relief Coordination which was established to provide and coordinate disaster relief to any country or region of the world which has been affected by a disaster and solicits such relief.

(b) Such offer should include support to the Office so that the Office may achieve the following objectives:

(1) the prevention, prediction, and control of disasters;

(2) predisaster planning and preparedness, including stockpiling, training, and assistance from abroad;

(3) contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature;

(4) rehabilitation and reconstruction;

(5) international organizational arrangements necessary to effect appropriate relief; and

(6) financial arrangements necessary to effect such relief.

SEC. 3. (a) In affirming the belief of the United States that providing and coordinating disaster relief through the United Nations Office of Disaster Relief Coordination is an essential element in any workable plan for world peace, there is established within the Department of Defense a permanent unit of not to exceed 5,000 technical and noncombatant personnel of the Department. Such unit shall be known as the First Brigade—Forces for International Relief on Standby. Upon a call of the United Nations Disaster Relief Coordinator, the First Brigade, or such members thereof as are called for by the Coordinator, shall be detailed to the Office, in accord with constitutional processes. Members of the First Brigade, while so detailed, shall be considered for all purposes as personnel of the United States Government.

(b) In submitting to the United Nations General Assembly the offer referred to in section 2 of this Act, the United States delegation to the United Nations shall also communicate to the General Assembly that the United States has established the First Brigade as evidence of its support of the Office and of its faith in the United Nations and its principles.

SEC. 4. To carry out the responsibilities of the United States as a member of the United Nations to participate in the peacekeeping activities of the United Nations, upon a call of the United Nations for personnel for its peacekeeping forces, the First Brigade, or such members thereof as are called for, shall be detailed to the United Nations, in accord with constitutional processes. Members of the First Brigade, while

so detailed, shall be considered for all purposes as personnel of the United States Government.

Mr. MATHIAS. The resolution I have introduced urges the U.S. Government to earmark specially trained units from U.S. Armed Forces for use in U.N. peacekeeping operations in accord with our constitutional processes. In addition, my resolution urges the Executive, again in accord with constitutional processes, to make available to U.N. peace-keeping forces transport, communications, logistical, and other technical personnel and facilities.

This special force earmarked for service with the U.N. peace-keeping forces should the occasion arise and should our constitutional processes authorize, would, in effect, be a "first brigade" to keep the peace.

The "first brigade" would also assist to meet natural disasters which have plagued the world in the past and will afflict the world in years to come.

It is my view that an effective U.N. peace-keeping force could do much to prevent future wars and would be an invaluable tool in the resolution of disputes between nations which have resulted so often in disasterous hostilities. I ask unanimous consent that this resolution be referred to the Foreign Relations Committee for consideration and action.

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

ADDITIONAL COSPONSORS OF BILLS

S. 203

At the request of Mr. TAFT, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 203, to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities.

S. 483

At the request of Mr. TAFT, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 483, to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 2052

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2052, to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities.

S. 2347

At the request of Mr. BEALL, the Senator from Nevada (Mr. BIBLE), the Senator from Kansas (Mr. DOLE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2347, to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 2518

At the request of Mr. MONDALE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2518, the Women's Educational Equity Act.

S. 2531

At the request of Mr. CHILES, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2531, to amend title II of the Water Pollution Control Act Amendments of 1972.

S. 2589

At the request of Mr. JACKSON, the Senator from Alaska (Mr. STEVENS), the Senator from Nevada (Mr. BIBLE) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 2589, the National Energy Emergency Act of 1973.

SENATE RESOLUTION 201—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

(Referred to the Committee on Rules and Administration.)

Mr. BURDICK submitted the following resolution:

S. RES. 201

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the Report of the Commission on the Bankruptcy Laws of the United States.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 200

At the request of Mr. AIKEN (for Mr. HUMPHREY), the Senator from Utah (Mr. Moss) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 200, relating to the national security of the United States, which was adopted by the Senate on Friday, November 9, 1973.

NATIONAL EMERGENCY ENERGY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 649

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

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 650

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

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from North Carolina (Mr. HELMS), I submit an amendment to S. 2589, the emergency energy bill, which would outlaw the use of limousines, heavy and medium sedans by government officials and which would also deny funds to pay for the drivers and chauffeurs who spend countless hours driving high officials around Washington. I ask that the amendment be printed, appropriately referred, and made available for action when S. 2589 comes before us shortly. I also ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 650

At the proper place insert the following new section:

SEC. . (a) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of passenger motor vehicles (other than passenger motor vehicles of the types generally available in motor pools of Government agencies on the date of enactment of this Act) or for the salaries or expenses of chauffeurs or drivers to operate passenger motor vehicles.

(b) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of any passenger motor vehicle for the transportation of any Government officer or employee between his dwelling and his place of employment, except in cases of medical officers on outpatient medical service and except in cases of officers and employees engaged in field work in remote areas, the character of whose duties make such transportation necessary, and only when such exceptions are approved by the head of the department concerned.

(c) Subsections (a) and (b) shall not apply with respect to the purchase, hire, operation, and maintenance of (1) one passenger motor vehicle for use by the President, or (2) of passenger motor vehicles operated to provide regularly scheduled service on fixed routes.

ENERGY CRISIS

Mr. PROXMIRE. Mr. President, the country faces a grave energy crisis. At the same time literally hundreds of officials of this Government are provided, at taxpayers expense, with huge gas-guzzling limousiness with drivers and chauffeurs to wheel themselves to and from home, around town, to various social and official functions, and for a variety of other purposes both official and unofficial.

These are heavy, high horsepowered cars, with power steering and power brakes, air conditioning, and other excessive energy using devices. The chauffeurs routinely earn between $14,000 and $17,000 a year and the total cost of car and driver is at least twice the family income of the average American family.

My amendment would do away with both the limousines and the chauffeurs.

WHAT AMENDMENT DOES

Here is what it does.

First, it outlaws the purchase, hire, operation, and maintenance of limousines, medium and heavy sedans in the Government as a whole.

Second, it outlaws the payment of salaries or expenses for chauffeurs or drivers.

Third, it states that no funds can be

used for the purchase, hire, maintenance, or operation of any passenger vehicle for the transportation of any Government official to and from home.

The only exceptions to these prohibitions are the President of the United States who is allowed one passenger motor vehicle of the type otherwise forbidden, medical officers on outpatient duty and employees engaged in fieldwork hundreds of miles from their offices, who are allowed to drive an ordinary passenger car to and from home and their place of work, and drivers of Government motor vehicles who provide regularly scheduled service on fixed routes.

No one but the President can have a big car.

No one but the President, medical officers on outpatient duty, and officials on fieldwork are allowed to use a car to drive to and from home.

No one but the President is allowed to have a chauffeur or driver. And the only reason the President is excepted is for his security and safety on the rare occasions when he uses a car instead of a plane or helicopter.

That is what my amendment does.

Everyone else drives his own car, drives a small Government pool car on official business—and drives it himself—but not to and from home, or takes a shuttle, taxi, or walks.

I believe this action is long overdue. And the energy crisis brings it to a head. We must act now. There is no excuse for further procrastination.

GAS GUZZLING MONSTERS

How can any responsible Government official in good conscience insist on being driven around Washington in gas guzzling monsters when this Nation desperately needs every gallon of gasoline it can get for essential purposes?

We have dozens of officials who would rather keep their limousines than they would the substance of their programs. But how confused can our priorities be when Government officials call on the people to surrender our hard earned clean air because fuel is short and then show their selfish contempt by insisting on having the last word in personal, custom-designed gas wasting limousine service?

It is true of course that the amount saved by taking every Federal limousine out of service would be very small indeed. But the example given by Federal officials who make the decisions that impose sacrifices on all the American people are of the greatest importance.

Are those who administer gas rationing going to ride around in chauffeured limousines?

Are military officials who say we need emergency action in the interests of our national security going to keep the hundreds of chauffeur driven limousines they now have while the American housewife and the American breadwinner are denied gasoline and heating oil to drive to and from work or the store or to heat their homes?

I believe the answer will be a resounding "No" when this amendment is voted on.

HERE IS WHAT OFFICIALS CAN DO

Under my amendment here is what officials can do.

First, instead of having a big chauffeured limousine driven to pick them up in the morning and to take them home at night, they can join a carpool, preferably with their under secretary and their assistant secretaries who all tend to live in the same areas of Bethesda-Chevy Chase, McLean, Arlington, or Alexandria.

Second, for truly "official purposes," the small GSA cars can be used instead of the gas guzzlers.

Third, these pool cars can be driven by the officials themselves. They all know how to drive. Thousands of Government employees already drive Government cars. So why should not the Secretary of HUD or the Administrator of NASA or the Chief of Naval Operations or the Chairman of the Home Loan Bank Board or the U.S. Representative to the Advisory Committee on the Ryukyu Islands—all of whom now have cars and chauffeurs which drive them to and from home—join a carpool and drive themselves or take a taxi or ride the shuttle service from the Pentagon or their office to Capitol Hill when they have to get around Washington? In an emergency, they might even walk.

OFFICIALS MUST SET STANDARDS

How can American citizens take seriously the plea of our Government to reduce nonessential driving and to prepare patriotically for gas rationing when every Tom, Dick, and Harry bureaucrat cruises around the Nation's Capital in his own private gas guzzler furnished at taxpayer's expense?

Out of compassion for our long-suffering taxpayers, public officials should already have given up the snobbish symbol of arrogance that the chauffeured limousine has become.

NO TIME TO WAIT FOR STUDY

It is true that a congressional study is now underway that may curtail the use of limousines next year. But the gasoline and energy crisis is here now. What we need is some sensitivity on the part of those calling for sacrifices. Why should not they make a modest sacrifice of their own?

With the grave threat of gasoline and fuel oil shortages, the time to abandon the luxury of limousines has come.

Mr. President, I ask unanimous consent that two articles, one from the Los Angeles Times of November 8, 1973, entitled "VIP's Fuel the Crisis" and the other from the New York Times for November 12, 1973, by William Safire entitled "Deroyalization" be printed at this point in the RECORD.

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

VIP'S FUEL THE CRISIS

WASHINGTON.—One by one, the long, sleek automobiles drove through the White House gate and eased to a stop.

They were big cars, powerful cars—Cadillacs, Lincolns, Imperials and Mercurys. They were carrying dignitaries to an important conference in the Cabinet Room—fifteen governors, three mayors and three county supervisors.

For over an hour, the officials met with the President and his men, where they were told of the severe energy crisis gripping the nation. And outside, throughout the meeting, the engines of the big cars idled quietly, just enough to keep the motors warm and the interior heaters functioning.

DEROYALIZATION

(By William Safire)

WASHINGTON, November 11.—The imminence of gasoline rationing provides political figures with a golden opportunity: to shuck off some of the antidemocratic luxuries that encrust and demean the seats of power.

When the President summoned up the spirit of self-sacrifice and voluntary belt-tightening in his energy speech last week, he sought to set an example by placing speed restrictions on a half-million Federal vehicles.

A question arises: what is the Federal Government doing with a half-million vehicles, anyway? Further research shows that the Fed fleet drives three billion miles a year, slurping up 300 million gallons of gasoline and costing, exclusive of original purchase, $359 million every year.

There are 238,000 civilian cars in the Fed fleet; the 12,500 buses do not bother me, and I will grant the need for 33,000 ambulances, but what is the need for 76,000 sedans, and 800 "heavier-type" cars—the euphemism for limousines?

To a Federal official, the sweetness of life is reflected in being transported by chauffeured car "from domicile to place of employment," as one of the delicious exceptions to the "no unofficial employment purposes" strictures of the trampled-upon Administrative Expenses Act of 1946.

The Defense Department, which is permitted by the Office of Management and Budget to be by far the worst violator of the act, permits an Assistant Secretary of the Army to be carted back and forth like the Nizam of Hyderabad at an annual cost I estimate at $30,000 a year (nobody at O.M.B. or the Defense Department is going to get caught making that estimate). Such an after-tax expense would give a millionaire pause; no single act of waste more offends the ordinary man than the automotive pampering of officialdom.

And for what purpose? Valuable time is not saved, nor is safety a factor. When the Government gets out of the taxicab business, the taxpayer will save money, the nation will conserve fuel, and—most important—the debilitating lordliness will be removed from the upper echelons of bureaucracy.

Ordinarily, railings like these would go unnoticed, but under the changed circumstances of a fuel shortage, perhaps a trend could be set in motion that would help reduce the "insolence of office," and a conservation of power could be used to cut down the arrogance of power. The examples could come from the top, at all levels:

New York City's new Mayor, Abe Beame, could announce plans to travel from Gracie Mansion to City Hall every morning on the Lexington Avenue Express. The choice of subway over limousine, of course, is a publicity stunt permitted only at a time when symbolic actions to inspire public conservation are needed—but it would cost the new Mayor no time, exposure to the public twenty minutes a day might even prove beneficial, and the cost of lengthening one subway strap would be minimal.

Governor Rockefeller, in that spirit, could dispense with New York State's limousine fleet. If the Governor started using a small car and even drove it himself, the pressure on other state officials to follow suit would be irresistible.

And President Nixon, in a grand gesture of fuel frugality, could mothball Air Force One for the duration of the shortage, with the exception of overseas visits. Can you

imagine the President traveling to San Clemente this winter on a regularly-scheduled commercial jet? The Secret Service could handle it, and it would do the President and the country good. (No coach seats though—Presidents should ride first class.)

Sounds ridiculous, right? But it only sounds ridiculous because we now surround the citizens we elect with royal trappings, against all propriety and American tradition. In the fell clutch of pomp and circumstance, we turn their heads and then wonder why they lose touch with "the people."

Only if we use the fuel shortage to our advantage can we awaken the spirit of the newly-inaugurated Jefferson waiting for his place at table. The President need feel no awkwardness at "showboating," since symbolism of sacrifice at the top is expected when the reality of sacrifice at the bottom is asked.

If the Commander in Chief ostentatiously saves fuel, the message might even get through to the Pentagon. The other day, New York Times reporter John Finney noticed the arrival at the Pentagon helipad of Brig. Gen. Jessie M. Allen, the tactical air command's Deputy Chief of Staff for Plans.

General Allen had spurned the use of a waiting car at Andrews Air Force Base, preferring to use the waiting helicopter instead, which used about 30 gallons of jet fuel on the round trip to the Pentagon, saving the busy general twenty minutes each way.

The reason for the general's trip to Washington, the urgent need for the helicopter? You guessed it—he hurried here to confer about the Air Force's plans to conserve energy.

EXTENSION OF DEBT CEILING—AMENDMENT

AMENDMENT NO. 651

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

Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STAFFORD, and Mr. STEVENSON) submitted an amendment to H.R. 11104, an act to extend the debt ceiling.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a joint statement of the nine Senators may be printed in the RECORD. I also ask unanimous consent that the text of the amendment may be printed in the RECORD.

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

NINE SENATORS PROPOSE JOINT AMENDMENT FOR PUBLIC FINANCING OF PRESIDENTIAL PRIMARIES AND CONGRESSIONAL CAMPAIGNS

Nine Senators—five Democrats and four Republicans—announced today that they will seek to add an amendment to the Debt Ceiling Act to provide public financing of Presidential primaries and Senate and House general elections.

The amendment was introduced jointly today by Senators Cranston, Hart, Kennedy, Mathias, Mondale, Schweiker, Hugh Scott, Stafford, and Stevenson, all of whom are sponsors of major public financing proposals. The Senators issued the following joint statement:

The package combines five major bills introduced earlier this year. It contains key portions of the Kennedy-Scott bill for public financing of Senate and House general elections by extending Senator Russell Long's check-off to such races; and the Mondale-Schweiker bill for public financing of Presidential primaries through matching grants for small contributions and for strengthening the role of the dollar check-off in Presidential general elections. It also contains major concepts and key provisions set forth in the Hart bill for public financing of Congressional elections, the Stevenson-Mathias bill for public financing of general elections and the Cranston bill for comprehensive public financing of all federal elections. In a real sense, therefore, the package we are now proposing is the "highest common denominator" of the bills the nine of us have previously sponsored.

This joint amendment is a significant breakthrough. While there is widespread support for the principle of public financing of campaigns, there have been divergent views on exactly how it should be accomplished. The agreement we have reached on this amendment is a clear sign that a consensus has formed on major elements of public financing. This consensus provides a framework within which any remaining differences can be resolved.

Our political system has reached the point of no return in the area of campaign financing. The one indelible lesson of this year of Watergate is that things cannot go on as they are now in our system of private financing. Today, we have the best political system that special interest money can buy, and it is a disgrace to every basic principle on which the nation stands.

The insidious and corrupting power of private money has degraded the proud profession of politics, and no one in public life can ignore the problem. Republicans and Democrats alike, we ask the Congress to take a deep breath and act immediately to pull up the roots of Watergate, so that the 1974 Congressional races, the 1976 Presidential election, and every future Federal election can be financed free of taint.

The reform we need is obvious—it is the most comprehensive feasible use of public financing for political campaigns. Only in this way can we hope to eliminate corruption and the appearance of corruption in public life.

Nine Senators who have previously sponsored legislation in this area have now agreed on a common package of public financing reforms. We believe the package is realistically capable of enactment into law now, before this session of Congress adjourns.

The package will go first to the Senate Finance Committee for consideration as an amendment to the Debt Ceiling Act. Senator Mondale, one of the principal sponsors, serves as a member of the Finance Committee. If the Joint Amendment providing public financing for both Presidential and Congressional elections is unsuccessful on the Senate floor, an amendment will be offered covering only Presidential elections. This amendment will contain the essential provisions of the Mondale-Schweiker Presidential Campaign Financing Bill.

Introducing this proposal, we emphasize our debt to Senator Russell Long, the father of public financing. The reason the road to reform is so obvious now is that he blazed the trail with his dollar check-off in the past.

Public financing is here to stay. It is the best single investment the American taxpayer can make for the future of our country, and it is also our best hope to rebuild the people's shattered confidence in the integrity of the American system of government.

Attached is a detailed explanation of the amendment.

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT, PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

PURPOSE

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

EXISTING LAW

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

GENERAL PROVISIONS ON PUBLIC FINANCING

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a President election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

PRESIDENTIAL GENERAL ELECTIONS

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates

*See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973).

electing public financing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15c per voter, or approximately $21 million for each Presidential candidate of a major party.

PRESIDENTIAL PRIMARIES

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5c for each person over the age of 18 in the United States (approximately $7 million). The 5c figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

SENATE AND HOUSE GENERAL ELECTIONS

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25% or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15c figure, which will be adjusted for future increases in the cost of living, coincides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHER PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2¢ per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates, and the state committees of such parties are entitled to spend a total of 2c per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their states.

32. As noted, the public financing provisions of the amendment prohibit direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

AMENDMENT NO. 651

At the end of the Act, add the following new sections:

PUBLIC FINANCING OF FEDERAL ELECTIONS

SEC. 2. (a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:

"Subtitle H—Financing of Federal Election Campaigns

"Chapter 95. Federal Election Campaign Fund

"Chapter 96. Federal Election Campaign Fund Advisory Board

"Chapter 97. Presidential Primary Matching Payment Fund"

CHAPTER 95—Federal Election Campaign Fund

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Conditions for eligibity for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certifications by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Contributions and expenditures by national and State committees of political parties.
"Sec. 9008. Examinations and audits; repayments.
"Sec. 9009. Information on proposed expenses.
"Sec. 9010. Reports to Congress; regulations.
"Sec. 9011. Participation by Comptroller General in judicial proceedings.
"Sec. 9012. Judicial review.
"Sec. 9013. Criminal penalties.

"SEC. 9001. Short title

"This chapter may be cited as the 'Federal Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"(2) The term 'Federal election' means a general special election for Federal office.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'authorized committee' means, with respect to a candidate of a political party for Federal office, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(5) The term 'candidate' means, with respect to any Federal election, an individual who (A) has been nominated for election to Federal office by a major party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of this chapter, an independent candidate shall be considered a candidate of a political party. For purposes of paragraphs (8) and (9) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(7) The term 'fund' means the Federal election campaign fund established by section 9006(a).

"(8) The term 'major party' means, with respect to any Federal election, (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or, (B), if only one party qualifies as a major party on such basis, the party with the next highest percent of such votes in such election.

"(9) The term 'minor party' means, with

respect to any Federal election, a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means, with respect to any Federal election, a political party which is neither a major party nor a minor party.

"(11) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office.

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate of a political party for Federal office also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate for Federal office in such proportion as the Comptroller General prescribes by rules or regulations.

"(13) The term 'expenditure report period' with respect to any Federal election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party nominated its candidate for election to Federal office, and ending 30 days after the date of the election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the longest expenditure report period for such election under subparagraph (A).

"SEC. 9003. CONDITIONS FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL—in order to be eligible to receive any payments under section 9006, a candidate of a political party in a Federal election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request;

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES—In order to be eligible to receive any payments under section 9006, a candidate of a major party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which he will be entitled under section 9004; and

"(2) no contributions to defray qualified campaign expenses (other than those received under section 9007) have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006 (d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (12) have been or will be accepted by such candidate or any of his authorized committees.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES—In order to be eligible to receive any payments under section 9006, a candidate of a minor or new party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidate of a major party is entitled under section 9004; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidate out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b) (2) and (c) (2) of this section and in section 9007 of this chapter, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL—Subject to the provisions of this chapter—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative.

"(2) (A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 9003(a) and (c), shall be treated as an eligible candidate entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or in subparagraph (A), as the case may be, by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or (2), as the case may be, on the basis of the numbers of popular votes cast in such election. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under this paragraph exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS—The aggregate payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the aggregate payments to which the eligible candidate of a major party is entitled under subsection (a) (1), reduced by the amount of contributions described in paragraph (1) of this subsection

"(c) RESTRICTIONS—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) COST OF LIVING ADJUSTMENT—

"(1) For purposes of paragraph (2);

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the per centum difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a)(1) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"SEC. 9005. CERTIFICATIONS BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9008, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9008 and judicial review under section 9012.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Federal Election Campaign Fund. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates under this chapter and chapter 97 of this subtitle.

"(b) TRANSFERS TO THE GENERAL FUND.—The Secretary is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are or will be entitled to receive.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) INSUFFICIENT AMOUNTS IN FUND.—If at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"SEC. 9007. CONTRIBUTIONS BY NATIONAL AND STATE COMMITTEES OF POLITICAL PARTIES.—

"(a) Notwithstanding any other provisions of this chapter, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such national or state committee under this section shall be subject to the limitations provided in section 9037 of chapter 97 of this subtitle and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each national or state committee a total of 2¢ multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971.

"SEC. 9008. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each Federal election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for Federal office.

(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to an eligible candidate of a political party under section 9006 was in excess of the aggregate payments to which the candidate was entitled under section 9004, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which an eligible candidate of a major party was entitled under section 9004, he shall notify such candidate of the amount of such excess and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions under section 9007, or contributions to make up deficiencies in payments out of the fund on account of the application of section 9006 (d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to an eligible candidate of a political party under section 6096 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 9006.

"(c) NOTIFICATION—No notification shall be made by the Comptroller General under subsection (b) with respect to a Federal election more than three years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9009. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES—A candidate of a political party for Federal office in a Federal election shall, from time to time, as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which he and his authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) PUBLICATION—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9010. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS—The Comptroller General shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9008(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC. 9011. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL—The Comptroller General is authorized to appear in and

defend against any action filed under section 9012, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9008.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9012. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9013. CRIMINAL PENALTIES.

"(a) Excess Campaign Expenses—

"(1) It shall be unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of those incurred under Section 9007 and the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. "(b) Contributions—

"(1) It shall be unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses (other than those received under section 9007), except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c), which is exempt from tax under section 501(a) in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than 1 year or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Chapter 96—FEDERAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Federal Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002 (8)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of

the first Presidential election following January 1, 1976, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a Presidential election and expire on the sixtieth day following the date of the subsequent Presidential election. The Board shall elect a Chairman from its members.

"(c) Compensation.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States."

"Chapter 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short Title.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"Sec. 9032. Definitions.

"For purposes of this chapter—

"(1) The term 'qualified campaign expense' means an expense—

"(A) incurred by a candidate for nomination for election to the office of President to further his nomination for such office, or by an authorized committee of such candidate to further his nomination to such office,

"(B) incurred within the matching payment period (as defined in paragraph (2)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or the State in which such exercise is incurred or paid. An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee.

"(2) The term 'matching payment period' means the period beginning 14 months prior to the date of the general election for President and ending on the date on which the national convention of the party for whose nomination the candidate is campaigning nominates its candidate for President.

"(3) The term 'authorized committee' means, with respect to a candidate for nomination for election to the office of President, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidate with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"Sec. 9033. Creation of Fund.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States, as part of the Federal Election Campaign Fund established by Chapter 95 of this subtitle, a special account to be known as the 'Presidential Primary Matching Payment Fund' (hereinafter referred to in this chapter as the 'fund'). The Secretary shall transfer to the fund such amounts in the Federal Election Campaign Fund as may be necessary to meet the entitlements of candidates under this chapter.

"(b) Report to Congress.—The Secretary of the Treasury shall be the trustee of the fund and shall report to the Congress not later than March 1 of each year on the operation and status of the fund and of the Federal Election Campaign Fund during the preceding year.

"Sec. 9034. Entitlements.

"(a) Matching Payment for Contributions of $100 or Less.—Any candidate for nomination for President, or his authorized committee, is entitled, upon certification by the Comptroller General, to payments from the fund for qualified campaign expenses beginning 14 months prior to the date of the general election for President in an amount equal to the amount of each contribution received by such candidate or committee (disregarding any amount of contributions from any person to the extent that such amount exceeds $100).

"(b) Voucher.—To be eligible for the entitlement established by subsection (a), such candidate shall submit to the Comptroller General, at such times and in such form and manner as the Comptroller General may require, a matching payment entitlement voucher. Such voucher shall include the full name of any person making a contribution together with the date, the exact amount of the contribution, the complete address of the contributor and the occupation and principal place of business, if any, for contributors of more than $100.

"(c) Determination and Certification by Comptroller General.—The Comptroller General shall—

"(1) make a determination, according to such procedures as he may establish, as to whether each contribution enumerated on such voucher is consistent with the provisions of section 9034 (a) and 9035 of this chapter; and

"(2) certify for payment by the Secretary to such candidate an amount equal to the sum of the contributions enumerated on such voucher which meet the requirements of subsection (c)(1).

"(c) Payment by Secretary.—Promptly upon certification, the Secretary shall make a payment from the fund to such candidate in the amount certified by the Comptroller General.

"(e) Authorized Committee.—For the purposes of this section, the authorized committee of any candidate for nomination for President may submit an entitlement voucher pursuant to subsection (b) in behalf of such candidate, listing contributions received by such committee eligible for payment under this chapter.

"Sec. 9035. Limitations.

"(a) Certification by the Comptroller General.—The Comptroller General shall not certify pursuant to section 9034 (c) (2) any portion of any contribution made by any person to a candidate or committee entitled to payments under this chapter—

"(1) which, when added to other contributions made by such person to such candidate or committee in connection with the nomination of such candidate for President, exceeds $100; or

"(2) if payment from the fund of an amount equal to the amount of such contribution, or portion thereof, when added to any other payment from the fund to such candidate or committee during the matching payment period, is in excess of 5 cents multiplied by the voting age population of the United States (as certified to by the Comptroller General by the Secretary of Commerce pursuant to section 104 (a) (5) of the Federal Election Campaign Act of 1971).

"(b) Payment by the Secretary.—The Secretary shall make no payment to a candidate or committee entitled to payments from the fund—

"(1) until the Comptroller General has certified contributions submitted by such candidate or committee, pursuant to section 9034 (b), in an aggregate amount of $100,000; and

"(2) earlier than 14 months prior to the date of the general election for President.

"(c) Qualified Campaign Expenses.—A candidate shall be eligible for payments from the fund only—

"(1) to defray qualified campaign expenses incurred by such candidate or his authorized committee, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or committee) used to defray such qualified campaign expenses.

"(d) Return of Unused Funds.—Amounts received by a candidate from the fund may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred during the matching payment period for a period not exceeding 6 months after the end of the matching payment period; and all obligations having been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the fund bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(e) Rules and Procedures.—The Comptroller General shall make such rules and establish such procedures as may be necessary to carry out the purposes of this chapter. All such rules and procedures shall be published in the Federal Register not less than 30 days prior to their effective date, and shall be available to the general public.

The Comptroller General shall publish and make available forms for the making of such reports and statements as may be required, and a manual setting forth uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter.

"Sec. 9036. Examination and Audits; Repayments.

"(a) Examinations and Audits.—After each matching payment period, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates receiving payments from the fund.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate payments to which such candidate was entitled under sections 9034 and 9035, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidate of the amount so used, and

such candidate shall pay to the Secretary an amount equal to such amount.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9037. LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS AND ON EXPENDITURES BY CERTAIN OTHER PERSONS.

"(a) No individual shall make any contributions during any calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c) (1) No person (other than an individual) shall make any expenditure during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal $3,000.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, to the State committee of a major political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a) (1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e) (1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section—(1) the term 'political party' means a political party which in the next preceding presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election; and

"(2) The definitions in section 591 of title 18 shall be applicable.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

"SEC. 9038. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for any candidate for nomination for election to the office of President or any of his authorized committees knowingly and willfully to incur any expenses in connection with such nomination in excess in the aggregate of $15,000,000.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) shall be increased by such percent difference. The limit so increased shall be the amount in effect for such calendar year.

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(b) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment from the fund, or to whom any portion of any payment received from the fund is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate receiving payment from the fund or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1974.

SEC. 3. DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND.

(a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"SEC. 6096. DESIGNATION BY INDIVIDUAL.

"(a) IN GENERAL.—For every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more, the amount of $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a), unless the individual designates that $2 shall not be paid over to the Fund. In the case of a joint return of husband and wife having an income tax liability of $4 or more, the amount of $4 shall be paid to the Fund, unless they designate that $4 shall not be paid over to the Fund.

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code, as amended, be treated solely as a designation to the Federal Election Campaign Fund.

SEC. 4. INCREASE IN TAX CREDIT AND TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.

"(a) Section 41(b) (1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under section 6013)."

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013)."

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

ADDITIONAL STATEMENTS

CBS MORNING NEWS

Mr. ROBERT C. BYRD. Mr. President, on Monday, November 5, 1973, I was interviewed by Barry Serafin on the CBS Morning News. I ask unanimous consent that the transcript of that interview be printed in the RECORD.

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

QUINN. Senator Robert Byrd, a Democrat from West Virginia, is the Senate Democratic whip, and a member of the Senate Rules Committee which is holding the first Congressional hearings in history on the selection of a Vice President.

Senator Byrd is particularly concerned with Vice Presidential-designate Gerald Ford's attitude toward executive privilege. He's with Barry Serafin this morning in our Washington studio to talk about that and other subjects. Good morning, gentlemen.

BARRY SERAFIN. Morning, Sally. Senator Byrd, Gerald Ford came into the hearings Friday, described as the most investigated individual for such an office in this country's history. And yet most of the questions didn't seem to be based on all that FBI raw data we were hearing about. Was there nothing in the FBI file or were other questions just simply more important?

Senator ROBERT BYRD. Most of the data had been checked out pretty thoroughly and the questions which remained, as you've indicated, went mostly to his philosophy with respect to executive privilege and so on. He has been very thoroughly investigated. And I think this is probably going to be the secret as to why the hearings will not last very long: the investigation preceding the hearings was very thorough—and I think that the nomination will proceed without undue haste, but certainly without undue delay—and as soon as the members of the committee have been satisfied with respect to the answers to their questions I would say that the nomination will move to the floor.

SERAFIN. How long do you think the hearings will go on?

BYRD. I don't think the hearings will go on beyond this week, unless something unforeseen develops.

SERAFIN. Where do you think the questioning will focus today?

BYRD. It's hard to say. Each member has his own area of questioning.

SERAFIN. What's on your mind today?

BYRD. I will ask Mr. Ford some questions about his position vis-a-vis foreign relations, that is, if other members preceding me on the committee don't get into that area first. I will also ask him his feelings with respect to the FBI and the use of the FBI, and so on.

SERAFIN. I gather you don't anticipate any real obstacles to the Ford confirmation.

BYRD. I don't foresee any at the present time. I should think that the confirmation should be through the Senate—I hope it will be—provided there's no unforeseen development, by Thanksgiving.

SERAFIN. Senator, at first there was some speculation that the Ford confirmation might be held up for a while, pending Watergate developments and so on, now there's been some talk lately, that maybe the confirmation will be speeded up, if anything, as a first step toward possible impeachment of the President so that a successor will be in place. Is there anything to that? Is there that kind of a feeling on the Hill?

BYRD. In my judgment there should not be. There may have been some expressions to that end. I think that the Vice Presidential nomination should be confirmed, provided there's nothing that would militate against confirmation, simply because we need a Vice President. And it's our responsibility, under the Constitution, to act.

SERAFIN. What about the question of impeachment, Senator? What do you think the chances are that Mr. Nixon will be impeached?

BYRD. As of now—of course, this is a matter for the House of Representatives to decide. As of now, I don't think impeachment is confronting the House and Senate—certainly not the Senate, immediately. I would think that perhaps resignation may, if anything, be more probable than impeachment—the way it looks at this time.

SERAFIN. Well, a number of the President's former supporters, as well as some of those who've not supported him, are now calling on him to resign. Do you join in that?

BYRD. I do not. I think that this is a matter that the President's political friends, his advisers in his own party, and public opinion will ultimately decide.

SERAFIN. So you don't share the feeling that some of these people have expressed that he has lost his moral authority or his ability to govern.

BYRD. I do share the opinion that he has lost a great deal of his ability to govern. I feel sorry for the President. And I think he has done a lot of good for the country: he got us out of Vietnam; I personally liked his appointments to the Supreme Court; and I think he has done well in foreign affairs. But there's no question but that public confidence has been eroded. I would like to see it all go away. I'd like to see the President be able to do something to retrieve this confidence. But based on his past performance with respect to the Watergate situation and related affairs, he has not been able to do this—and it seems that every day and every new statement have eroded confidence further.

SERAFIN. What about this latest matter of the missing Watergate tapes? The White House has now offered several reasons why those tapes are missing. How bad is this for the President?

BYRD. Coming on the heels of the firing of Mr. Cox and the apparent violation of a court order during that three-day period, concerning which the President later reversed himself and said that he would turn over the tapes—coming on the heels of those developments, plus all of the other developments over the past several months extending beyond a year, the missing tapes have hurt the President badly. The explanation for the missing tapes could be very plausible; but coming on the heels of all of these other developments, they have a very hollow ring, and it has gotten to the point where the people can't recognize the truth when they see it.

SERAFIN. Senator, you're still holding out for the idea of an independent special Watergate prosecutor, appointed by the court. How viable is that possibility now that Mr. Nixon has appointed his own prosecutor? And what's going to happen to the Saxbe nomination for attorney general as a result of all this?

BYRD. To begin with, I think the suggestion with respect to a special prosecutor appointed by the District Court of the District of Columbia is a viable suggestion and the appropriate one. I think that the American people will never be fully satisfied with respect to the results of any investigation unless they're convinced that that investigation was an independent and fair and objective one. After all, the purpose of the investigation would be to determine not only the guilt but also the innocence of persons who have been charged. And if the people are going to believe that the personages are innocent, they're going to have to feel that the investigation was an independent one. There may be some constitutional questions involved but I think when we get to those constitutional questions, I think that they'll come down on the side of the constitutionality of the appropriateness of the action by Congress, if it is able to enact this legislation, to vest the authority for the appointment of the special prosecutor in the court.

As to Mr. Saxbe's nomination, he will be asked some very, very hard questions regarding the investigation, regarding his position vis-a-vis a special prosecutor. And there's also, I think, a fairly serious constitutional question involving Mr. Saxbe's nomination, in view of the fact that he is a member of the Senate and that during the time for which he was elected, the emoluments of the office of attorney general have been increased. And under the Constitution, Article I, Section VI, Clause II, no Senator or Representative shall be appointed to any office, any civil office under the authority of the United States if the emoluments of that office have been increased during his term.

SERAFIN. We have just a couple of seconds left—are you saying he—there's a good chance he may not be confirmed as attorney general?

BYRD. I'm not saying that, but I'm saying there is a constitutional question. There's precedent for getting around this by legislation—in the case of Secretary Knox in 1909—but the strict constructionists in the House of Representatives, in those days, said that the constitutional provision militating against such appointment could not be gotten around by a mere majority of both Houses.

SERAFIN. Senator Byrd, thank you very much for being with us this morning.

BYRD. Thank you.

PRESIDENTIAL TELEVISION

Mr. HUGH SCOTT. Mr. President, I call to the attention of the Senate the following commentary by Dr. Stephen Hess who reviews the book, "Presidential Television." While I do not necessarily subscribe to all of Dr. Hess's proposals, I believe his article is a thoughtful discussion about a subject that is very much of concern to the Nation.

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:

PRESIDENTIAL TELEVISION

(By Stephen Hess)

Since the opening of the political television era, circa 1952, a popular belief has been that "media manipulation" threatens to package and sell candidates and concepts as effectively as breakfast foods. (Fred Dutton claims we are in the midst of a "neo-Orwellian revolution.") Another popular belief, growing out of our national disillusion with the Vietnam war, has been that the presidency is too powerful. (Barbara Tuchman proposes replacing a single president with a rotating committee.)

Now these two ideas have been joined in a Twentieth Century Fund Report, *Presidential Television*, by Newton N. Minow, John Bartlow Martin and Lee M. Mitchell. The authors contend that television "is the most effective communicator of ideas and images, with the greatest potential for influencing public opinion, that political man has yet developed" and that "presidential television (i.e., a president's use of it) threatens to tilt the constitutional balance of power in favor of the president."

The trouble with the All-Powerful-Television and All-Powerful-Presidency notions is that they fit some of the facts, but not quite all of them. The presidency is not simply too powerful; it is too powerful in certain areas and situations, such as making war. It is not too powerful in the implementation of domestic policy, for example. Television is not too powerful as a propaganda vehicle, given its present structure; it is simply viewed by a great many people, which is not necessarily the same thing.

Critics of television, from Agnew to Minow, have tended to measure "power" in terms of numbers, leaving the question of "impact"—or the ability to change political behavior—largely unaddressed. Even in this study, which gives us the best summaries to date

on presidents' use of television and the laws affecting political usage, there is no new data on its impact in presidential politics, nor, most regrettably, is there any review of the scholarly work in the field, such as the measurements of television coverage during the 1972 presidential election by Syracuse University professors McClure and Patterson, which conclude that "television news could not have contributed to voter change on most campaign issues." Rather, Minow-Martin-Mitchell make their case by quoting from the many prominent people who agree with them. Yet the views of Fred Friendly, knowledgeable as he is, are not "proof."

A more balanced assessment of what has been the effect of television on presidential politics would have to deal frontally with such questions as these:

Why is it that television has not produced a different type of presidential candidate than we had before? The authors write that "citizens in the television age expect their leaders to be reasonably pleasing to the eye and to be capable of a confidence-inspiring television presentation." Why then have our most recent presidents looked and sounded like Lyndon Baines Johnson and Richard Milhous Nixon? The authors cite John Lindsay as a politician with "a favorable television image." Why then, despite heavy emphasis on television in the 1972 Florida and Wisconsin primaries, was Lindsay so ignominiously defeated?

Why has television failed to cause the nomination of a single presidential contender or the election of a single president? (Kennedy in 1960, some feel, was elected as a result of the "Great Debates," but the authors certainly do not believe that debates are threatening or not in the public interest.)

If a president's control of the medium is so overwhelming, why has dissatisfaction with the presidency grown—not lessened—during the television era? Why, for example, have the Vietnam policies not received greater support, given presidents' obvious access to air time?

There are many explanations, none of them dealt with in this study. The argument, for instance, that candidates for president can be sold like breakfast foods is based on the assumptions that "media manipulators" know how to sell candidates, that voters are receptive and that candidates are willing to be sold. All are dubious propositions at best.

Among the reasons that might be given for the limited impact of television on political behavior is that it is primarily an entertainment vehicle, presenting relatively little news (in some years news constituted only two per cent of total network prime-time programing), most of it as a series of 100-second items. Also, that television, as a government-regulated industry, tends to present the news in a blander fashion than other media; that as our most mass medium it may aim for a common denominator that is pretty common indeed; and that television as a visual medium is predisposed toward news that focuses on actions rather than ideas. How do you present a moving picture of the "gold drain" or "impoundment"?

This is not to say that television is without impact. Far from it. But the type of impact that translates into political action, I suspect, only comes from very sustained exposure, as with the Nixon trip to China or the Ervin committee hearings on Watergate. And this sort of presentation is the exception, not the rule.

Even though the authors have overstated their case, I believe they have proposed four quite reasonable and constructive reforms.

Four times a year "Congress . . . should permit television cameras on the floor of the House and Senate for the broadcast of specially scheduled prime-timed evening sessions at which the most important matters before it each term are discussed, debated, and voted on."

"The national committee of the opposition party should be given by law an automatic right of response to any presidential radio or television appearance made during the ten months preceding a presidential election or within the ninety days preceding a congressional election in nonpresidential years."

There should be national debates "between spokesmen for the two major parties with agreed topics and formats quarterly each year."

Free prime time—six 30-minute periods—should be given to major party presidential candidates during the month before the election. (Personally I prefer public campaign financing, which would allow the contenders to choose how they wish to reach the voters, but I would support a "services package," including free television time, as a fallback position.)

Despite the authors' claims for their proposals, they are really very modest and attainable. Thus it is not necessary to share fully their concerns over presidential television in order to agree with their conclusions.

POSTAL RATE INCREASES

Mr. BIDEN. Mr. President, the U.S. Postal Service has requested an across-the-board increase in postal rates which would boost the price of first class from 8 to 10 cents and air mail from 11 to 13 cents. These increases, including rises of between 6 and 39 percent for other classes of mail, will go into effect temporarily on January 5 until the Postal Rate Commission, which regulates mail prices, makes a decision.

Postmaster General Elmer T. Klassen, who announced the increases, cited "severe inflationary pressures" as a major reason for the rate hikes. He stated that the new structure would bring in about $2.1 billion additional revenue annually.

I realize that in this time of spiraling inflation the cost of just about everything has gone up tremendously. However, it is very hard for people to justify rate increases at a time when many perceive our mail service to be deteriorating. Although it may be very difficult to iron out the many problems which face the Postal Service, steps must be taken to insure our citizens a more efficient mail operation.

On July 10, 1973, I introduced S. 2134, a bill to provide for annual authorization of appropriations to the U.S. Postal Service. It has been cosponsored by 10 of my colleagues, and was overwhelmingly passed in the House of Representatives earlier this year

At present the authorization for the Postal Service is permanent. This bill would compel postal officials to come before Congress annually to detail and justify their budget requests. It would also afford an excellent opportunity for them to publicly explain the reasons for erratic service, and how it relates to their own methods of management.

As it stands now, the Postal Service is an independent entity in the executive branch, yet its top management operates independently on the Chief Executive. Only the Governors of the Postal Service can appoint or remove the Postmaster General. Its management is directly accountable to no elected official in the entire Federal Government. This bill, therefore, insures that Congress will have specific oversight over the Postal Service, without hampering its day-to-day operations. It provides for specific periodic examination rather than the present permanent authorization, thus compelling Congress to exercise its legislative prerogatives with more authority.

I strongly urge quick and positive action on this important measure.

Mr. President, I ask unanimous consent that an article from the Washington Post of September 25, 1973, identifying these new rate increases, and an editorial which appeared in the Wilmington Evening Journal on September 26, 1973, be printed in the RECORD.

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

POSTAL RATE INCREASE OF 2 CENTS PROPOSED

(By Claudia Levy)

The U.S. Postal Service will ask today for an across-the-board increase in postal rates that would boost the price of first-class stamps from 8 to 10 cents and air mail stamps from 11 to 13 cents.

The increases, including rises of between 6 and 38.6 per cent for other classes of mail, would go into effect temporarily Jan. 5 until the Postal Rate Commission, which regulates mail prices, makes a decision. The new rates would then have to be approved by the board of governors of the Postal Service.

The price increases' first challenge, if any, would have to be made by the Cost of Living Council, which has authority to approve or disapprove them during the next 30 days, a spokeswoman said.

Postmaster General Elmer T. Klassen, in announcing the rate proposals at a National Press Club luncheon yesterday, said his quasi-governmental corporation is under "severe inflationary pressures."

In another announcement, Klassen pledged that the Postal Service will strive for overnight delivery of at least 95 per cent of the air mail destined for major cities within a radius of 600 miles, as well as overnight air mail service between some 500 specific major cities regardless of distance.

"All other air mail destined for anywhere in the continental United States will be delivered within 48 hours after we get it," he said.

"This marks the first time that mail users have been told publicly and specifically in what time frame a letter or parcel should be delivered," he said. "We have had internal standards for years but today we are going public."

Klassen said the new rate structure would bring in some $2.1 billion additionally each year and added that the "cost-price squeeze has affected us just as much as it has affected the entire economy."

The Postal Service's last rate boost, raising the price of a postage stamp from 6 to 8 cents, was made in 1971 and was finally approved by the Postal Rate Commission in June, 1972.

Under the latest proposal, new rates for most second through fourth-class mail would be spread out over the remainder of a 5 to 10-year phasing program that Congress approved two years ago.

As outlined yesterday, the Postal Service plans to:

Raise by 38.6 per cent the cost of mailing second-class material, primarily magazines and newspapers.

Raise the third-class bulk mail rate, used for much direct mail advertising, as well as other circulars, catalogs and small parcels

under 16 ounces, from 4.8 to 6.1 cents for the first 250,000 pieces mailed in a year and from 5 to 6.3 cents for all mail above that volume.

Raise the price of a postcard from 6 to 8 cents and air mail cards from 9 to 11 cents.

Increase fourth-class parcel post, used principally for merchandise, to 6 cents a pound for packages 16 ounces and over. Special rate fourth-class mail would go up from 21 to 30 cents for the first pound, with 30 cents remaining in effect for each additional pound.

Publishers fought the service's last rate—amounting to about 125 per cent for magazines and other publications over five years—on the grounds that it would drive many magazines out of business.

"I don't see why any enterprise should expect some sort of subsidy," Klassen said yesterday in answer to a question. ". . . I realize there's great sentiment about (the magazine rate issue. But the only way to look at this is that we're running the Postal Service like a business organization."

POSTAGE: HALF WAY TO 1984

Sen. Gale McGee, the Wyoming Democrat who is chairman of the Senate Post Office Committee, gave everyone the shudders last March with talk of a 38-cent First Class rate by 1984. The senator did predict that if the Postal Service were able to maintain strict controls on its operations and continue the pace of mechanization until 1984, the First Class minimum might have to be only 20 cents.

Here it is only 1973, and the American mailer is all but officially halfway there. Postmaster-General E. T. Klassen has announced plans to seek across-the-board increases in postal rates to take effect next January.

Anyone who doubt that approval of that request is a foregone conclusion is reminded that the U.S. Postal Service was reported stockpiling 10 cent stamps earlier this month. Even the Cost of Living Council, which is still trying to hold the line against inflation, is being counted on to "see the light," as Gen. Klassen said. "The light" amounts to the Postal Service's need for a 25-cent-per cent increase in the cost of mailing a letter First Class; an 18-per-cent increase in the basic cost of an Air Mail letter, to 13 cents from the current 11 cents; a 39-per-cent increase in the rate for Second Class mail; a 25-per-cent increase for Third Class mail, and a 6-per-cent increase for Fourth Class.

It probably is beating a dead horse to point out that the last rate increase—which put First Class stamps at 8 cents each, only became official in June of last year. It was, of course, collected on a "temporary" basis for the 18 months from the rate request in January 1971 until approval in 1972.

Gen. Klassen anticipates something of the same situation, since he predicts the effectiveness of the proposed new rates on a temporary basis beginning in January.

As irresistible as the Postal Service's rising cost appear to be, it does seem necessary to point out at least some of the hazards of this most recent rate increase. Gen. Klassen conceded with some displeasure last June that private mail companies were giving the Postal Service real concern with competition, despite legal limitations on their operations.

United Parcel was handling more parcels at that time than was the parcel-post operation of the Postal Service. These latest proposals are unlikely to turn that situation around, despite Gen. Klassen's announcement of new equipment to improve parcel handling and reduce what appeared to be inordinate damage.

There also is a very real threat to mail-circulated newspapers, magazines, books and records. The proposed rate increases announced this week are on top of similar increases that took effect, after a Cost of Living Council delay, earlier this month.

Those increases put the cost of mailing a news magazines at 3.4 cents; a rate for books and records rose two cents to 16 cents per pound for the first pound and one cent to 8 cents a pound for each additional pound.

It is no longer crying "Wolf!" to point out that the cost of mailing represents a genuine threat to the mass-circulation magazines surviving today. If Postal Service trends continue, the same may be said for the business letter, the love letter and the "Dear John" letter. That may be of no concern to the compulsive telephoner but it is a bitter new pill to swallow for those Americans who grew up on the myth of efficient postal service at minimum cost.

COPERNICUS EXHIBIT

Mr. STAFFORD. Mr. President, I am very pleased and I ask unanimous consent to place a feature article in the RECORD which describes the events in Springfield, Vt., honoring the memory of Nicolaus Copernicus.

It is especially fitting that Springfield honor this most distinguished scientist of early times by a Copernicus exhibit in the Springfield Town Library and by the presentation by Dr. Vernon Reyman, professor of humanities, Vermont Community College, on June 20, as well as the exhibit which Dr. Reyman also prepared at the library concerning Copernicus.

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

COPERNICUS EXHIBIT IN LIBRARY

The Springfield town library is featuring, until December 14, an exhibit honoring the man whose ideas caused a revolution in the thinking of all men: Nicolaus Copernicus.

Springfield takes special note of Copernicus since the area has such a large Polish population. It is also the Birthplace of Amateur Telescope Making (Stellafane since 1925) and as such recognized as the world center of amateur astronomy.

The exhibit features beautiful foreign posters, pictures and books of interest to all, some of which have been given especially for this exhibit through the courtesy of Poland's Deputy Foreign Minister, Stanislaw Trepcznski.

It is hoped that the schools in the area will take advantage of this special presentation and inform their students since it links our own space explorations as a direct result of Copernicus's revolution.

The exhibit also contains von Braun and Sikorsky autographs.

Copernicus lectures, seminars and festivities have been going on worldwide and in the United States by such distinguished organizations as the Smithsonian Institute, the National Academy of Science, most major universities, the Hayden Planatarium in New York and numerous other institutions.

A stamp has been issued on April 23, 1973, a number of medals have been struck in his honor, Congress has approved a one million dollar, Academy of Science sponsored good will gift by America for a Copernicus astronomical research center in Warsaw, dedicated to the study of the universe.

On August 21, 1972 the heaviest and most complex U.S. un-manned Space Orbiting Astronomical Observatory was launched from the Kennedy Space Center—after which orbit was achieved the observatory was named "Copernicus" in honor of the 500th anniversary of his birth.

Copernicus lived in an age of discovery. He was 20 years old when Columbus discovered America; he was 25 when Vasco de Gama sailed around Africa to reach India and he was 49 when Magellan's last ship returned from a voyage around the world, proving that the world was round.

The exhibit has been arranged by Dr. Vernon Reyman, who also teaches a course in the Humanities for the Vermont Community College, and concludes (as far as is known) Vermont's recognition of this outstanding Astronomer-Humanist.

This began with a Proclamation by Governor Thomas P. Salmon followed by a lecture given last summer as part of a Special Events program sponsored by the Vermont Community College. Also shown was an unusual presentation of slides (from Poland) showing places where the great creator of the heliocentric theory was born, where he lived, worked and studied: Terun, Krakow, Frauenbu-g Cathedral (where he is buried) Warsaw, Bologna and Padua.

Arrangements to see the slides can be made by contacting Mrs. Hudson at the Springfield town library.

CAMPAIGN FINANCING REFORM—A GOOD INVESTMENT FOR BUSINESSMEN

Mr. BIDEN. Mr. President, I have been actively urging campaign financing reform throughout the past year. In testimony before the Senate Rules Committee and in public speaking engagements, I have advocated public financing of congressional and Presidential campaigns as a means of cleansing our national political system of many of the abuses to which "big money" contributes.

An essential factor for the enactment of effective campaign financing reform is the willingness of those who participate in and benefit from the present system to set aside narrow self-interest and actively support the much-needed changes. Thus, the incumbents and those who contribute large sums in an effort to determine the outcome of national elections and the subsequent direction of national policy hold the key to reform. The recent disclosures and scandals emanating from campaign financing improprieties which have destroyed the careers of a few and tarnished the image of politicians and contributors in general argue effectively that it is in the enlightened self-interest of all involved to reform campaign financing.

Mr. Robert M. Kaufman, chairman of the Special Committee on Campaign Expenditures of the Association of the Bar of the City of New York, writing in the October 25, 1973, edition of the Wall Street Journal, outlines the critical role of businessmen in the reform effort. He argues that businessmen have a "glorious opportunity" to exercise their influence to secure the enactment of reform and thereby rebuild their image and free themselves of the costly and sordid campaign practices in which the present system has involved them. At one point Mr. Kaufman writes:

The same businessmen who came up with the bulk of nearly $100 million raised for presidential candidates in the last election may be the only group with enough clout to see that it never happens again—that meaningful reform of election financing is enacted while the country is in the mood for it.

Mr. President, I believe support for campaign financing reform may be one of the best investments American businessmen can make for themselves and our political system.

I ask unanimous consent that Mr. Kaufman's article, "The Need To Curb Dollar Politics," be printed in the RECORD.

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

THE NEED TO CURB DOLLAR POLITICS

(By Robert M. Kaufman)

A glorious opportunity lies waiting for the businessmen throughout the country who contributed, willingly or otherwise, to the 1972 election campaign.

The same businessmen who came up with the bulk of nearly $100 million raised for presidential candidates in the last election may be the only group with enough clout to see that it never happens again—that meaningful reform of election financing is enacted while the country is in the mood for it.

These big businessmen and many not-so-big businessmen for years have contributed either from a sense of duty to support the party or the candidate they felt would do the country the most good, or out of fear. To the average businessman, government decisions are an ever-increasing factor in the earnings performance of his company. A phone call from a fund-raiser known to represent powerful political forces is a mighty hard thing to ignore.

But the reputation of the business community as a whole has unquestionably been tarnished by the actions of a sizable minority who have made contributions seeking direct political influence in matters affecting their business interests. The $200,000 Vesco contribution and the contributions by the dairymen's funds and by Howard Hughes appear to have such motivations. And it is hard to believe any other explanation for the actions of the seven major corporations that broke the law by making contributions totaling half a million dollars to the Nixon fund.

A NEW CHANCE

The great majority of businessmen who want to clear the name of business in politics after these excesses have their chance to do so in the present Congress. There is increasing evidence that without some urging from the businessmen who contributed to their election, congressional leaders may twiddle their thumbs for quite some time. After all, many incumbents are counting on heavy financial support in congressional elections coming up next year.

The Common Cause study of congressional campaign spending has shown that, like the President, the incumbent Congressmen raised a record amount of money in the last campaign (about $525,000 for the average Senator, and $60,000 for the average Representative—in both cases about double the amount raised by their challengers). To ask people who are supported that well by the system to take the initiative in tearing down the system is asking quite a lot.

A start was made nonetheless during the summer when the Senate passed the first bill in American history putting a ceiling on individual or political committee contributions to presidential and congressional candidates ($50 cash, $3,000 in cash and checks, and a $25,000 limit to contributions for all candidates in one year). While this bill has some flaws, it would be a big step forward.

A companion bill passed by the Senate would create a new Commission on Federal Election Reform to study more fundamental changes in law with respect to more basic issues such as the philosophy of campaign financing, tax laws applicable to campaign financing, nomination procedures and even the length of the terms of federal officials.

The trouble with long-term solutions to campaign financing reform is that if we put limits on campaign contributions, which is such a simple thing to do, we must immediately find some alternative way to raise money for election campaigns. It would certainly be impossible to run a presidential campaign in 1976 without again tapping huge sums from the business community unless an alternative is found.

The currently favored alternative is federal subsidizing of election campaigns. This idea is embodied in a bill sponsored by Representatives Udall and Anderson in the House, under which the Treasury would match the first $50 of private contributions, which would be limited to $1,000 for congressional candidates and $3,000 for presidential candidates.

The idea of such federal subsidizing of election spending has drawn mixed reactions in the business community, according to a recent Chamber of Commerce survey. This is scarcely surprising in the light of the business community's traditional resistance to further intrusion of federal power in areas where business is accustomed to enjoying the freedom to look after its interests. One can only hope that the abuses of that freedom by a significant minority will dampen the enthusiasm of the great majority of businessmen for playing their chips in the political world on the scale they did in 1972.

The immediate and important problem is that there is no sign that the House will act quickly, either on limiting contributions or on finding an alternative. House Administration Committee Chairman Wayne L. Hays of Ohio is presently proceeding at a pace which belies no sense of the urgency of the problem. Yet, unless action on these bills is taken promptly, the problems that faced the business community in the 1972 presidential campaign will be repeated all over again in the 1974 congressional campaign.

That is why the businessmen who are and will otherwise continue to be the chief targets of political fund raisers have every reason to be concerned with this problem. As the parties most likely to be affected, they should enter actively into the discussion of this legislation that would both limit their ability to influence future elections and substitute other sources of funds for such purposes.

ANTICIPATE THE FUTURE

Reform of campaign financing is another one of those public issues—like equal opportunity and pollution—that will backfire on the business community if it is too myopic to anticipate the future. There can be no doubt that the black eyes that businessmen got as the abused victims of fund-raisers in the excesses of the last presidential campaign did harm to the image of business in general with the public.

Watergate and other recent disclosures taught us all a lesson about the corruptibility of ordinary mortals—a lesson that apparently has to be repeated at least once every generation. Since human nature is unchanging, the best thing for the nation to turn its attention to is changing the system that makes corruption so easy in a society where so many have so much money to throw around for such purposes.

Business leadership in getting this job done would go a long way towards clearing the bad reputation business has acquired from the sequence of shabby misdeeds that has come to light in the aftermath of Watergate. It will be fascinating to see whether business has the foresight to wield its power for reform before getting itself trapped again in the conditions that led to the abuses of the 1972 election.

THE ENVIRONMENTAL IMPACT OF GEOTHERMAL DEVELOPMENT

Mr. FANNIN. Mr. President, this week the Interior Committee held hearings on S. 2465, the Geothermal Energy Act of 1973, and I am hopeful that we can act quickly on this legislation. Our current fuel shortage demonstrates how essential it is that the United States develop every possible economically desirable source of energy.

The more that I have explored the subject, the more I have become convinced that geothermal resources can make a meaningful contribution toward achieving and maintaining energy self-sufficiency in the future.

Delay in the development of this resource has come because questions have been raised as to whether it could result in environmental damage. With each passing day we are gathering more data which would indicate this is not so.

Some interesting articles have been written by Richard G. Bowen, an economic geologist in the State of Oregon Department of Geology and Mineral Industries. One of the points he makes is the very limited environmental impact that geothermal development will have if properly instituted.

Mr. President, it is my desire that my colleagues have an opportunity to read an excellent article and a speech written by Mr. Bowen. I ask unanimous consent that they be printed in the RECORD.

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

10. ENVIRONMENTAL IMPACT OF GEOTHERMAL DEVELOPMENT

(By Richard G. Bowen)

The motive force of our industrial-technological society is the use of stored energy. Within the United States, where about 6 percent of the world's population uses 35 percent of the world's energy, many are beginning to question whether all of this expenditure of nonrenewable resources is necessary. For although it would be catastrophic to prohibit the use of energy stored in fossil fuel or in fissionable material, it would be equally catastrophic to use energy at its projected potential rate of increase, which finds electric-power production doubling every 10 years.

A running confrontation has ensued between those whose projections call for more production and consumption of electricity and those who insist that past values and practices have brought us to the brink of disaster, that the price for "more" is too high. Arguments have also revolved around claims and counterclaims of the proponents and opponents of the various methods of producing electricity, each faction claiming its method is the "cleanest." Because the power plants proper are salient in the public eye,

the controversy has centered on them, almost to the exclusion of the other steps of the fuel cycle, some of which have much greater environmental impact. To render valid judgment on the environmental effects of the several means of producing electric power, it is necessary to look beyond the power plant to the total fuel cycle.

The geothermal plant is unique in that all of the steps in the fuel cycle are localized at the site of the power-production facilities. At the other end of the power spectrum is the nuclear-reactor plant, in which the actual power-production facilities are a small fraction of a cycle requiring a complex industrial-support system for each reactor. Intermediate in complexity, and varying somewhat in rank with the type of fuel used, are the fossil-fuel plants. Thus in all instances except geothermal the environmental impact of the fuel cycle extends far beyond the bounds of the power-generating plant.

CHARACTERISTICS OF GEOTHERMAL-ENERGY PRODUCTION

Like other thermal power plants, the geothermal plant involves the production and use of steam, expanding it through a turbine and condensing it at the turbine exhaust. The geothermal plant differs from the conventional-fuel or nuclear plant in its method of steam production and the quality of its steam. At the geothermal plant the steam is produced in nature's own boiler by the natural circulation of water coming into contact with hot rocks in the depths of the earth. Depending upon conditions within the reservoir, the geothermal fluids may be in the form either of slightly superheated dry steam or of pressurized hot water. The condition of the fluid in turn controls the method of utilization and the potential environmental impact from its production.

The most desirable type of geothermal field, and the only kind that has proved to be economically viable with existing technology in the United States, is the dry-steam field, with its sole example that at The Geysers, California. But projects are under way that will utilize the more prevalent hot-water fields in other parts of the country, and the environmental effects of the various power-production cycles employed must be examined.

Dry steam and hot water differ chiefly in the quantity of geothermal fluid that must be brought to the surface to produce a given amount of electric power. At The Geysers, it takes about 20 pounds of steam to produce 1 kwh of electricity. In a dry-steam field the total well production can be utilized in the power cycle; of this 20 pounds, approximately 15 is evaporated in the cooling system and the remaining 5 is disposed of by returning it to the production reservoir. Aside from the aesthetic impact of the simple presence of the geothermal power plant, the only release of products is the venting of modest quantities of noncondensable gases entrained in the steam. More will be said about the nature and quantity of these gases.

There are two possible methods of producing power from hot-water fields. One is to flash water to steam at reduced pressures and then treat the steam in the same manner as the dry-steam power plant. This is the method successfully used in New Zealand and Mexico. The other method, the vapor-turbine cycle, described by Anderson (this volume), uses heat exchangers and a turbine with a separate working fluid.

Because of the lower enthalpy of hot water, both of these methods bring much greater quantities of fluid to the surface than dry-steam fields produce, per kwh of electricity produced. The actual amount is dependent upon the water temperature and the flashing pressure, but in actual conditions it ranges normally between 75 and 150 pounds per kwh of electricity (Hansen, 1964). With the simple flashing method, utilizing the steam condensate for cooling, the disposal of 60 to 135 pounds of geothermal water is required. This can be done in many ways, but in the United States injection into the producing reservoir is probably most desirable. The vapor-turbine cycle requires less water than the flashing method per kwh of electricity, but all of the geothermal fluid must be disposed of, since it is not used for cooling.

Except in their manner of returning fluids to the geothermal reservoir, both the simple flashing system and the vapor-turbine cycle have proved successful in basic concept. The problem with reinjection lies in the fact that most geothermal hot waters contain some dissolved solids, and the lowered pressures and temperatures may cause salt precipitation, which in turn might reduce porosity or plug fractures in the reservoir. The net result could be a decrease in permeability and capacity for accepting further reinjection fluids—to the inevitable detriment of productivity. In dry-steam fields, where reservoir steam is of high purity, injection is practiced successfully. In this case the injected steam condensate is essentially distilled water and contains only a few parts per million of salts.

An advantage of the vapor-turbine cycle is that it entails no release of noncondensable gases; the geothermal fluid is contained under pressure and not allowed to expand at any time. Without the need for expansion, the noise level at the field is much lower than that of the hot-water flashing system, which can generate considerable noise during the test phase (though during the production phase everything is contained and inaudible). A commensurate disadvantage in the vapor-turbine cycle is the need for a supplementary source of cooling water, since steam condensate is not directly available.

To gain proper perspective on the environmental impact of producing electricity from a geothermal plant, it is necessary to understand the basic character of its various manifestations and to compare the relative impact of other thermal power cycles—nuclear and fossil-fuel—since each produces its own effects. The kinds of effects produced may be categorized by their impact on the land, on the air, and on the water.

IMPACT ON THE LAND

Natural steam is produced by drilling wells to a depth of 300–2,700 m (1,000–9,000 ft) until a productive steam aquifer is tapped, as is done in the production of natural gas. The pressure of the steam causes it to flow to the surface, where it is collected in insulated pipes and delivered to turbines. At The Geysers field, where individual wells have an average production about 7 Mw, about 150 wells are required for a 1,000-Mw plant. With the present spacing at The Geysers this would amount to about 12 square miles of land. And additional acreage must be set aside for new wells, to maintain the needed steam supply as production from existing wells declines (see Budd, this volume).

The wells, pipelines, and power plants of the producing geothermal field, such as that at The Geyser, modify the existing terrain. This aspect of geothermal development is one of the main objections voiced by environmental groups. But the development of a geothermal field need not be out of harmony with the surroundings. The geothermal field at Larderello, Italy, has been compatible with many other land uses during its 60 years of development and production. Because the wells, gathering lines, and power plant use only small patches and strips of the field most of the land is being used for varied agricultural industry, with many farms, vineyards, and orchards interspersed among the pipelines and wells (see Figs. 1 and 2).

Another example of multipurpose utilization is The Geysers field. Prior to its development as a producing power resource, The Geysers area was a wilderness, with much of the land owned by private hunting clubs that devoted the land to forage for deer. This use, along with cattle grazing, continues at The Geysers field.

The impact of the construction of wells, pipelines, and power plants is most evident during the development period, and for a large field this could extend over several years.

Drilling operations in a geothermal field are comparable to construction activities in noise impact and are equally episodic in nature. The noise problem is associated mainly with drilling operations and steam escape during testing. Once the field is in production the noise level declines to that of other power plants. The drilling of dry steam wells requires special techniques; at the present time, drilling into the production zone uses air, rather than mud, for the circulating fluid that removes the drill cuttings from the hole. This results in a "controlled blow-out" of the well during the time the steam zone is penetrated, amounting to only a few days out of the total drilling time. There is no danger involved because the pressures are relatively low and the blow-out can be quenched at any time by pumping water down the drill string. When the well is completed it must again be allowed to blow until the accumulated dust and rocks are removed from the bore hole. This constitutes the clean-out period, and until it is completed the wells cannot be completely muffled. Mufflers now in use at The Geysers field during drilling and testing operations have significantly lowered the noise level in the field, and new developments promise further decline of the noise levels.

Land subsidence and seismic effects are other potential effects of geothermal development. The possibilities of these two environmental hazards were raised by the Department of the Interior in its Environmental Impact Statement for the Geothermal Leasing Program (1972), and by the Sierra Club. But neither at the Iarderello field, where production has been carried on for 60 years and on a relatively large scale for 30 years, nor at The Geysers, with its 12 years of operating experience, have subsidence or seismic effects been observed. Although these phenomena have been noted under special circumstances in certain oil fields, there is no reason to relate such problems to the dry-steam geothermal field, where the geologic conditions are entirely different. Hot-water fields, however, could present a problem, as we shall see.

Subsidence can occur whenever support is removed from beneath the ground. It has been noted in oil fields, in mines, and from the pumping of subsurface waters. In most cases where subsidence is caused by the removal of ground waters the pumping is from a relatively shallow depth. In oil fields the fluids have come from greater depths and subsidence occurs only under special conditions, i.e., when the fluids being removed are at greater than normal pressures for the depth of the reservoir. These conditions constitute an "over-pressured" reservoir, the fluids providing support to the overlying column of rock. Removal of this support may lead to subsidence. Injection of water around the periphery of the field replaces the petroleum with water, thus alleviating the problem.

Because of the geologic circumstances under which dry-steam fields develop, subsidence should not be expected to occur.

The production reservoir of a dry-steam geothermal field consists of fracture zones, solution channels, or other permeable cavities filled with vapor, possibly from the "boil-off" of a deeper hot-water reservoir. A unique characteristic of the dry-steam geothermal fields is the near-constant pressure of the vapor wherever measurements are made throughout the vertical section of the reservoir. At The Geyers and the other dry-steam fields so far discovered in the world, the steam temperatures and pressures are about 240°C (465°F) and 34 kg/cm² (480 psia). White, Muffler, and Truesdell (1971) discuss the reservoir thermodynamics that explain this phenomenon. This near constancy of pressure, even at depths greater than 2,500 m (8,200 ft), where hydrostatic pressures would normally be about 280 kg/cm² (4,000 psia), indicates that for a dry-steam field to exist the host rocks must be competent and therefore not subject to subsidence from the removal of vapor.

Hot-water fields, by contrast, could behave more like an unconsolidated petroleum reservoir, and unless pressures are maintained by fluid return there may be subsidence. Indeed, this has occurred in Wairakei, New Zealand (Hatton, 1970), where the water is not returned to the reservoir. Much has been learned about subsidence from the exploitation of petroleum reservoirs, and with the proper understanding and practices, any geothermal area where this could be a problem can be stabilized.

In relating the exploitation of geothermal resources to seismic hazards it must be considered that the unstable conditions in the Earth's crust leading to the presence of geothermal phenomena are also those conditions producing faults and earthquakes. Thus geothermal and seismic phenomena are geographically inseparable. In fact, the presence of high seismic incidence is one of the exploration clues used in the search for geothermal reservoirs (Clacy, 1968). However, the intensity of individual shocks within the thermal areas and associated with volcanic activity (the source of geothermal heat) is usually of a relatively low order, much lower than that associated with major crustal movements along faults (Ward, 1972). There is much to be learned about the interrelationship of thermal and seismic phenomena, and the drilling and exploitation of geothermal fields should add new information to this field of knowledge. But there is no evidence that geothermal production has increased the seismicity of an area.

Concern over seismic hazards arises in part from the process of reinjection of the spent geothermal fluids. Incidents of seismic activity relating to the injection of fluids in waste-disposal operations, such as that at the Rocky Mountain Arsenal near Denver (Evans, 1966), and to water-flooding operations to repressurize declining oil fields (Raleigh et al., 1970, 1971), have involved injection at pressures exceeding hydrostatic. In such instances, reinjection could open and lubricate preexisting fractures and zones of weakness or extend the fracture pattern, causing increased seismic activity and perhaps structural damage. But geothermal reservoirs are at subnormal pressures and the return of fluids merely maintains preexisting pressures in the reservoir and would not cause the increasing seismicity noted in other conditions. The low pressure existing in geothermal reservoirs facilities the reinjection of fluids into the fields in two ways: first, because reservoir pressure is less than hydrostatic, the water's weight produces sufficient head to ensure its entry into the formation without pumping; second, the returning water seeks the area of lowest pressure, thus minimizing the chances of geothermal fluids' migrating into other aquifers.

In order to compare the impact on the land from geothermal operations with the effects occasioned by the nuclear-fuel and the fossil-fuel cycles, all of the steps in the production of fuels should be considered. Mining, milling, refining, enrichment, conversion, and fabrication must be performed before the nuclear-fuel cells enter the reactor. Mining is the first major step. Over its 30-year active life, a 1,000-Mw reactor will need about 1,000 tons of enriched uranium (Westinghouse Electric Corporation, 1968, p. 45). Using the enrichment ratio required by the present generation of pressurized water reactors, this would require the production of 6,000 tons of natural uranium. The current grade of uranium ore mined in the United States, and the figure usually used for reserve projections, amounts to about 4 pounds of uranium per ton, but over the life of the plant the grade of ore is expected to decline and will probably average 3 pounds per ton. This would require the mining of 4,000,000 tons of ore over the life of the plant, or an average of 133,333 tons per year.

The U.S. Atomic Energy Commission reports (1972, p. 51) that the uranium-mining industry currently holds more than 19 million acres of land for mining and exploration. Not all of this land will be mined out, but the considerabe amount of uranium ore that must be extracted to supply projected needs will constitute a major impact on the land.

The milling of uranium ore also creates a substantial impact on the land. Of the many millions of tons of ore that have been milled in the United States to date, most of it is still standing in large waste dumps adjacent to the mills. These waste dumps not only are an eyesore but in some cases represent a landslide hazard, as do the waste dumps from other types of mines. More seriously, they carry the threat of radionuclide contamination to the environment.

Another impact of the nuclear-fuel cycle is the massive construction required by the various steps in the conversion cycle. Of particular significance are the gaseous-diffusion enrichment plants. Three of the plants currently in operation were built originally to supply the uranium needed for weapons, but they are now being used to process nuclear fuels for commercial reactors. These three plants, built at a cost of over 2 billion dollars (Hogerton, 1964, p. 14), consume tremendous amounts of electricity in their operation; in 1962, for example, they consumed 47 billion kwh of electricity or about 5 percent of the total amount of electric power generated in the United States (Westinghouse Electric Corporation, 1968, p. 14). The increasing demand for nuclear fuels will make necessary the construction and operation of new enrichment plants, and the consumption of large blocks of electricity for this purpose.

The transportation and handling of nuclear fuels, especially the spent fuels, is a potential environmental hazard. The isolation and storage of the high-level fission wastes from the several reprocessing plants, whose volume is estimated by the AEC to be about 60 million gallons by the year 2000, requires large, guarded disposal sites. In addition to these high-level wastes, there are large volumes of low-level wastes, such as tailings and various wastes from other steps in the fuel cycle, that must be isolated or diluted and dispersed into the environment. Each of these exigencies uses or compromises occupied land. The high-level wastes may indeed require permanent protection from entry into the environment.

And although it is not possible to estimate the amount of subsidiary land that may be required by each reprocessing plant, a considerable amount of surface and/or underground storage facilities may be needed.

Fossil-fuel generating plants, particularly those fired by coal, require a vast acreage or land for mining, railroad yards, and fuel handling. A coal-fired plant of 1,000-Mw capacity would require about 70 million tons of coal over its 30-year life (U.S. Congress, 1969, p. 125). With a ratio of 2:1 overburden to coal, this would amount to the movement of about 200 million tons over the life of the plant. Moreover, land is required to accommodate the washing and shipping of the coal and to dispose of the fly ash and clinkers. Coal-fired electric power plants usually require more land than do nuclear plants for the plant site proper, but because of the simplicity of the fossil-fuel cycle and because its wastes do not require guarded isolation, the total land requirements are less than those for the nuclear plant.

Oil- and gas-fired thermal plants generally create less local impact than the coal plant bacause the fuel is most often delivered by pipeline or barge, and little area is required for fuel storage. All of the problems created by combustion are present, but generally to a lesser extent than with the coal-fired plant, since oil and gas contain fewer deleterious elements. Natural gas is the cleanest fuel available, but because supplies are diminishing rapidly and new sources appear to be extremely expensive it will probably not be considered for base-load plants, but only for peaking purposes. Again, as in the case of coal and nuclear plants, land in other areas must be devoted to producing, processing, and transporting the fuel.

In summary, a geothermal power plant, particularly during its developmental period, appears to incur more impact of the land than do other thermal plants; but all of the components of the total geothermal system are at a single site. With nuclear power, the thermal reactor and power-generating facilities are a small part of the power cycle—the top of the iceberg. The fossil-fuel cycle is intermediate in simplicity and land use between the geothermal system and the nuclear cycle.

IMPACT ON THE AIR

Gases are rejected to the air from each type of thermal power plant. But because the geothermal plant operates without combustion, the volume of noxious gases produced is far less and is of a different nature than that from a fossil-fuel plant. The natural steam is predominantly water vapor; that at The Geysers, for example, yields 99.5 percent water vapor. The noncondensable gases are about 80 percent carbon dioxide, with lesser amounts of methane, hydrogen, nitrogen, ammonia, and hydrogen sulfide (Bruce, 1971). Of these, hydrogen sulfide presents the most serious environmental problem. At The Geysers, hydrogen sulfide runs about 2 to 6 percent and averages 4.5 percent of the noncondensable gases from the producing wells (Goldsmith, 1971, p. 31), or about 225 parts per million of the steam.

Because of the remoteness and the relatively small size of the power plants at The Geysers, and because of the lower release per unit of power than from fossil-fuel plants, the hydrogen-sulfide emission has not caused the producers much concern. However, the expansion of the field and the increasing awareness of the necessity for minimizing all releases have caused the power company and the steam producers to begin studies to lower the hydrogen-sulfide emission. Their studies show that most of the noncondensable gases are drawn from the direct-contact condenser. A part of the hydrogen sulfide, however, goes into solution in the condensate, where it is converted to sulfates and elemental sulfur. Materials-balance calculations (McCluer, 1972) indi-

cate that 30 percent of the hydrogen sulfide is oxidized and retained at the cooling towers or injected with the condensate as sulfates and elemental sulfur. Laboratory tests have shown that by altering the chemistry of the condensate by the addition of sulfur dioxide the oxidation of hydrogen sulfide to sulfur and water can be accelerated. If the field tests of this process are successful, it may be possible to overcome this environmental problem (Barton, 1972, p. 33).

To place the release of hydrogen sulfide from geothermal plants in its proper perspective, the release should be compared to that of fossil-fuel plans. Using for comparison a 1,000-Mw plant fired by coal with 1 percent sulfur and the steam conditions at The Geysers, the fossil-fuel plant would release 140 tons of sulfur dioxide per day (U.S. Congress, 1969, p. 115). By comparison, the geothermal plant with a flow of 430 million pounds of steam per day containing 0.0225 percent hydrogen sulfide would bring to the surface 48.4 tons of hydrogen sulfide per day. If 30 percent is returned to the reservoir with the steam condensate, as seems to be the ratio now, the total release would be 33.9 tons or about one-fourth the sulfur dioxide from the coal plant. This constitutes the release without pre-treatment. If the method described by Barton (1972, p. 33) is successful, the hydrogen-sulfide release can be lower.

Carbon dioxide, the major component of the noncondensable gases in the natural steam, would total about 860 tons a day from a 1,000-Mw plant. The fossil-fuel plant of the same electrical capacity produces about 20,000 tons of carbon dioxide a day (Holdren and Herrera, 1972), or more than twenty times that of the geothermal plant. And the geothermal plant releases no oxides of nitrogen, smoke, fly ash, or other aerosols.

Radioactivity of the gases and steam is at or very near natural background. Tests have shown that The Geysers steam has an alpha radiation level of 0.015×10^{-7}mCi/ml, well below the U.S. Public Health Service permissible concentration for drinking water (Bruce and Albritton, 1959).

A nuclear reactor has less total release to the air than a geothermal power plant, but when the complete nuclear-fuel cycle is considered the total impact on the air is many times that of the geothermal plant. Dust, smoke, and radionuclides are released from the mining operations at the outset of the cycle, and each step of the cycle produces various new releases. Although most of the individual releases are minor, the sum total of their effects is considerable, especially that from the fuel-reprocessing plants.

Another factor of air pollution to be weighed in the nuclear-fuel cycle is the total gases produced from hydrocarbon fuels by the machinery necessary to mine, mill, and process the uranium, and to transport it. Currently, the ore is mined and milled in the Rocky Mountains and shipped to the Midwest and South for refining, enrichment, and conversion; the fuel units are fabricated in California, shipped to a reactor in, for example, Oregon, then to a fuel-reprocessing plant in New York; and the wastes are shipped to a storage site in, say, Washington or South Carolina.

Fossil-fuel plants employing the combustion of coal, oil, or natural gas produce large amounts of carbon dioxide, nitrogen oxides, sulfur oxides, and, especially with coal, fly ash. These products create visible air pollution as well as other effects that have been the object of most of the complaints against fossil-fuel plants.

IMPACT ON THE WATERS

The natural thermodynamic constraints placed on any steam cycle require the rejection of 60 to 70 percent of the total energy produced. This is normally done by circulating cooling waters through the condenser to pick up this reject heat and dissipate it into a larger body of water such as a river, lake, or ocean. Rejection of heat into the body of water can cause local environmental degradation, or at least a change in the biota, and is generally described as thermal pollution. It is inherent in the energy conversion of the thermal-electric plant, and is present in all of the new types of power-production methods being used and considered, including fusion and magnetohydrodynamics. One way to alleviate thermal pollution is to reject the waste heat directly to the atmosphere and not through an intermediate body of water, as is now the practice. Cooling towers will accomplish this transfer, but require large quantities of low-cost water, or, in the case of the dry cooling tower, an extremely large capital investment. With the present system of producing electricity from the dry-steam fields, which is technologically feasible for the flashed hot-water fields as well, all of this waste heat is either returned to the producing reservoir or rejected directly to the atmosphere via the cooling towers, thus creating no thermal pollution. The closed-cycle vapor-turbine system, as described by Anderson (this volume) will require the same heat-rejection system as conventional thermal plants.

The necessity for large quantities of water is becoming one of the limiting factors in the location of thermal-generating plants. In the Rocky Mountains, where there are large coal resources, there is already a shortage of surface and ground water for other uses. Adding the load of several new thermal plants will cause a severe strain on the available water resource. So great are the requirements for cooling water that at a recent national AAAS symposium on "Power Generation and Environmental Change" it was estimated that by 1980 one-sixth of the freshwater runoff in the United States will be used to cool power plants, increasing to one-third by the year 2000 (Holcomb, 1970). Dry cooling towers and condensers are a partial answer to the problem, but they add significantly to the capital costs of the plants and lower their efficiency.

The geothermal plant, which relies on natural steam at lower temperatures and pressures (and therefore bearing less usable heat) than those of the manufactured steam of the fossil-fuel or nuclear plant using the same cooling system, will evaporate more water than the other types of plants. With cooling towers, a 1,000-Mw geothermal plant evaporates 30 to 35 million gallons of water a day; a nuclear plant, 25 to 30 million; and a fossil-fuel plant, 15 to 20 million gallons a day. These volumes are closely related to the respective thermal efficiencies of the plants, which are about 14 to 16 percent for the geothermal plant, 32 to 34 percent for the nuclear plant, and 36 to 40 percent for the fossil-fuel plant.

But thermal efficiency as so measured is a characteristic of the power plant, not of the total cycle. Indeed, the thermal efficiency of the nuclear-fuel cycle should be based on more than just the conversion of fission energy to steam energy; it should consider as well the energy requirements of each step of the conversion of uranium ore to enriched reactor fuel, and the energy required for transporting, handling, and guarding the wastes!

By contrast, geothermal plants do not require a supplementary source of cooling water when using natural steam or the flashed cycle. The natural steam, after passing through the turbine, is condensed, piped to the cooling towers, and then recirculated back to cool the condenser. By this method the field at The Geysers produces about 20 percent more condensate than is evaporated. This surplus is then returned to the reservoir where it originated, thus prolonging the useful life of the field. A geothermal plant is the only type of thermal power plant that does not compete with other uses for our dwindling supplies of water.

HAZARDS TO GROUND-WATER AQUIFERS

One of the questions raised about geothermal power development is its potential to contaminate surface and ground waters. True, in the early days of the exploration and development of geothermal resources in this country, several improperly cased wells blew out during drilling, allowing geothermal fluids to enter shallower aquifers or nearby streams. Also used to illustrate the danger from thermal waters are the wells drilled in the Salton Sea region. Here the extremely saline brines, which contain about 33 percent dissolved solids after flashing, constitute a hazard if allowed to enter and mix with the irrigation waters in the region. But hypersaline brines are probably restricted to the Salton Sink proper and are not present elsewhere in the Imperial Valley; they are in fact found in only a few places in the world. Geothermal waters generally carry higher percentages of dissolved solids than do nonthermal waters, because their higher temperatures have increased the rate of dissolution of the more volatile chemicals of the host rocks. But in many cases the thermal waters are of sufficient purity to be used for agricultural and industrial purposes. For example, in Klamath Falls, Oregon, the geothermal waters are used directly for stock watering (Peterson and Groh, 1967), and in Boise, Idaho, the geothermal waters are used for domestic hot waters (Wells, 1971). In Iceland there is a long history of geothermal-water utilization for both heating and domestic use.

The hazard of surface-water contamination has delayed the development of hot-water geothermal fields in the United States. Although this type of geothermal field has been developed successfully elsewhere—notably at Wairakei, New Zealand, and Cerro Prieto, Mexico, where the effluent is rejected into the surface streams—attempts to develop a field in the Imperial Valley have thus far been slowed. The main deterrents are the high salinity of the geothermal fluids found in the area, the extremely precarious water situation existing in the Valley, and the high cost of the farmland. A development planned by the Bureau of Reclamation is outlined by Laird (this volume). This plan would allow multiple use of the geothermal resources of the Imperial Valley and answer many of the questions raised concerning the environmental hazards of hot-water fields.

Although the development of the hot-water fields has been delayed in the United States, mainly because of the problem of disposing of the large volumes of water, there is every reason to believe that hot water will be utilized in the future, for it does have several advantages over dry-steam systems. Primarily, it appears to be much more abundant and is producible from shallower depths, which would make it particularly useful for space heating and for industrial and agricultural purposes. In fact, the hot waters are already used extensively for heating purposes in Hungary, the Soviet Union, Iceland, New Zealand, and Japan, as well as in the western United States and in the multipurpose development in the Imperial Valley.

Hot-water wells can be drilled by conventional drilling techniques using mud as the circulating fluid rather than air. This cuts down the noise level and the escape of steam and dust from drilling that character-

ize the dry-steam wells. In areas where the pressures are not excessive it is common practice to drill hot-water wells even within cities (Klamath Falls, Oregon; Boise, Idaho; Rotorua, New Zealand; and Budapest, Hungary). This would be extremely difficult, if not impossible, to do with a dry-steam well.

Dry-steam fields, such as those at The Geysers and Larderello, do not pose the problem of saline-water diposal, since these salts are not transported in the steam phase. Most of the foreign material in natural steam is in the gaseous state, in the form of noncondensable gases, as discussed above. However, a certain amount of deleterious material is present, usually amounting to a few parts per million of boron and ammonia. These form salts that persist in the condensate and are injected back into the producing reservoir, along with that fraction of condensed cooling water that is surplus to the needs of the plant. Consequently there is no release of either thermal waters or chemical contaminates into the surface waters or other usable water sources from the present production of geothermal energy.

Most of the potential hazards to the waters from the dry-steam geothermal operation occur during the development of the field, when drilling muds are required and construction upsets the normal water pattern of the area. With proper care these operations do not present an environmental hazard. And in any event, the hazard is brief and negligible compared to the hazards created by the extensive construction required by the competing power sources and more dramatically from mining, which must continue over the entire life of the nuclear or fossil-fuel power plant.

CONCLUSIONS

The environmental impact of any power-production system is reflected in the number and complexity of the steps in the fuel and production cycle. Because geothermal power plants utilize naturally occurring steam, they need no complex steam-generating equipment or extensive mining, processing, storage, or transportation facilities, as do other thermal power plants.

The chief impact from the use of geothermal power occurs during the period of development of the field and construction of the steam-gathering lines and power plants, but the impact is limited to the area of the field and poses nothing like the vast disruptions of the landscape concomitant with mining the fuels for other thermal power plants. During the productive lifetime of the geothermal field, which can extend over many decades, most of the area can be used for other purposes. At Larderello, for example, where natural steam has been used to produce electricity for 60 years, farms, orchards, and vineyards cover much of the land surface.

Natural steam does contain a small percentage of noncondensable gases that are vented to the air. But compared to the amounts dissipated by fossil-fuel plants, these gases—mostly carbon dioxide but also nitrogen, hydrogen, methane, and hydrogen sulfide—are minor. Compared to the total gaseous release from all steps in the nuclear-fuel cycle, the overall volume and toxicity of gases from the geothermal plant is, again, minor.

Dry-steam geothermal developments pose no hazard to water supplies. Moreover, dry-steam and flashed-steam power plants supply their own cooling water by condensing their steam, and are therefore independent of the sources of condenser cooling water that are needed by other types of thermal plants. Hot-water geothermal systems will have an effect on the waters, but in most cases it will be to bring into use waters that are below the economic drilling depths of water that is currently in use, or to upgrade the quality of currently unusable waters, thus making these waters themselves a valuable resource. The multi-purpose development planned in the Salton Sea region is an imaginative scheme that could well be duplicated in other areas.

The simplicity of the geothermal-steam cycle enhances its reliability, another factor that needs to be considered when assigning priorities of development. Because the geothermal-power cycle is self-contained, it needs no outside support to maintain the production of electricity; there are no railroads or mines or complex processing facilities to be put out of service by a strike or natural catastrophe; and the reliability of nature's own boiler is paramount.

GEOTHERMAL POTENTIAL IN OREGON

(By Richard G. Bowen)

I am sure that most of the people in the audience here today have heard it said that geothermal energy is in the same stage of development as the oil industry was a hundred years ago. That just isn't true, we know a great deal more about the earth, its processes and resources than we did a hundred years ago, or even 20 years ago. We have had many years of experience in the production of geothermal resources, some experience in exploration and a very large background of exploration experience in searching for petroleum, techniques that are really quite similar to exploring for geothermal fluids.

There is also a widely publicized opinion that geothermal resources are limited to a few places—mainly those areas where it is being produced today. Actually, geothermal resources can be expected to be present under large segments of the earth, and will be found under many conditions, just as oil and gas, uranium, and many other minerals that were first found under certain geologic conditions were later, when new ideas came to bear, found in areas never before considered to have potential. The presence of usable geothermal energy depends upon the presence of three things: heat, water, and a geologic trap which consists of relatively impermeable rocks overlying a more permeable reservoir rock. None of these three things are particularly unique. We know that underlying about a quarter of the earth's surface, high temperatures will be encountered whenever you drill a few thousand feet, and in many regions these high temperatures have been found at much shallower depths. Many competent scientists have made calculations of the amount of heat in storage in the first few miles of the earth, and one thing they all agree on is that amounts are far greater than all the heat stored in fossil fuels and fissionable materials combined.

There is an assumption that the so-called "dry steam" or vapor-dominated fields are unique, but it is these "dry steam" fields that are producing most of the geothermal energy in use today. They are only unique in that successful oil and gas wells are also unique—there are many more dry holes scattered over the world than there are successful wells, and it is necessary to drill dry holes to gain information to find the productive one. Most of these geothermal exploration wells that are drilled near hot springs find hot water, so the natural assumption is that there is a great deal of hot water—and I will agree. But it is the steam wells that are the prize and our efforts should be devoted to finding them.

I sometimes wonder what would have happened a hundred years ago if our ancestors, upon the discovery that many more holes were barren than were capable of producing oil or gas, had gone to the government to ask for funding to somehow extract energy from the dry holes rather than pressing on to explore new areas.

You will hear divergent ideas from geothermal "experts". One says there is a tremendous amount of energy in hot dry rocks and in the vast reservoirs of hot water that could be utilized if research and development could be brought to bear on the problems. The other group says that a certain percentage of the geothermal fields will contain dry steam that can be utilized very well by the present technology—if we have land upon which to explore and customers who say they will purchase the steam when it is found. If industry has those two necessities, land and a customer, we will have the development of geothermal resources. I would support the need for studies of "hot dry systems" and hot water systems, but it is the desirable "dry steam" systems that our major effort should be devoted to developing.

But, let's get on to the area under consideration today, Oregon. We are right in the heart of the "Ring of Fire" that surrounds the Pacific Ocean, and we have extensive evidence there is much heat underlying the eastern two-thirds of the state. How is this energy localized to get useful quantities? Basically, the heat energy is transferred to water, and when it is restrained from its normal upward movement a geothermal system is developed.

The question we all want answered is how many and how large are these geothermal systems. Using knowledge of geothermal systems found in other areas and applying the techniques for estimating resources developed in the petroleum industry, I believe it is reasonable to expect that something in the neighborhood of 20,000 megawatts of dry steam will be found during the next 15 to 20 years in Oregon. For those of you who are not too familiar with numbers relating to electrical capacity, that is about the present capacity of all the hydroelectric power plants in the Northwest, or another comparison would be 20 Trojan nuclear power plants. That is a lot of power, and it would supply our increasing needs for many years.

To explain how I developed this number, I am basically using the petroleum industry's technique for estimating resources in unknown regions from experiences in known regions. We know that Oregon has in the neighborhood of 200 hot springs and wells. I believe these could easily represent 100 separate geothermal systems. So far, world-wide experience shows that one out of eight, or about 12%, of these are "dry steam" systems which can be developed with present technology. If only a quarter of these systems are the size of the The Geysers steam field, that alone could account for 10,000 to 12,000 MW. If the other three-quarters of the fields are from a quarter to a tenth the size of The Geysers, another 8,000 to 10,000 MW could be expected.

For those of you who think that geothermal power is only a small thing, take another look at The Geysers. You will see that although only a small part of the field is under development, PGE has scheduled 1,000 MW to be in production by the next four years. The original estimates of a capacity of 200 MW for The Geysers have been scaled up to between 3,000 and 5,000 MW.

Since Dr. Cortez is going into the subject of the costs of producing geothermal resources I will try not to overlap, but I will go into costs of exploration and development, or what it takes to deliver the steam to the plant. Again, it is possible to apply the well-developed technology of the petroleum industry because the exploration techniques are nearly identical. The first cost is to develop some prospects, and you can do that by hiring geologists, geophysicists, and geochemists and getting into the exploration business yourself; or you can form joint ventures with brokers, independent exploration companies, or development companies who are looking for partners. Your costs here to develop a prospect will range from a minimum of $50,000 up, but $250,000 is probably a reasonable figure for 2,000 to 20,000 acres,

enough to be considered a good prospect. You had better plan on at least two wells to evaluate the prospect, and these in the neighborhood of $350,000 each. This means you have spent a million dollars to put together and evaluate a prospect. If you evaluate ten of these prospects, you should expect to have at least one and possibly two geothermal fields. That amounts to 10 million dollars and a lot of money, but let's put it into perspective. If you spend 10 million dollars before striking usable steam, then your exploration costs, assuming they are amortized at 15% per year, for a 1,000 MW field would be 0.187 mills/kwh. Not a very significant figure when you consider fuel costs have been escalating at 1 to 2 mills per year. From the experience at The Geysers, in order to produce sufficient steam for your 1,000 MW plants, (and this would probably consist of a mix of 100 and 200 MW stations) you will have to drill 150 to 175 wells at an average of $150,000 each for a total investment in wells of about $25,000,000. Steam transmission lines would be expected to be another $15,000,000, roads and landscaping $5,000,000. By this time there would be a total investment of about $55,000,000 in the field.

Amortized at a rate of 15% a year, you would have fixed charges of $8,250,000 per year. Royalty to landowners at 0.5 mills/KWH would be $4,000,000 per year, and $5–6,000,000 would probably be necessary for field operating and maintenance costs. That gives a total energy cost of about $17,000,000–$18,000,000 a year at 8,000 hours of operation a year; this amounts to between 2.2 and 2.5 mills/KWH.

The following tables show the costs for developing the steam field (Figure 1) and the costs of steam per kilowatt hour of electricity produced (Figure 2).

Figure 1: Total steam costs, 1,000 MWe geothermal field

Exploration	$10,000,000
Developmental wells (150–175 wells at $150,000)	25,000,000
Steam transmission lines (at $15/KW)	15,000,000
Roads, landscaping, et cetera	5,000,000
	55,000,000

Figure 2: Steam cost per KWH, 1,000 MWe geothermal field

	Mills KWH
Fixed charges: $55,000,000 at 15% = $8,250,000/year, $8,250,000/8×10⁹KWH	1.03
Royalties to landowners	.5
Field operating and maintenance costs, $5,500,000/8×10⁹	.67
	2.2

PGE is currently paying around 3.5 mills at The Geysers, but I understand that new contracts are being negotiated in the range of 5 mills for steam delivered to the power plant.

The question I find most frequently asked by those not familiar with geothermal development is, "what is the life of the field?". That can be best answered by explaining what we know about geothermal fields from experience developed in petroleum reservoir technology. That is, that steam in the reservoir behaves just as do other natural gases—according to well known physical laws. To give you an example, at The Geysers the biggest problem faced by the developers was to prove there was sufficient steam for PGE to amortize their plants over the normal 30-year period. The early practice was to drill all the wells necessary to supply the proposed plant and run lengthy tests to see how much draw-down was caused by the freely flowing wells. The result of this practice was to show steam performed quite similar to natural gas, and this practice is no longer being followed. The procedure now is to drill two wells in the region where a new plant is planned, and from that the size and character of the reservoir can be ascertained. This method has been much more satisfactory to the producers, as they do not have their capital tied up in many wells awaiting construction of the plant, but can start drilling production wells while the power plant is under construction.

Experience has shown that the wells do decline with time but that the individual wells last 10 to 20 years, and when production declines to the point that they can no longer produce all the steam required by the plant, new wells are drilled between the original ones, thus restoring production. It is now the practice at The Geysers to drill wells on a 40-acre spacing with the intention of filling in as production declines. All of the work to date shows this decline is predictable and the fields will last long enough to allow amortization of the plants.

In closing let me emphasize what has to be done to get geothermal developments underway:

1. Federal lands must be made available at reasonable terms. By reasonable terms I mean with conditions and costs no more restrictive than those for other fuels—oil and gas, coal, and uranium. It is the vast acreage of Federal lands in southeastern Oregon, Nevada, and the other western states that will ultimately contain most of the geothermal resources. It is possible to start exploration on available private and state acreage, but if geothermal resources are to provide significant power, the Federal lands must be available.

2. Power companies and heavy power users must encourage developers by either assuring them a market or in joining with them in joint ventures. The old disclaimer that geothermal power is so far away from load centers as to make it uneconomical just isn't true—especially with the Bonneville grid to wheel it around the system.

3. For those of you who are interested in getting the most favorable costs for your customers, joint participation in searching for dry steam is still the most attractive economically and environmentally and can be brought on the line rapidly with today's technology.

4. Finally, you will never have a more reliable power source than nature's own boiler. It is not affected by labor problems, transportation breakdowns, vagaries in the weather, foreign political influences, nor natural catastrophe. The reliability of nature's own boiler is paramount.

IMPROVING FEDERAL REGULATION OF FUTURES TRADING

Mr. McGOVERN. Mr. President, Members of this body and Members of the House are actively working on legislation which would change the method of Federal regulation of commodity exchanges.

I have introduced legislation which would create an independent, five-member Commodity Exchange Commission with expanded regulatory powers, and I am currently working on a number of improvements in that bill.

Two newspapers in my State have commented editorially on the need for firmer regulation of trading on commodity exchanges. On November second, the Madison Daily Leader endorsed the concept in an editorial entitled, "Regulating Commodity Markets." And on November fourth, the Sioux Falls Argus-Leader published a thoughtful editorial entitled, "Commodity Markets Need More Controls."

Mr. President, I ask unanimous consent that the texts of these fine editorials be printed in the RECORD.

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

REGULATING COMMODITY MARKETS

Sen. George McGovern has introduced legislation to tighten rules for commodity speculation in the U.S., saying that the exchanges are now largely self-governing and need more careful supervision.

We couldn't agree more. The futures markets allow wild speculation on slim margins, and wild swings of prices could leave a string of bankrupt traders and losses by farmers and processors.

There is a danger in all this, however, of taking a "cheap shot" at speculators and blaming rising or falling prices on them. On the contrary, speculators serve a useful purpose by making the futures market and hedging by farmers, ranchers and food handlers would be difficult if not impossible.

Our rising prices this summer were caused by increased demand, particularly foreign demand. The sharp drop of farm prices in October (the largest in 25 years and virtually ignored by the TV networks) is probably due to increased production.

Let's not make speculators the scapegoat for fluctuating prices, but let's make sure the commodity markets are carefully regulated.

COMMODITY MARKETS NEED MORE CONTROLS

Richard Wilson, the able Washington correspondent of the Des Moines Register, points out that the commodity exchanges of this country handle an annual business which is 25 per cent greater than the total transactions on the New York Stock Exchange.

Yet federal regulation of price hedging for future transactions is in the hands of only 160 people. Wilson says they "are presently so overwhelmed by the magnitude of the problem that they are finally confessing the truth to Congress."

Wilson makes these other points about the nation's commodity markets:

A few people or firms, sometimes as few as four, can get effective control of the entire market in some major commodity and send the prices skyrocketing.

The market is subject to foreign invasion on a grand scale from governments with billions in resources to manipulate prices for what they want for their own advantage. The American consumer gets what is left at higher prices.

Four large grain concerns handle almost all of a multi-billion dollar export business, often huddling secretly with buyers from foreign governments in huge transactions the U.S. government knows very little about.

RED VERSUS YANKEE TRADER

Commodity markets have come in for a great deal of attention this year, in the wake of this country's huge sales of grain to the Soviet Union and Red China. In the case of the transactions with Russians, the Yankee trader did much better than his government. The Russians showed that communistic traders know their capitalism. American farmers didn't get the benefit of the higher prices in the initial transactions, and the federal government underwrote some of the costs of the grain with its subsidy payments.

Higher prices for grain are welcome news for South Dakota farmers, but their impact on livestock feeding when doubled or quadrupled, Wilson says, "eventually shows up at the supermarket in higher prices for beefsteak and for the myriad of food and consumer products made of wheat, corn, and soybeans."

NEW AUTHORITY SOUGHT

Congress is now holding hearings on legislation which would create a new independent

Commodity Exchange Authority. It would be similar to the Securities Exchange Commission for the stock exchanges.

The House Agriculture committee voted last week to develop legislation for a stronger Commodity Exchange Authority, but to leave over-all responsibility in the Agriculture Department. A bill introduced by U.S. Sen. George McGovern, D-S.D., calls for an independent Commodity Exchange Commission.

Wilson envisions a new commodity exchange authority as only the beginning of "a system of government and market control influenced by consumer and producer interests not only for food but other commodities such as lumber, plywood, silver, copper, and so on. Beyond that greater export control looms, and over all, steadily advancing government supervision of the marketing of the necessities of life."

No one seriously suggests that government controls of the stock exchanges are too tight to protect the public interest. Obviously, the government's supervision of commodity exchanges is hampered by lack of personnel and authority to do what is necessary to safeguard the country's and citizens' interests. Congress should do what is necessary to accomplish this.

More effective regulation of commodity exchanges by the federal government will help the entire public. But it should be of especial benefit to South Dakota and the nation's farmers in their newly-found prosperity of higher prices. It should help the farmer to realize a greater percentage of return from what he produces than he has obtained in the past.

SMALL BUSINESS ADMINISTRATION

Mr. JAVITS. Mr. President, as ranking minority member of the Senate Select Committee on Small Business, I am deeply concerned with recent activities within the Small Business Administration. I am informed that the Justice Department as well as the House Banking and Currency Subcommittee on Small Business chaired by Congressman STEPHENS of Georgia is currently investigating widespread allegations as to the misuse of various SBA lending programs; and that criminal charges may be in the offing.

These events are most deplorable. But I am convinced that with the cooperation of the SBA's Administrator and former Congressman from North Dakota, Mr. Thomas Kleppe, the Department of Justice and the House Committee will be able properly to investigate the allegations and if there has been any wrongdoing the culpable individuals will be brought to justice.

The concern I wish to express today, Mr. President, is also a concern for the thousands of honest and loyal SBA employees throughout the United States whose continuing efforts seem somehow to be overshadowed by these revelations. Administrator Kleppe has expeditiously handled the developing situation since it was first brought to his attention in October of this year and his turning over the pertinent files to the Justice Department. Furthermore Administrator Kleppe has expressed a strong desire to testify before the investigating House committee to clarify the factual situation surrounding the allegations, most of which have appeared in the news media in this area. I note that just yesterday, in an effort to avoid possible aggravation and embarrassment to the agency, Administrator Kleppe reassigned the Philadelphia regional director and the Richmond, Va., district director to the Washington SBA office.

But the most imminent crisis is not that faced by employees of the SBA, not even those charged, but by the hundreds of thousands of small businesses throughout the Nation which without the aid provided through the SBA may not be able to survive.

Mr. President, the SBA which just this past summer celebrated its 20th anniversary, has an important responsibility in meeting the needs of the small business community. Small business comprises over 90 percent of our business in the United States, accounts for nearly 40 percent of the gross national product and provides over 50 percent of the jobs in our Nation's economy. The concern I express today is for those like the small retailer in New York City, the wholesaler in Colorado, the struggling electronics manufacturer in California and the growing construction firm in Omaha. My concern is that these firms and others like them throughout the Nation are dependent upon the SBA for their survival.

We here today, Mr. President, find this Nation in the midst of a major energy crisis. At a time like this it seems unthinkable to me that small businesses should be placed in the untenable position of not being able to call upon that Federal Agency that is capable of providing the assistance they need and have come to depend upon.

Mr. President, Members are aware of the many programs administered by the SBA. They not only include direct lending, bank guarantees, bonding guarantees, lease guarantees, and economic opportunity loans but also the full range of services including the licensing and regulation of small business investment companies, the issuance of certificates of competency, and providing technical and management assistance to small businessmen located throughout the United States.

Mr. President, recently the Senate by an overwhelming majority passed a bill to increase the SBA ceiling by $2.3 billion, from $4.3 billion to $6.6 billion. That bill now is on the table in the House Small Business Subcommittee. I am led to believe that our colleagues in the House of Representatives may wish that bill to remain in committee until the pending investigations are concluded. If my understanding of the pending allegations and current investigations is correct this may take several months.

I hope, Mr. President, we will not let this agency, which has and continues to serve this vital segment of our business community, cease its major operations while we consider the culpability of persons in the agency. I commend my colleagues in their investigatory effort and I do not mean in any way to minimize the allegations but it is simply too dangerous to the small business community and the SBA to hold the necessary ceiling increase hostage pending the outcome of the investigations currently underway and I feel my colleagues will give this state of facts their every consideration.

VIETNAM VETERANS NEED HELP

Mr. BIDEN. Mr. President, prevailing congressional sentiment has suggested that the benefits available to Vietnam do not compare favorably to those granted earlier veterans of armed conflicts. Veterans' Administrator Donald E. Johnson, at the request of Congress, commissioned a study that was designed to enable comparison. The results of the study conducted by the Educational Testing Service—ETS—are now available, and, unfortunately, confirm congressional fears. The ETS report depicts the dismal situation of today's veteran as compared to his father. At one point in the study, ETS reports:

> The five-fold increase in the average tuition of a four-year private institution by 1973, coupled with the costs of books and supplies, requires the Vietnam veteran with current benefits of $1980 to raise an additional $136 just to meet educational costs—leaving literally nothing for subsistence.

Mary McGrory, writing in the Boston Globe on September 24, 1973, discusses veterans' benefits and the results of the Educational Testing Service's study. As Ms. McGrory concludes:

> The hope that the veterans will receive at least the benefits being promised those who join the volunteer army rests probably with the veterans in Congress, those who . . . remember that it was the GI bill that made it possible for them to get where they are today.

The apparent disregard for veterans has been exhibited in the past by the VA's attempt to reduce compensation ratings for specific disabilities. Although this proposal generated sufficient public reaction to compel the VA to retract its statement, it has become apparent that Vietnam veterans are being shortchanged in other areas as well. Armed with the initiative of the spring and with the concrete data provided by the ETS, I hope my colleagues will continue the attempt to provide the Vietnam veteran with comparable benefits, enabling him to receive the best education those he defended can afford.

Mr. President, I ask unanimous consent that the full text of Mary McGrory's article, "When Less Is Not More for Veterans," be printed in the RECORD.

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

WHEN LESS IS NOT MORE FOR VETERANS

(By Mary McGrory)

WASHINGTON.—Veterans Administrator Donald E. Johnson faces the unhappy task tomorrow of explaining to the House Veterans Affairs Committee a study which refutes the familiar Nixon Administration contention that "less is more" in the case of Vietnam veterans.

The study is one that Johnson commissioned at the behest of Congress, some of whose World War II veterans suspect that the "nothing-is-too-good-for-our-boys" philosophy that enfolded them on their return from battle has been seriously eroded by the budget-balancers.

The Educational Testing Service, a Princeton, N.J., organization has told Johnson the "real value" of the education allowance available to veterans of World War II "was greater than the current allowance being paid to Vietnam era veterans." Johnson insists that today's benefits, based on the Con-

sumer Price Index, are comparable to those of other days.

A special Veterans' Opportunity Committee, which conducted hearings under the auspices of the League of Cities and the US Conference of Mayors, advocates that the GI Bill be rewritten so the government pays 80 percent of all tuition and fees and makes separate subsistence payments of at least $220 a month.

"It might cost a billion dollars," says VOC Chairman Rep. Silvio Conte (D-Mass.), who got his entire education under the World War II bill. "But what if it does? I remember those annual appropriations of $25 billion every year for the war. Nobody called them inflationary."

The Educational Testing Service report gives a somber picture of today's veteran as compared with his father.

"The five-fold increase in the average tuition of a four-year private institution by 1973, coupled with the cost of books and supplies, requires the Vietnam veteran with current benefits of $1980 to raise an additional $136 just to meet educational costs—leaving literally nothing for subsistence," the study says.

The Vietnam veteran's disability must be rated at 30 percent or more to qualify for benefits, the ETS report points out. Nor is he eligible for VA loans to enlarge or establish a business, as were earlier veterans.

The World War II veteran got special preference in housing under a Federal emergency housing program. "The present Administration has suspended or cut back on all Federally supported housing projects—adversely affecting those in need of housing," the ETS says.

As for those special programs to meet the "remedial and motivational needs" of the unemployed or underemployed Vietnam era veteran, some 40,000 were served by some 67 programs during fiscal 1973. "These programs are expected to terminate in June 1974 under Administration budgetary plans," the study adds.

The Nixon Administration's abandonment of the "grateful nation" concept while denying it, is largely possible because the country wants to forget about Vietnam. And the more crucial problem is that the Vietnam veterans do not have a lobby. The older veterans' organizations have attracted few members from this war. They support increased benefits, but out of pity.

The most visible Vietnam veterans group has been the Vietnam Veterans Against the War, which organized—not to get money—but to stop the war. The VVAW incurred the instant and undying hostility of the Nixon Administration when it camped on the Mall in 1971.

The hope that the veterans will receive at least the benefits being promised those who join the volunteer army rests probably with the veterans in Congress, those who, like Conte, remember that it was the GI bill that made it possible for them to get where they are today.

WILLIE MAYS: A BASEBALL IMMORTAL

Mr. BUCKLEY. Mr. President, a superb column written by Arthur Daley of the New York Times, Thursday, September 27, 1973, has recently come to my attention. It reminds us of the truly extraordinary baseball career of Willie Mays. This outstanding ballplayer has always had a special place in the hearts of New Yorkers, although he played for the San Francisco Giants for many years. He began his major league career in New York and it is fitting that he has chosen to end it there, where his skills have always been applauded by millions of fans.

Mr. President, there have been only a handful of individuals in any profession who have brought the kind of excellence, spirit, and sincere love of the game that Willie Mays brought to baseball. He is an incomparable figure in the history of American sports.

Mr. President, I respectfully request that this article be placed in the RECORD.

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

THE ECHOES ROLLED IN FROM THE PAST

(By Arthur Daley)

"The Willie Mays play I remember most," said Joe DiMaggio reflectively, "was the one that knocked Mickey Mantle out of the 1951 World Series."

It was a night for memories and they kept rumbling in like distant echoes from the past, the men and the events that provided flashbacks of illuminating glimpses of a spectacular career. This was fan appreciation night for Willie Mays, an occasion supercharged with emotion. This was an outward manifestation of the unashamed love affair that has lasted for 22 years between Willie the Wonder and the New York fans.

On hand to join in the tribute were such as DiMadge, Stan Musial, Bobby Thomson, Ralph Branca, Pee Wee Reese, Duke Snider, Vic Wertz and others. They dropped into the clubhouse before the ceremonies to visit the man of the hour and bid him Godspeed in his retirement.

"They sure bring back memories, don't they?" said Willie, holding court in front of his locker. No regal robes did he wear. He was clad only in his shorts.

There was a particular poignancy to the one that DiMadge evoked. The Yankee Clipper, always a perceptive man, had a better understanding than most of what Willie was going through because the incident he recalled had comparable status to the current situation, a superstar on the verge of retirement.

THE OVERLAP

"Not everyone remembers," said Joe, "that my career came to an end in that World Series. But 1951 was the year when both Willie and Mickey began their big league careers. At any rate this was about the middle of the second game. I was playing center field at the Yankee Stadium and Mickey was in right when Willie hit a ball between us.

"'Go ahead, Mickey. You take it,' I called out to him as we converged. Suddenly he went down as if shot. He had stepped into a drainage hole and wrenched his knee. Luckily, I was still close enough to make the catch, but poor Mick was out for the rest of the Series."

A beaming Vic Wertz, his bald head glistening in the lights, dropped by for a congratulatory handshake. In the 1954 World Series, Vic was the victim of one of baseball's greatest defensive plays when Willie raced to the distant bleacher wall, 450 feet away, and made an impossible, over-the-shoulder catch.

"I saw that play again on television the other night, Willie," said Vic, now able to laugh about it, "and I still can't believe my eyes. Every time I see it, you always catch the ball."

"Willie always seemed to catch the ball and hit it," said the suave Musial, an ardent admirer.

MAN WITHOUT A BAT

"Willie, you killed us too often for me to remember anything specific," said Reese, "although I guess the throw you made on Billy Cox had to be the best play I ever saw you make."

"I never can forget the first game we ever played in Los Angeles," said Snider, the erstwhile Duke of Flatbush. "It was the Giants and Dodgers again, but it wasn't the Polo Grounds or Ebbets Field. This was the Coliseum, a monstrosity, where the left-field wall pressed against the left fielder's back and the right-field fence was in the next county."

"I remember," said Willie, starting to laugh. "We took batting practice first and you fellas hadn't even seen the ball park. I kept saying, 'Where's the Duke?' I couldn't wait for you to arrive."

"You were so impatient," said the Duke, "you ran into the runway as we left the clubhouse and pointed to the right-field fence that wasn't even in home run range. 'Hey, Duke,' you said. 'They just took away your bat.' Damned if they hadn't. My homer total went from 40 to 15."

When Branca and Thomson dropped by, it almost seemed that Willie shuddered ever so slightly, as if trapped by another memory. As every schoolboy should know, Branca was the Dodger pitcher in the last inning of the last playoff game between Giants and Dodgers in 1951. It was Thomson who hit "the shot heard 'round the world," the three-run homer that gave the Giants a 5–4 victory and the pennant.

During that hysteria not many were aware of the fact that the Giant batsman kneeling in the on-deck circle was Willie Mays, a totally scared 20-year-old rookie. He didn't waste that kneeling time. He prayed. "Please God," he implored, "don't let me have to come to bat. Just make sure that Bobby hits one to end it for us." This just shows how enormous is the power of prayer.

No scared kid was Willie when he delivered his farewell talk on his night to remember the evening before last. He was a man of polish and distinction and dignity and eloquence. His baseball exit was an elegant one.

THE "SOUTH DAKOTA SATELLITE"

Mr. McGOVERN. Mr. President, a recent article in the Farmers Union Herald, which has a wide circulation in the upper Midwest States, described the Earth Resources Orbiting Satellite program which is the center of attention in South Dakota.

The EROS Data Center of the U.S. Geological Survey is located near Garretson, S. Dak. This data center is the hub of a program which contains enormous potential for the United States in helping meet the world food challenge.

Because of the importance of this program, I ask unanimous consent that the article by Mary Ann Hanson from the November 5, 1973, issue of the newspaper be printed in the RECORD.

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

EROS

(By Mary Ann Hanson)

Planet Earth has a new library located in the rolling farmland just northeast of Sioux Falls, near Garretson, South Dakota.

It's known as EROS Data Center. Dedicated August 7, the facility, when fully operational, will house and process for public access countless photographic images of the earth's surface taken from satellites and airplanes. The facility also will provide a study center for world scientists.

EROS stands for Earth Resources Orbital Systems, a program under the Department of Interior designed "to inventory the earth's natural resources from space altitudes

through spacecraft systems," according to Don Orr, chief of applications assistance at the center.

Currently there's only one satellite providing a constant chronicle of the earth's happenings, another is planned in 1974 or 1975. ERTS—Earth Resources Technology Satellite—is an experimental satellite 565 miles high launched by the National Aeronautics and Space Administration in 1972. It circles the earth 14 times a day and passes over the same area every 18 days.

ERTS transmits its pictorial data back to three U.S. stations and one in Brazil. U.S. stations are the Goddard Space Flight Center in Greenbelt, Maryland; Gold Stone, California, and one in Alaska. The information is processed at Goddard, transported to EROS, stored and made ready for distribution around the world.

Geography is the biggest reason for EROS locating in South Dakota, says Orr, because the center eventually plans a receiving station of its own. Sioux Falls is "very close to the center of the conterminous U.S. so we can receive images directly over most of the land area."

Its rural location is to avoid electrical interference which would be a problem in an urban setting. Finally, says Orr, "the people of South Dakota gave a lot of support and participated in raising funds and making land available to us." The building is owned by the Sioux Falls Development Foundation and leased to EROS.

While the program is still in largely experimental stages, expectations for it are high. Among agricultural applications of the data, Orr lists monitoring crop production and stresses, locating ground water, flood prevention and monitoring pollution.

Using the satellite for inventorying crops would provide a more accurate overall picture, he feels. In South Dakota this year, for instance, "there were areas heavily stressed due to drought. You can report this through conventional means such as the weather service and ACS, but you can't put axact boundaries on it."

With EROS data, "we could say, 'Here's an area of 200 square miles where the production is going to be down because of drouth.' Then this would be used to modify the estimates of production. Maybe then," he adds, "we wouldn't get into another wheat deal like we did."

Digging test wells for ground water can be an expensive undertaking for farmers. Orr says, however, that a satellite image of a particular area in the hands of a competent hydrologist or geologist could indicate likely spots for wells. In like manner, exploration zones for other natural resources—oil, copper, gold, silver, uranium—can be indicated by study of an area's geological formations.

It's a matter of "knowledge of earth processes and identifying certain geological patterns," he says. The information is there on the pictures, it just has to be extracted by the human interpreter.

ERTS was used to keep track of the Mississippi flood this spring and, according to Orr, research is currently going on at the state level in western South Dakota on surface runoff and drainage problems. "We don't want to stop rain," he says, "but perhaps through these types of studies, runoff can be controlled at various points to prevent major reservoirs filling up. Farmers who operated along the middle and lower Mississippi Valley lost tremendous amounts of money in the flood. There's a fairly good system of reservoirs clear up to the head of the Mississippi Valley—it was just one of those situations where more precipitation runoff occurred than the reservoirs could handle."

Scientists are currently working on ways of utilizing ERTS data in agricultural and forestry problems. "We've got a long ways to go," says Orr, "but I think eventually we'll get a handle on this research."

ERTS also has great import for lesser-developed countries. This June, Orr conducted a two and a half week training session for 28 people representing 11 foreign countries.

Five were from Afghanistan where now "they're very short on foodstuffs," said Orr. "One of their natural resources they'd like developed is agriculture." And that means the location of water supplies.

So much time was spent in teaching the team to identify ground features that would indicate likelihood of water. "If nothing else," he says, "it's good just for them to make maps that show where there's hard rock, drainage and wind-blown sand. People in lesser-developed countries may know a lot about their local area, but very little about their whole country." Arranging satellite images into a map of the whole country creates "a very powerful tool for planners at the national level" concerned with decisions such as where to place roads, for example.

There are many areas in which ERTS data is applied. In the lobby of the new, modern, three-acre building, a series of panels depict uses already being made of the data. Among them—land use, urban expansion, crop conditions, natural resources, forests, water management, surface and near-surface mineral deposits, soil types, topographic features, geologic formations, water storage in snow packs irrigation, plant growth, air and water pollution, vegetation health, cloud cover, insect infestation, sea surface temperature, fish feeding areas and many others.

"There are so many areas that it's hard for our small staff to stay on top of it," says Orr. The nearly 100 employes are presently busy settling in the new facility after moving from their former, temporary headquarters in downtown Sioux Falls. Once that is completed, the staff should grow to about 150, he says. As demand for imagery and data grows, the number could climb to full capacity of 500.

Currently, some 600 orders for data are processed each week. This is expected to increase to almost a million copies per month as EROS begins to receive Skylab data for distribution. Primary area in the center is, therefore, the photo lab, which has been described as "the cleanest, most efficient and largest photo lab in the civilian sector of government."

The other arm of EROS is professional services, Orr's department. This department's function is to keep an eye on the uses being made of the imagery and to train people in those uses. "We don't ever envision a large, permanent staff here," he says. "We'd rather have visiting scientists work with us here for a year at a time—scientists not only from the U.S. Geological Survey, but other government agencies, private citizens and even foreign scientists.

"We will provide office space, equipment and will support them any way we can," Orr says. "What we ask then is the results of their studies so we can keep our training up to date."

The scientific community is just becoming aware of the possibilities in space photography, he says. "That's why we're having such a large demand for training."

GERALD FORD SPEAKER AT TESTIMONIAL DINNER FOR REPUBLICAN LEADER HUGH SCOTT

Mr. SCHWEIKER. Mr. President, on Monday, November 5, 1973, the distinguished Senate Republican Leader HUGH SCOTT, was honored in Philadelphia as the recipient of the 1973 Pennsylvania Distinguished Republican Award. It has been a privilege for me to serve as a colleague from Pennsylvania with the Republican leader. He has been a leading Republican in Pennsylvania and the Nation for many years, and is highly deserving of this award and recognition for his service.

The principal speaker at this testimonial dinner was the Republican leader of the House of Representatives and Vice-President-designate, GERALD R. FORD. He praised Senator SCOTT for his long-time dedication to human dignity and human rights. He also addressed himself to the question of his own responsibilities if he is confirmed as Vice President.

Mr. President, I believe Congressman FORD's comments will be of interest to all my colleagues, and I request unanimous consent that his remarks be printed in the RECORD.

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

REMARKS BY VICE-PRESIDENT-DESIGNATE GERALD R. FORD

In twenty-five years in the United States Congress you go to a lot of testimonial dinners. It's an unofficial part of the job, and a part that I have always enjoyed.

For a quarter of a century now, I have worked with the men and women of the United States Congress and my respect for my colleagues has grown—not diminished—with the passing of time. So this kind of gathering, paying tribute to an honored public servant, is always a pleasure.

Tonight, however, is something special—something more than the usual opportunity to offer some well-earned praise to an honored colleague.

This evening is unique because the man we honor this evening is himself unique. His learning, wit, intellect and dedication make him so, as well as his remarkable record of public service—a record unequalled in the annals of this proud State of Pennsylvania.

For over thirty years Hugh Scott has given his State and his country the two things they need the most—able leadership and unquestioned integrity.

In the process, because of our shared responsibilities as the minority leaders of the Senate and the House, he has also become a man I am proud to claim as a valued personal friend. Hugh's advice, his encouragement, and his unfailing good humor have helped us both through a lot of tough decisions and a lot of important work for America.

Besides, he is the only man in the United States Congress you can go to for really knowledgeable advice about Chinese Art.

Another of Hugh Scott's unsung virtues is his pioneer work in making the moustache respectable in modern American politics. After Tom Dewey lost the presidential race for a second time in 1948, the moustache fell into a long decline. Only Hugh Scott stood between the moustache and total political oblivion. In those days he was a prophet without honor.

Today, thanks largely to Hugh, the moustache has regained respectability and has reappeared along with sideburns in both Houses of the Congress. I call it the graying of America.

When historians look back on the troubled years of the mid-twentieth century, they will remember our guest of honor tonight as the man who made the moustache safe for democracy.

In a much more serious vein, there is something else that Hugh Scott pioneered for which posterity will be eternally grateful. Long before most people had given a thought to the whole civil rights issue, Hugh Scott was fighting vigorously for the cause of human dignity.

As a crusading Philadelphia district attorney, Hugh Scott championed the rights of

Italian Americans, black Americans and other minority groups decades before civil rights had become a fashionable cause or a political asset.

What Hugh did, he did out of compassion and belief in human dignity. And those for whose rights he fought have not forgotten him, as I can see from looking out into this audience tonight.

I don't think there is another man alive today, in or out of the Congress, who has done as much for the advancement of human rights—the fundamental liberties of all Americans—as the senior Senator from Pennsylvania, my friend Hugh Scott.

Nearly every civil rights bill that has passed the Congress since Hugh entered it carries his imprint. Millions of Americans today are at long last living their lives as first class citizens because this man of principle led the crusade for human dignity for more than a generation.

Speaking of justice and law enforcement, I happen to know that Hugh's advice also helped the President in his successful search for a new Attorney General of unquestioned ability and integrity, Hugh's colleague from Ohio, the Honorable Bill Saxbe.

If there ever was a man who tells it like it is, that man is Bill Saxbe. As Attorney General I am confident that he is going to do a great job helping to restore trust and respect to a shaken Justice Department.

This is the same task I have set for myself as Vice President. I hope to do my part in restoring the trust that our people once had and deserve to have again in the American system of government.

As far as I am concerned, this is the first order of business today for all of us—whether we serve as Vice President, Senate minority leader or a precinct chairman in Pennsylvania. And I deeply believe that, if we all pull together, we can and will do it.

In his farewell State of the Union Address a great adopted Pennsylvanian by the name of Dwight Eisenhower left us a prayer—a prayer that all Americans can share, especially at this troubled time.

"Let us pray," Ike said, "that leaders of both the near and distant future will be able to keep the nation strong and at peace, that they will lead us on to still higher moral standards, and that, in achieving these goals, they will maintain a reasonable balance between private and governmental responsibility."

As we look at the world today—and I realize that you have to pierce through a lot of immediate gloom to do so—but if you do look at the broader picture today, you see that part of Ike's prayer has already been answered.

For despite some very sore testing, our leadership—President Nixon's leadership—has kept America strong and restored the peace. Not only that, but for the first time in living memory, we can actually look to a future in which a full generation of peace is no longer an empty dream but a potential reality.

This is no small accomplishment. In fact, it is an accomplishment that, like our guest of honor tonight, is unique. And our guest of honor had a lot to do with it.

For without the support of men like Hugh Scott, President Nixon could never have achieved his great breakthroughs for world peace.

Working together, the President and men of conscience and ability in the Congress have accomplished this great work.

A new chapter in the search for peace was written just a few days ago, when for the first time in the long and bitter history of the Arab-Israeli conflict, both sides agreed to direct talks—the kind of talks that may eventually remove this menace to world stability.

This is a record that we can be proud of as Republicans and as Americans.

I recognize this, you recognize this, and I believe that most Americans recognize this. But we also realize that, today as never before, we face another problem—the problem of morality and standards that Ike addressed himself to in the second part of that prayer of his.

Rightly or wrongly, a cloud of doubt hangs over Washington as we are gathered here this evening. It is a cloud that must be cleared away for the sake of our country.

The question is, how do we do it?

I am sure no one expects an easy answer to that question. There isn't one. But I would like to suggest an answer that flows from my own experience.

Last Thursday I appeared before the Senate Committee on Rules and Administration, which was inquiring into my fitness to be Vice President of the United States.

In making my opening statement to the committee, I said: "Truth is the glue that holds government together, and not only government, but civilization itself."

I believe that most deeply. Truth is a tie that binds human beings together in a drive toward noble goals, and truth is the bond that links people to their government with feelings of faith and trust.

Without that bond of faith and trust, government cannot function. And so today there is an urgent need for all Americans to rededicate themselves to truth, and to honesty and to fair dealing and to plain speaking.

I have always felt that if you communicate with the American people and—to employ a cliche which everyone understands—lay the facts on the line, they will respond and the country will move forward.

This is the important ingredient in the glue of truth—that we communicate with one another, with complete candor and openness.

My experiences since being nominated for the Vice Presidency also compel me to make some comment about the ladies and gentlemen of the press.

A number of investigative reporters have been digging to see if they can find anything in my past conduct which would tend to disqualify me for the high office of Vice President.

I do not object to this. That is their job, and they should do it the best they know how. They are seekers after truth. They are motivated by the same emotions that inspire the rest of us—love of country and dedication to what's right.

Last weekend the Washington Post failed to publish because of a printers' work stoppage. I keenly missed reading my Washington Post. The experience brought freshly to mind the comment made by Thomas Jefferson in a letter dated Jan. 16, 1787, a letter which rings with just as much wisdom now as then.

"The basis of our government being the opinion of the people," Jefferson wrote, "the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

There are times, of course, when newspapers engage in an excess of zeal. So, too, do members of the Congress. In this highly charged and emotional atmosphere of the moment, it is the duty of all Americans—particularly those in public office and those in the news media—to exercise the utmost caution. Those of us in these honored fields of endeavor have a special responsibility.

To preclude a breach of that trust, self examination is helpful. That is exactly what I engaged in last week as I was preparing for my confirmation hearings. As a result, I said to the committee: "I am not a saint, and I'm sure I have done things I might have done better or differently or not at all. I have also left undone things that I should have done. But I believe and hope that I have been honest with myself and with others, that I have been faithful to my friends and fair to my opponents, and that I have tried my best to make this great government work for the good of all Americans."

That is what I will continue to do if the Congress sees fit to confirm me as Vice President—join hands with Republicans and Democrats of good will to make our great government work for the good of all Americans. I will work for a new spirit of cooperation between the White House and the Congress, and for a rededication to truth on the part of all Americans.

My job—hard as it is going to be—will be made a lot easier thanks to men like Hugh Scott, this man of conscience, this man of conviction, this man of conciliation.

Hugh Scott doesn't like labels very much, and I agree with him. Labels tend to limit people, to force them into narrow corners and artificial categories. But there is one label Hugh has never rejected—the label of moderate. Always, he has been a moderate in the best sense of the word—a man of moderation and fairness, a man with a fierce sense of justice and an equally strong spirit of conciliation.

That is what makes Hugh Scott an outstanding Republican, not just this year, but every year. And that is why I consider it a special honor to be a part of this tribute to him tonight.

DR. MARCUS A. FOSTER

Mr. TUNNEY. Mr. President, the city of Oakland is commemorating the life of Dr. Marcus A. Foster, superintendent of schools and the Oakland School District. The entire community was shocked and saddened last week of the senseless killing of this outstanding educator and administrator.

Dr. Foster was admired by all for his steadfast dedication to the youth of the Oakland area. I have been deeply impressed personally by his sensitivity, commitment, and ability to bring the east bay communities together.

He will be sorely missed by those not only in the field of education, but also in numerous other fields where his skills as an educator and leader were utilized.

I hope his tragic death will serve as a reminder that the education of our youth is vital to bring about the kind of society for which Dr. Foster stood—a society in which these acts of violence will not occur.

AIR FORCE ASSOCIATION—MAXWELL A. KRIENDLER

Mr. JAVITS. Mr. President, the September issue of Air Force magazine, the official publication of the Air Force Association, took notice of the 26th anniversary of that organization. Sadly, the anniversary issue also noted the passing of Maxwell A. Kriendler, was a founder and the first president of the Iron Gate Chapter of the Air Force Association and known to a host of New York national and world figures as the "Mac" of "21." One of the outstanding chapters of the Air Force Association, the Iron Gate Chapter contributed hundreds of thousands of dollars to charities in large part due to the energy and compassion of Mac Kriendler. Mr. President, I ask unani-

mous consent that a most deserving tribute to Mac Kriendler be printed in the RECORD.

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

MAXWELL A. KRIENDLER

The Air Force Association is young as organizations go, and time has thinned its ranks but little. Hence, when any stalwart falls he leaves a bigger than ordinary gap. The phenomenon is compounded when the man himself is extraordinary—when he is Mac Kriendler.

Maxwell Arnold Kriendler died in New York City's Mt. Sinai Hospital on August 7, 1973. He had been grievously ill with cancer for the past two years, although the proximate cause of death was pneumonia. He was sixty-five.

Those are the bare statistics. Behind them lie a complicated, warmhearted, generous person who gave more to each of the three enthusiasms in his lifetime than the average man is able to devote to one.

Enthusiasm number one—his business life, in which family, social, and personal relationships were inextricably entwined. It centered around the best-known restaurant in the country, the "21" Club, at 21 West 52d Street in New York—an internationally known watering place that began as a speakeasy, under the aegis of Mac's late brother, Jack Kriendler, and their cousin, Charlie Berns. Mac joined "21" in 1929, following graduation from St. John's Law School, and served as its president from 1947 to 1955. In that year, he moved next door as president and treasurer of 21 Brands, a liquor distributor and importer of, among other fine spirits, Ballantine's scotch and Hines cognac. He later served as chairman of its board.

Enthusiasm number two (only Mac could have said what should be the proper order)—the United States Air Force. The "21" Club is full of souvenirs of the Air Force, in which Mac rose to the rank of lieutenant colonel during World War II, being discharged in 1945 as chief of management control, Eastern District, Air Technical Service Command. He remained active in the Air Force Reserve and retired as a colonel in February 1968. Associated decorations include the Exceptional Service Award, highest civilian decoration of the Air Force, Legion of Merit, and Air Commendation Medal.

Enthusiasm number three—the Air Force Association, including AFA's Aerospace Education Foundation, the Iron Gate Chapter of New York, and the Annual Air Force Salute, sponsored by the Chapter. His service to AFA was endless and tireless. He was the first President of the Iron Gate Chapter when it was chartered on September 21, 1961. That same year he was elected to AFA's National Board of Directors, on which he served until his death, excepting only the years 1964–66. His tenth term in 1972 made him a permanent member of the Board. For nine years, beginning in 1965, he was a member of AFA's Finance Committee. He received AFA's Medal of Merit in 1961 and its Exceptional Service Plaque in 1962. In 1964, Mac was named AFA's "Man of the Year."

Also in 1964, he became a member of the Board of Trustees of the Aerospace Education Foundation, on which he served until his death. In 1966 and 1967, he was Treasurer of the Foundation.

Mac Kriendler—genial host, successful businessman, devoted Air Force officer, dedicated AFA leader—but most of all a generous and unselfish friend. His life was so full because he was so full of life. He will be missed but never replaced.

LAND USE LEGISLATION

Mr. MCGOVERN. Mr. President, I ask unanimous consent that the following article by Mr. Luther J. Carter in the November 16, 1973, issue of Science be printed in the RECORD. This very thoughtful and well-written article on land use legislation is timely, and provides keen insight into one of the major issues before the Congress.

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

LAND USE LAW—I: CONGRESS ON VERGE OF A MODEST BEGINNING

For nearly 4 years now, land use policy legislation has been gestating in Congress, and, if all goes as expected, it will be enacted into law by sometime early next year. The Land Use Policy and Planning Assistance Act of 1973, as the measure has been dubbed, is meant to add a major new dimension to the structure of environmental protection policies which has been emerging since the early 1960's. Indeed, there is scarcely any aspect of the problem of maintaining environmental quality—whether the trouble at hand be air pollution, water pollution, strip mining, promiscuous public works undertakings, or whatever—that can be coped with effectively in the absence of enlightened land use policies.

And, of course, such policies are concerned with much more than protection of the environment, for they have to do with the nation's physical—and hence social and economic—development. Although not resting on so broad a concept as "growth policy," land use policy will necessarily be a critical component of any strategy for guiding or redirecting patterns of growth. Therefore, few issues are more important, more complex, or more charged with political tensions than this matter currently before Congress of establishing a foundation on which sound land use policies can be built. Viewed against the magnitude of the problem addressed, the pending legislation represents a constructive but modest beginning.

Because this legislation hardly can be understood apart from the background of land use practices and planning in the United States, it is essential to examine that background.

The first zoning ordinance in this country was adopted by New York City in 1916 to prevent the garment district from expanding into the fashionable Fifth Avenue shopping area. Note well the negative emphasis here. The New York ordinance, which many cities would soon be following in letter or spirit, had to do simply with keeping what were deemed incompatible uses from occurring within the same area.

This ordinance and the subsequent trend of local zoning which it characterized represented a narrow, limited approach to regulating the use of land in the interest of environmental quality. The zoning official was, in effect, a policeman rather than the instrument of a policy based on natural and humanistic values which would not have allowed much of the urban setting to become a barrens of concrete and steel.

The local governments were, of course, creatures of the state governments, but during the 1920's the states began delegating responsibility for zoning to the municipalities. At the time, this was seen as a reform. The Standard State Zoning Enabling Act published in 1922 by the U.S. Department of Commerce—then headed by Secretary Herbert Hoover—served as a model. According to its terms, the local governments would assume the police powers necessary for zoning and other land use regulations and would not have to look repeatedly to rural-dominated legislatures for special acts. A state's enactment of the model law was then regarded by progressive-minded urbanites as an encouraging step toward "home rule."

BOOST FOR PLANNING PROFESSION

Land use planning as a profession received an enormous boost from the passage in 1954 of the Urban Planning Assistance Act that provided for the so-called "701 program" under which large sums ($100 million in fiscal year 1972 alone) of federal money have gone into state, local, and regional planning activities (with local and regional entities getting the great bulk of the money). Substantial funds for planning also have come from various other federal programs, and, at least in terms of the increase in numbers of planners and planning entities, progress has been spectacular. In the early 1950's there were fewer than 250 active planning professionals in the United States; by mid-1972, there were more than 6200. Furthermore, over the same period more than 200 metropolitan planning agencies were established and some 4000 comprehensive development plans prepared.

The proliferation of plans and planning agencies has not, however, resulted in a general reform of zoning and land use practices. Planning activities have generally been off in a corner away from the hurly-burly of the political process, whereas zoning has been in the thick of that process. Applicants for zoning changes and variances have often come on strong with campaign contributions (and sometimes outright bribes), together with the backing of banks, insurance companies, labor unions, and other local or outside interests having both a stake in the outcome and plenty of clout.

If in recent years some city councils, county commissions, and local zoning boards have been more resistant to such pressures, this has been due less to the influence of professional planners than to an increasing environmental awareness and militancy on the part of many citizens in states such as Florida and Colorado where the pressures of growth and development are intense. Further, it can be said that a strong "anti-growth" attitude among the citizens of a particular community may be no better justified than a recklessly permissive attitude, and may reflect no more favorably on the effectiveness and influence of established planning and zoning programs.

The current interest in land use policy is in part an outgrowth of what, in many places, is clearly a genuine land crisis. To be sure, there is anything but a shortage of land in the United States, taking the nation as a whole. But the year 2000 urban regions will, according to projections prepared for the Commission on Population Growth and the American Future (Table 1), cover some 487,000 square miles, as opposed to the 197,000 square miles contained within such regions in 1960. But this will represent only 16.4 percent of all land in the United States, excluding Hawaii and Alaska. Vast areas will remain thinly populated, and even the urban regions will not constitute a single supercity but rather—in the words of the Population Commission—"a regional constellation of urban centers and their hinterland."

Yet, while there is no general shortage of land, there is widespread abuse and misuse of land, both in urban regions and in regions still largely undeveloped. The several categories of problems resulting from such abuse and misuse include the following:

A decline of environmental quality within urban regions. "Urban sprawl" is one of the weariest of clichés, but the problems capsulized by this term are still very much with us and, in some places, become more aggravated by the day. New subdivisions are still often being built far beyond the reach of established urban services, in areas where efficient sewage collection and treatment are necessarily absent and where existing roads are inadequate to handle heavy new traffic flows.

Strip development along highways—a problem long recognized and long neglected—continues to occur, with the hamburger and fried chicken driveins, the pizza parlors, the used car lots and the shopping centers proliferating endlessly. The scarcity and hence the extraordinarily high value of sizable tracts of strategically placed undeveloped land in urban areas generates powerful economic and political pressures to convert such land to high intensity use even though the crying need may be for open space and public parkland (of this, the accompanying article about the controversy in Yonkers, New York, over a huge shopping center proposed for land owned by the Boyce Thompson Institute provides a prime example).

In general, the standards of urban development have been so lax and so uneven that many people have come to regard land development as just another form of pollution. For instance, owners of single family homes generally oppose the construction of high-rise, multi-family apartment or condominium buildings in their neighborhoods. They assume, often correctly, that the developer will try to maximize his profits by squeezing as many living units as possible onto the land rather than take advantage of the fact that, if properly designed, high-rise development can offer the distinct environmental advantage of allowing much of the site to be left as green space or as a neighborhood park. One can all too easily find examples of such problems as have been described here in practically any fast-growing urban region, whether it be the San Francisco Bay area, southern California, the Colorado Front Range, peninsular Florida, or the expanding metropolises of the East and Midwest.

Suitable and convenient sites for necessary utilities and public facilities are being lost—and environmentally unsuitable ones are still sometimes being selected. With foresight and planning on the part of public officials and utility executives the sites that will be needed for airports, highway rights-of-way, reservoirs, power plants, and so on, can either be acquired in advance or zoned for uses (such as farming or forestry) that will not preclude the eventual development there of the essential facilities. The fact is that such foresight generally has not been exercised, with the result that desirable sites are being preempted by housing or other forms of development that could just as well have gone elsewhere. Utilities have sometimes secretly bought sites against long-term needs, but, as repeated controversies over power plant siting have shown, there is no proper substitute for having the selection of such sites either made or ratified (and at an early stage) by public officials.

Just as appropriate sites for public facilities are often lost through lack of advance planning and zoning, the sites finally chosen and used for such facilities are sometimes highly inappropriate, at least from an environmental standpoint. A classic case in point was the Dade County (Florida) Port Authority's decision, joined in by the Federal Aviation Administration and assented to initially by officials of the National Park Service and a number of state agencies to select a 39-square-mile site in the Big Cypress Swamp for a pilot training facility that might ultimately become one of the world's great jet-ports. The controversy arising from that decision led in early 1970 to a demand by the Nixon Administration that the training facility be removed from the Big Cypress—with the result that now the jetport, if it is ever actually built, will (while avoiding the Big Cypress) intrude deeply into an Everglades water conservation area near Miami.

The jetport dispute was one of the more significant factors causing the President's Council on Environmental Quality to come forward in 1971 with a land use policy bill. This controversy was also among several disputes over the siting of major facilities which led Senator Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, to begin work on such legislation in 1969.

Promiscuous development of vacation homes is causing degradation of wild and scenic areas that should be protected for general public benefit and enjoyment. Whether one looks to the Big Cypress Swamp in South Florida, the Adirondack Mountains of upstate New York, the coastal reaches of Maryland and Virginia, the alpine areas of the Rockies, or the deserts of New Mexico and Arizona, the land sales companies have been eagerly buying up land to be subdivided and sold on installment to buyers susceptible to high pressure sales tactics—and who may themselves be naive small-fry speculators. The growth of the land sales business has been astonishing; the total number of lots sold in 1971 (by some 10,000 subdividers) runs to an estimated 625,000. In Florida alone about 200,000 lots are registered each year with the state land sales agency, and, while some of the lots are in well-planned retirement home subdivisions, many are in places such as the Green Swamp and the Big Cypress, both being areas important for wildlife and for aquifer recharge.

Outright fraud is practiced by some of these purveyors of vacation home lots, with purchasers discovering belatedly that the lots probably can never be used, either because of inaccessibility or because they are in an area prone to flooding, mud slides, or other natural hazards. In other cases, the land can be used, but only after alterations—draining swamps, scarring mountainslides (with the deep cuts and fills necessary for road building), or filling coastal wetlands—that do severe harm to regional hydrologic and ecologic systems. Although it has proved a grossly inadequate remedy, the Land Sales Full Disclosure Act of 1968 was meant to protect the land buyer. Essentially nothing has been done to cope with the ultimately more serious problem of protecting the land itself.

TABLE 1.—POPULATION AND LAND AREA OF URBAN REGIONS, 1920 TO 2000

	1920	1940	1960	[1] 1980	[1] 2000
Number of urban regions	10.0	10.0	16.0	24.0	25.0
Population:					
Millions	35.6	53.9	100.6	164.6	219.7
Percent of total U.S. population	33.6	40.8	56.1	73.4	83.1
Land area:[2]					
Square miles	60,972.0	94,999.0	196,958.0	395,138.0	486,902.0
Percent of total U.S. land area[3]	2.1	3.2	6.6	13.3	16.4
Gross population density of people per square mile	584.0	568.0	511.0	417.0	451.0

[1] Based on Census Bureau series E population projection (based on a fertility assumption of 2.1 births per woman).
[2] Excludes urban region of Oahu Island, Hawaii.
[3] Coterminous U.S. excluding Alaska and Hawaii.

Source: Jerome Pickard, "U.S. metropolitan growth and expansion 1970-2000 with population projections," prepared for the Commission on Population Growth and the American Future at the Urban Land Institute, Washington, D.C., December 1971. [Reprinted with permission from ULI-Urban Land Institute, Washington, D.C.]

Prime farmland is being lost to development activities that could be required to use land of little agricultural potential. Statistics reported by the U.S. Department of Agriculture in its National Inventory of Soil and Water Conservation Needs, 1967 indicate that, as of 6 years ago, about 10 percent of the class I, II, and III land in the United States (land in classes IV through VIII is either marginal or useless for growing ordinary field crops) had been "built up" or otherwise converted to urban use. If, as prophesied by consultants for the Commission on Population Growth and the American Future, urban regions are to embrace more than twice as much land by the year 2000 as they did in 1960, the loss of prime farmland to development could increase correspondingly.

The modest loss of farmland to date has been far more than offset by increases in farm productivity resulting from improved seeds and other advances in agricultural science and technology. Yet, while the gains in productivity continue (though at a slower rate than in the past), future production may not be sufficient to satisfy effective demand at acceptable prices. The rapidly rising demand abroad for American wheat, soybeans, feed grains, and other farm commodities, together with increasing consumption of farm products at home, may herald an end to the old problem of crop surpluses.

During discussions of land use legislation on the Senate floor this year, Senator George Aiken (R-Vt.) observed that land use policy should be viewed as highly relevant to both farm policy and energy policy. The United States, he said, should take full advantage of its ability to produce farm surpluses for export in order to earn the money to pay for what is expected to be its greatly increasing importation of foreign oil.

And, quite apart from such considerations of national policy as this, some will argue that the preservation of certain farmlands uniquely suited to specialty crops can be justified simply in terms of keeping such crops available to Americans at reasonable prices. Here, it is relevant to note that, from December 1969 to December 1971, citrus acreage in Orange County, Florida—where the Disney World project was then being built—declined by some 8 percent, or 5400 acres (freeze losses were a major factor, but the feverish speculation in land spurred by the Disney development may help explain why more freeze-stricken groves were not replanted). The value of the citrus groves of Orange County and the rest of Florida's central highlands goes far beyond that of the fruit produced. These groves are highly scenic, and they represent a productive use that is compatible with the highland region's vital function in the recharging of the state's great Floridan aquifer.

In sum, by 1970, when general land use policy bills first came to be seriously considered in Congress, there was abundant evidence of the need for legislation in this field. Furthermore, several existing laws had pointed up the importance of effective land use regulation without actually bringing about much movement in that direction. Going back a number of years, the laws governing various federal grant-in-aid programs—for redevelopment and housing, highways, airports, and the like—had required that the projects benefiting from federal assistance be consistent with general land use plans of local governmental bodies. The Intergovernmental Cooperation Act of 1968 required that applications for federal grants related to a long list of purposes, from mortgage insurance to sewer construction and flood control projects, be reviewed and commented upon by planning agencies at the metropolitan, regional, and state levels. For such requirements for planning coordination in the case of specific projects to serve their purpose, it obviously was essential that the states and localities have general plans and policies which really governed land use practices. The same was true of the requirements of new federal air and water pollution laws that land use planning and regulation be employed as a major tool for achieving or maintaining prescribed air and water quality standards.

A major aim of the land use policy bill tentatively developed in 1970 by Senator Jackson (D-Wash.) and his colleagues on the Interior Committee was to have the states reassert the authority over land use which they had so freely delegated to the local governments back in the 1920's and 1930's. This initial Jackson bill would have made each state government responsible for having a *comprehensive* state land use plan prepared and faithfully observed.

One state, Hawaii, had long before, in 1961, adopted a land use law that called for establishing four zoning districts—conservation, agricultural, rural, and urban. Every part of the state was to be placed in one of these districts. No other state had enacted such a law, however, and most still had no broad state-administered land use control program of any kind. Hawaii was atypical, probably because of its small size and the importance of preserving its very limited amount of arable land.

FOCUSING ON THE "BIG CASES"

The Nixon Administration, in its land use bill submitted to Congress in 1971, was in full accord with the idea of having the states reassert authority but disagreed with Senator Jackson in his emphasis on statewide comprehensive planning. The Administration measure followed the concepts contained in the draft Model Land Development Code prepared by the American Law Institute (ALI). That code called for the states to take a highly selective approach focusing on land use questions of more than local significance, or on the "big cases," to use the term employed by Richard F. Babcock, the Chicago attorney who led in the code's formulation. According to Babcock, under the ALI code some 90 percent of all land use questions would continue to be disposed of by the localities without interference from state government.

Whatever difficulties there might be with this approach, it clearly offered one indisputable advantage—it held out to the local governments an assurance that their authority in land use matters would remain largely intact, thus making them more amenable to the proposed new role for the states. Any land use bill opposed by municipal and county governments across the nation would be a dead duck.

In 1972 the Senate Interior Committee came around essentially to accepting the Administration bill, and the selective, "big cases" approach was the one spelled out in the measure reported from the committee this year and passed by the Senate in June. The Senate bill, which runs to 80 pages and is too complex to be easily summarized, would have the states establish a land use control program concerned with several categories of "areas and uses of more than local concern," as broadly defined below.

(1) "Areas of critical environmental concern," for example, historic areas, significant wildlife habitat, beaches, flood plains and other "natural hazard" areas, and "renewable resources lands," such as farmlands, forests, watersheds, and aquifer recharge areas.

(2) "Key facilities," such as major airports, highway interchanges and frontage access highways, sports arenas, and facilities for the generation or delivery of energy.

(3) "Large-scale development," as in the case of an industrial park or major subdivision.

(4) "Public facilities or utilities of regional benefit," as in the case of a public housing project, a power plant, or a waste disposal facility which might be arbitrarily excluded from a locality by exclusionary zoning.

(5) The location of new communities and the control of land use around such communities.

(6) "Land sales or development projects," defined as any subdivision or housing project of 50 or more lots or dwelling units located 10 miles or more from the nearest urban region or from the nearest local jurisdiction certified by the governor as capable of regulating such a project.

The act sets forth two methods by which the states are to implement the new land use program, these to be employed either singly or in combination. One method would be for the state itself to undertake direct planning and regulation. The other method, and the one preferred by the Interior Committee, would be for the state to establish guidelines and criteria by which local governments would implement the program, subject to the state's review and approval. A few states—Maine, Vermont, and California among them—have over the past few years established programs whereby certain kinds of development are regulated directly by the state. The facts of political life being what they are, however, most states are likely—at least initially—to adopt the method of indirect control favored by the Interior Committee.

Under the Senate bill, the federal government would assume the obligation of keeping all its activities on non-federal lands (as in public works projects carried out or supported by federal agencies) consistent with the state land use programs; exceptions could be justified only for reasons of "overriding national interests," as determined by the President. Federal lands would ordinarily be managed in coordination with the management of adjacent non-federal lands, an important matter in western states where federal and non-federal lands often exist in a complex checkerboard pattern.

Also, the federal government would support the new state and local land use control program with grants made to the states, the total to come to $100 million annually over an 8-year period. The states would bear 10 percent of program costs during the first 5 years and a third of the costs thereafter. To remain eligible for continued financial assistance a state would be expected to develop, within 5 years, a program of land use controls for coping with the kinds of problems earlier described. Administration of the act would be the responsibility of an office of land use policy in the Department of the Interior, assisted by an interagency advisory board and (in cases where a state's eligibility for continued assistance is in question) by an ad hoc hearing board that would include a governor among its three members.

The land use policy bill that the House Interior Committee is expected to report out before the end of the year is likely to be generally similar to the Senate measure. In spite of opposition from the political right and from many land developers, such legislation now appears to have won the support (or, in some cases, at least the grudging acceptance) of a variety of interests, including resource user groups, local and state officials, and environmentalists.

This has come about through the elimination of both the more controversial provisions of the original draft legislation and some which various senators and representatives wished to add. Especially notable in this regard was the Senate's rejection, by a vote of 52 to 44, of a provision favored by Senator Jackson which would have allowed federal authorities to withhold up to 21 percent of a state's allotted highway, airport, and land-and-water conservation funds pending its adoption of an acceptable program of land use conrtol.

With few exceptions, the governors had strongly opposed this sanction, and the surprising thing is that it received as much support among the senators as it did. The land use bill pending in the House still contains a sanctions provision, but it is expected to be dropped.

Another thing that has kept the bill from miring in deep controversy was the decision not to attempt to have it prescribe a *national* land use policy. Last fall, when an earlier version of the land use bill was under debate, the Senate turned a deaf ear to a proposal by Senator Edmund Muskie (D-Maine) to include substantive policies in the bill which, among other things, would have required that the states ordinarily exclude development from areas such as prime farmlands, flood plains and wetlands, and wild areas. The general policy would have been to favor redevelopment of existing communities and urban areas

Although the Senate bill calls for special protective policies for areas of critical environmental concern, the states would be permitted wide discretion in defining the extent of those areas and the nature of permitted uses—and, indeed, with the sanctions provision eliminated, a state would be free not to adopt any program of land use controls whatever. By way of specific environmental standards the bill does little more than say that air and water quality standards prescribed under existing law must be observed and that land sales projects must not be located in natural hazard areas or built in such a way as to destroy natural values.

As pointed out in the report of the Senate Interior Committee, "there is virtually no consensus on the possible substance of national land use policies." Senator J. Bennett Johnston (D-La.) had, for instance, no doubt spoken for many when he disputed Senator Muskie's proposition that development must be excluded from flood-prone areas (Johnston contended that such a policy might apply to as much as a third of the land in his home state). To cite another example, the concept of preserving prime farmlands arouses much disagreement, not least among farmers, many of whom cherish the right to sell their land to developers for a handsome capital gain.

The one major point on which a consensus exists is that there is a need to establish a *process* of state land use regulation. The Senate bill does provide that, 3 years following its enactment, the Interagency Advisory Board will recommend to Congress such legislation as it may deem necessary for the establishment of national land use policies. In this endeavor the board will be aided by reports from the Council on Environmental Quality and the states.

If the pending land use legislation does soon become law, as seems likely some im-

provement in land use practices should result. The legislation, however, has a number of inherent weaknesses. In 1972, the Florida Legislature, by passing the Florida Environmental Land and Water Management Act, anticipated the proposed national land use law to a remarkable degree, for both the new Florida law and the national legislation are based on the ALI model code. Some major problems that appear to be arising under the Florida law will be examined in a second article.

DR. MARCUS A. FOSTER

Mr. SCHWEIKER. Mr. President, I was shocked and saddened to learn of the death late last Tuesday of Oakland school superintendent, Dr. Marcus A. Foster. Dr. Foster and his assistant, Deputy Superintendent Robert Blackburn, were gunned down by assailants as they left a school board meeting in Oakland, Calif. Fortunately, Mr. Blackburn will survive. But the void created by the death of Marcus Foster will be hard to fill.

Dr. Foster was well known to Philadelphians as associate school superintendent for community affairs. Prior to holding that position, he was principal of Simon Gratz High School in Philadelphia. In January 1969, Dr. Foster was presented the Philadelphia Award for his "outstanding public service to the community" when he was principal of Simon Gratz High School. He was cited, in particular, for his "Go for Gratz" program which brought school services closer to the community, and for forming an advisory council on career development to coordinate school efforts with the needs of industry. Only 18 of Gratz' graduates pursued higher education the year Marcus Foster became principal, in March 1966. After 2 years of his administration, 180 graduates continued their education, many with scholarship aid totaling $166,000.

In May 1969, Dr. Foster was named an associate superintendent of the Philadelphia school system. He was selected to fill a vacancy on the board of trustees of Delaware County Community College in June 1969, and was the first black ever nominated to that post. A month earlier he was named to the board of trustees of the University of Pennsylvania. Members of the Greater Philadelphia Chamber of Commerce named Dr. Foster "Man of the Month" in November 1969, and the educational task force of the Philadelphia Urban Coalition honored him at a testimonial dinner. He left Philadelphia to become superintendent of the Oakland, Calif., school system.

Mr. President, the shooting of Marcus Foster was a senseless act, and verbal tributes to him are somehow inadequate. However, at this point in the RECORD I ask unanimous consent to print an article by Elizabeth A. Williams which appeared in the Philadelphia Evening Bulletin. This article is significant, because it contains the tributes of the Philadelphia educators who knew Marcus Foster best. I join in their sentiments. In addition, I ask unanimous consent to print the foreword from Dr. Foster's book published in 1971 and entitled "Making Schools Work." The foreword was written by Alex Haley and aptly sums up much of Dr. Foster's philosophy.

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

FOSTER "SORELY NEEDED," EDUCATION LEADERS SAY

(By Elizabeth A. Williams)

Marcus Foster's murder in Oakland, Calif., was mourned today by Philadelphia school leaders who worked with him here.

Superintendent of Schools Matthew W. Costanzo spoke of him as a man whose example was sorely needed.

Mark R. Shedd, former superintendent, said Foster was one of the nation's great educators.

William Ross, president of the Board of Education, said, "He was a star."

"We are all terribly shocked and saddened by the loss of a very respected administrator and a much loved colleague," said Costanzo.

"There's no question that Marcus made an impact on the education of the children of Philadelphia while he was here."

(Foster became principal of Simon Gratz High School in 1966 and was an associate superintendent when he left here for Oakland.)

"Through his performance as principal of Gratz and as an administrator, he helped tremendously to raise the aspirations of Gratz pupils.

"Here is a man who was a product of the Philadelphia public school system. His example was sorely needed in the midcity.

"This even defies your wildest imagination. I just don't know who would want to do this to a man like Marcus Foster."

"This is a very tragic thing, a very amazing thing," said Ross.

"He was a very fine educator and an extremely constructive person in our educational system. I was extremely sorry to see him leave Philadelphia for Oakland.

"At Gratz, there was a great deal of absenteeism and very low morale. Marcus Foster turned all that around. He was a very fine all-round man."

Shedd, who appointed Foster principal at Gratz, was reached at his Cambridge, Mass., home. He now is a professor in the graduate school of education at Harvard University. Shedd said of Foster: integrity and enormous commitment to the kids and people of the community.

"I can't help but feel shock from the incredibility and senselessness of what has happened. When do we establish a climate when people don't seek to solve problems through murder, violence and brutality?"

MAKING SCHOOLS WORK

(Foreword by Alex Haley)

Freshmen nowadays in already-troubled colleges exclaim, "Wait till the high school kids get here!" That only adds a wider dimension of value to this book's contents, which Marcus Foster has somehow found the time to share. All educators, working at whatever level, have a very real stake indeed in what Making Schools Work has to say; but it is on the precollege firing line that Marcus Foster's brilliant career is being carved out, and that is where he has gained his dues-paid expertise. The tone of the book mirrors the man whom I have become privileged to know and for whom I feel a deep respect. With his natural-born matter-of-factness and affableness he will hit a ghetto street, ringing doorbells ("Hello, I'm the principal from Gratz"), or will cross the country on a midnight plane to exchange dialogue with other erudite educators. Therefore, far from being lofty rhetoric, this book is simply Marcus Foster's offering, in his own warm way, of forthright views derived from the problems he has faced. He offers for colleagues' consideration action he has taken in volatile circumstances—actions that bear the authority of having worked.

The authority is cumulative. Time and again, Marcus Foster has been rushed into troubled schools as a ninth-hour general; and threatened violence has been averted, to be replaced by creative progress. ("As I see it, when there has to be violence to get something done, then we know that the democratic process is failing us.") He describes graphically the confrontations he himself experienced in the hot seat of troubleshooter and school principal. We see him siding in a particular instance with students correctly demanding school changes to what they felt was "relevant." On other occasions we see how he weathers the tensions of an emotionally aroused community, a critical metropolitan press, an adamant school board, and a teachers' union ready to strike. Then we can read about the direct, practical, corrective steps that *worked*. And when the confrontations were at last defused and diffused, there came the healing, building actions which saw anger's energies channeled into constructive programs. We follow him through the long, hard, trying months of struggle to improve a historically maligned high school, "down" in every way imaginable, until gradually there begins a visible rising. The reader can share vicariously Marcus Foster's emotions when he says, "As Gratz began to climb upward, we could literally feel the surging energy and joy."

Marcus Foster goes farther—he takes us behind the scenes with insights into why various actions worked.

He helps us look into the welter of fears and uncertainties occurring today wherever pupils, black or white, or being used to achieve racial mixes; or wherever once lily-white residential school communities are rapidly darkening. Marcus Foster holds up a candid mirror to educators, students, parents, school boards, and communities, so that all who are involved may look at themselves.

Again, his insights help us understand the loudly lamented "nonreading" and "nonverbal" student—by offering fresh new perceptions of that young human being. We read of measures that have lured out and have *motivated* even their uneducated parents to see that there *are* ways in which they can aid their children's education ("I never met a parent, no matter how poor, who didn't prize education and know that education is what his children need.")

Here are made graphic the diverse dangers that accompany any administrative tactics to stall, balk, or outright ignore the demands voiced by students. ("If it makes sense to you, say so . . . . The kids need to know where you stand, whether you're with them or against them.") And like a litany, this book calls parents and the general community to become, and to be kept, genuinely involved with their schools. ("A school insulated from its community never was a good idea. Nowadays it is impossible!")

Marcus Foster urges that there be no more VIP principals within sacrosanct offices. He champions those whose open-door (and open-*ear*) policies obviously keep them closely attuned to whatever is going on. (In my own two years of interviewing for and writing THE AUTOBIOGRAPHY OF MALCOLM X, I cannot remember Malcom ever more impassioned than when he recalled his hurt and disillusionment followed by bitterness after a white eighth-grade counselor told him that, because he was black, he should strive to be a carpenter, not a lawyer, as Malcolm wanted.) Foster bemoans the huge metropolitan high schools which may have as many as four thousand students, and he wishes particularly that he could somehow alleviate in such schools "the anonymity a child feels . . . Anything you can do to overcome it has to be worthwhile."

The next book by Marcus Foster may very

well be about the diverse challenges with which he will surely be dealing as he continues in his present post as the first Black Superintendent of Schools in racially charged Oakland, California. The public reactions when he arrived ranged from sympathy for whoever would undertake the job, to hyper-militant dubiousness that the touted "mouthmatician" from Philadelphia could last even the traditional "honeymoon" year. As he entered his second year, however, it was accepted by all that Marcus Foster certainly seemed determined to revitalize comprehensively a troubled metropolitan school system. He was ready to "retool" by any means necessary, to provide better, more relevant education for the multi-ethnic students and community the school serves.

He concludes this book most appropriately with his first speech to the staff—whom he advised, "The reward system will work for those who dare to take risks." I feel no risk at all in reiterating that there are no American educators, or members of school boards, or student bodies, or parents, or concerned citizens, who will not find enlightenment and wise counsel about the administration of schools in our present, testing times through reading of this book.

TRADEMARKS PROMOTE U.S. ECONOMIC GROWTH

Mr. EAGLETON. Mr. President, the president of the U.S. Trademark Association is a most distinguished St. Louis attorney, Mr. Thomas J. Carroll.

He has written me a letter, excerpts from which I ask unanimous consent to have placed in the RECORD along with a pamphlet prepared by the U.S. Trademark Association.

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

EXCERPTS

This brief pamphlet presents 7 cogent reasons why the United States trademark system is so vital to the vigor and growth of the United States economy.

The USTA feels quite strongly that since the founding of our country, and certainly since the age of the industrial revolution, trademarks have been the very backbone of our economy. Unfortunately, today their importance to everyday living and protection of the consumer is frequently lost in continuing efforts of others to present other concepts and philosophies. These efforts are being utilized in some instances by well-meaning individuals and even government bureaus. However, I don't really think they have thought through what the end results of their efforts to promote other concepts and philosophies will be.

The USTA is going to forward to each congressman and senator a copy of the pamphlet in the very near future. So it is our hope that should you grant my request to read the pamphlet into the Congressional Record, it will not be an unfamiliar subject to your colleagues.

TRADEMARKS PROMOTE U.S. ECONOMIC GROWTH

Trademarks have helped build the American economy to its leading position in the world today. No other economy has ever matched its record of innovativeness, productivity or ability to raise the entire standard of living of a major nation.

Why is the trademark system so vital to the vigor and growth of the U.S. economy? Here are seven reasons why:

1. ENCOURAGES MARKET COMPETITION

Market and merchandisers competition in America depends on the ability of competing producers to identify their goods and services. Without trademarks to differentiate the source of one product from another, an important incentive to offer superior quality is lost.

2. FIXES RESPONSIBILITY

Trademarks act as a major deterrent to careless manufacturing. Dissatisfied consumers can instantly identify products that failed to live up to claims or expected standards of quality.

3. STIMULATES INNOVATION

Continuous new product development in a free society requires a trademark system to guarantee the innovator his goods can be recognized and rewarded if they prove successful.

4. LOWER COSTS

The economies of mass production and mass distribution depend on trademarks to develop and hold large markets. Without trademarks, cost-saving distribution techniques such as self-service supermarket merchandising would be impaired. Nor would producers have the confidence of repeat sales to package products at the rate of millions of units per week.

5. SAVES CONSUMER TIME

Fast product identification saves valuable time for consumers. The average American food shopper today spends only 30 minutes per week selecting 50 different products on a typical trip to the supermarket.

6. GIVES CONSUMER A CHOICE

Trademarks make it possible for consumers to tell one product from another, choose their favorites and reject the brands they don't like.

7. CREATES FOREIGN MARKETS

American companies foreign trade has played a major role in building the U.S. economy. Trademarks make it possible for American producers to create worldwide markets for their products.

PROBLEM OF SECURING STABLE ENERGY SUPPLIES

Mr. HATFIELD. Mr. President, may I take this opportunity to bring the words of the great Senator from West Virginia (Mr. RANDOLPH) to the attention of my colleagues. He is addressing today a convention of the American Petroleum Institute, and his subject is the problem of securing stable energy supplies for our country.

Few people can speak with the authority of Senator RANDOLPH on this subject. We remember that years ago he began urging the Congress to focus attention on our developing energy problems. He is the father of the wide-ranging Senate study of U.S. energy policies begun in the 92d Congress and continuing in the 93d. The clarity of his vision in the examination of the many facets of our current energy situation is still unmatched.

Time will prove the assertions that Senator RANDOLPH makes today. Let us not waste time by failing to act upon his recommendations.

I ask unanimous consent to have the text of Senator RANDOLPH's address appear in the RECORD.

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

SPEECH BY SENATOR JENNINGS RANDOLPH

You have been reading about it and you have been living with it—and so have I. Reference here is, of course, to the fuels and energy crisis.

I have not at any time discounted the seriousness of the shortages as they have grown into crisis proportions.

But, after numerous critical meetings with N.A.T.O country legislators in the latter part of October—and all last week with my Senate colleagues, with Administration spokesmen, and with leaders of energy industries—I say with sadness that we have a real crisis now, not a contrived crisis. And a more serious extension of the crisis is in the making, largely as a result of the Arab-Israeli war and our country's involvements.

So, continuing our high standard of living in America is possible only through having available—and consuming—significant quantities and, for the foreseeable future, increasing amounts of energy resources. But, consumption must slacken because supply is not keeping pace in any commensurate degree with demand.

Recent—and growing—shortages in gasoline and propane—and now in heating oil—and a falling off of coal production, all combine to raise serious questions regarding our country's capability to sustain even limited economic growth without any frills attached.

In 1960, our energy demands, when converted to a common base in terms of oil or an "oil equivalent", were 21 million barrels of oil per day. In 1970, this figure had reached 34 million barrels per day—and is projected to increase to 48 million a day by 1980.

In 1960, each American annually consumed the equivalent of 44 barrels of oil; by 1970, it was 60 barrels annually; and, for 1980 it probably will reach 77 barrels per person each year.

Under such circumstances, energy self-sufficiency will not materialize automatically; indeed, at such rates of consumption, we will surely be in a deep energy deficit.

Our country's present hodge-podge of energy policies is synonymous with a National Oil Policy, but more synonymous with an Imported Oil Policy. If recent projections made before the Arab-Israeli war were to materialize by 1980, it would have meant that almost half of our oil supplies would be coming from the Middle East.

As more recent and continuing events have been demonstrating, this proposed dependence on the Middle East is thoroughly unrealistic, even for the short-term. But, we have not taken any substantial and necessary steps to assure alternate domestic supplies.

Japan and Western Europe have no other choice than a significant reliance on imported energy supplies. However, the United States, like Russia, has the potential to achieve energy self-sufficiency through reliance on domestic resources. I have been making this assertion for more than 30 years—and I will continue to urge a stronger determination to achieve greater degrees of American self-reliance.

I repeat and reemphasize:

The United States only option that is in our long-term interest is energy self-sufficiency.

This means a greater development of nuclear electric power, and, more importantly, a significantly increased reliance on domestic coal resources for gasification and liquefaction.

The benefits to be derived from reliance on domestic energy supplies would be felt by all segments of society. Employment would increase. Individual incomes would rise. Profit opportunities would improve. Government revenues would grow. And the Nation would be more secure.

A National Fuels and Energy Policy dedicated to energy self-sufficiency will require:

First, realistic consideration of expanded environmental concerns;

Second, reorganization of the Federal Government to promote more efficiency and co-

ordination in Administration of Federal energy programs;

Third, a national energy conservation policy;

Fourth, a concented Federal energy research and development policy;

Fifth, promotion of the development of domestic energy supplies—oil, natural gas, and coal; and

Sixth, energy prices which reflect the costs of developing replacement supplies—including synthetics—for depleted reserves.

But, it is clear to me that we cannot achieve these goals under the old order or under the traditional methods.

There must be a reordering of priorities, a re-thinking of concepts, and a development of new energy technologies.

I am not implying, however, that we accept extreme concepts or proposals that would destroy more of the free enterprise system than it would rectify. Believe me, ladies and gentlemen, there are some very debatable—if not destructive—schemes lurking behind the scenes, including some which perhaps will be proposed as amendments to the Natural Gas Act.

It seems to me to be inescapable that secure energy supplies—perhaps we should say "all energy supplies" from now on—will involve higher prices to be paid all the way from producer through to consumer. Oil, natural gas, and coal—and derivatives—cannot help but feel the impact of rising costs.

World-wide oil shortages, made all the shorter by recent and on-going Arabic oil country production curtailments, naturally drive petroleum prices upward.

Natural gas prices, historically and even today under regulation by the States' regulatory agencies and by the Federal Power Commission, must have more flexibility.

Regulation, it has been said, was established to protect the consumer and guarantee that he will have this valuable energy resource for a cheap price.

Instead, this energy supply has been priced out of plentiful availability. As a consequence, regulation can be said to have restricted the industry. This has created a condition of scarcity and, therefore, the consumer has been done a disservice.

Regulation to protect the consumer has resulted in his "over-protection" because it has developed scarcity which has distorted the whole energy supply picture. There must be better ways to safeguard the consumer. We must find them and implement them, and not delay doing so.

I know as you do that exploration for and production of natural gas, just like the search for oil, are risky businesses. All of the easy-to-find gas probably has been found. Gas becomes increasingly difficult and more costly to discover when it means having to go the Outer Continental Shelf—to Alaska—and to depths greater than 15,000 feet. Some of this extra-deep drilling is in my home state of West Virginia.

Such expensive exploration requires substantial capital. But it is necessary to bring it to bear on the problem if we are to have adequate supplies of natural gas and oil for the consumer.

Everyone here surely knows that I am an advocate of making substantial capital expenditures for gasification of coal to create commercial supplies of pipeline quality coal gas to augment natural gas.

If shortages of gas and oil continue to intensify, we will indeed have cold showers, cold food, cold homes, and cold feet. And, before we have to resort more and more to the candle for warmth and light, we should be mindful that candles, too, are derivatives of petroleum.

And, because of the cost-price squeeze, coal mines are not producing even at normal levels; certainly not at the accelerated pace which total energy conditions indicate coal should meet in the best interests of the country.

To be sure, we read last week that the National Petroleum Council projects that domestic demand for coal is expected to increase by 3½ percent a year through 1985—and that coal exports will rise by 4½ percent annually.

This would seem to be good news for the coal industry and the miners—as well as for the economy of such States as West Virginia, Kentucky, and others with much coal production.

But, we must realize that a rapid stepping up of production will not come about with ease. Conceivably, any new coal production might be thwarted.

Here are some reasons why this is true:

One coal executive has informed us of extraordinary developments, as follows:

(1) Evidently the Federal Power Commission has asked numerous Eastern United States electric utilities to go back to burning coal as a result of the oil crisis, which was accentuated by the Middle East war last month.

(2) Eastern United States coal mines supplying steam coal at the present time are unable to fill the orders on hand. Production is somewhat below normal because of health and safety law stringencies and because of market problems induced by the Clean Air Act and regulations under it—plus, of course, the anti-pollution laws and regulations of the States and major metropolitan areas.

(3) Notwithstanding, the Eastern utilities have been attempting to move back into the Eastern coal market at an unprecedented rate during the past week.

(4) But, everything considered, the coal producers do not find any sound financial way to increase coal production under the Federal price control system as presently in effect.

Clearly, just as oil has had the depletion allowance and other incentives to stimulate investment in exploration, and just as natural gas needs realistic relief from the present regulatory system, so does coal require more realistic price consideration by the Cost of Living Council. Unless price regulation in its present form is removed, no new mine capacity will come about.

Clearly, our fossil fuels industries need better understanding of their problems by Congress—and by the Executive Branch, as well—especially by the Cost of Living Council.

Moreover, as a country we must be prepared to pay costs that reflect the stringencies of environmental quality controls, as well as the burdens of occupational health and safety laws and regulations.

To date, we have not done well in finding a suitable and equitable balance between energy and the environment.

Rather, it seems that we have adopted a national posture of energy versus the environment, to the substantial disadvantage of domestic energy supplies—especially to the disadvantage of coal and oil.

The challenge is there; the question is one of acceptance and a solid commitment to meeting our country's energy needs in ways consistent with our national environmental policies. Both can be achieved if the approachment of our national capability to solutions is reasonable and not fanatical.

In this context, as provided in our Constitution, the Congress is responsible—and accountable—for the formulation of our country's priorities and programs. The Executive Branch, in turn, must implement and administer statutory policies or recommend their modification.

In this connection, we have been finding more and more that, in addition to the lack of anything approaching an integrated and viable national fuels and energy policy, there is sluggish and uncoordinated response by Federal energy agencies to serious fuel shortage problems.

This underscores the need to overhaul Federal energy organization.

The prospect of unprecedented peacetime fuel shortages in the next few months and years poses an extraordinary challenge to the Federal Government.

Those of us associated with the Senate Fuels and Energy Policy Study are in agreement with Chairman Jackson that—skillful management of major new programs for energy conservation and fuels allocation will be required. At the same time, major programs to develop new fuel sources must be placed on an urgent basis. Yet, there is little evidence that the Executive Branch, even at this late date, is properly organized to respond to these needs.

Clearly, Congress cannot wait too long to create new organizations—with new mandates—to develop and manage coherent and rational fuels and energy policies.

We need to create more and better technology to expand our country's energy supplies and move farther down the road toward domestic energy self-sufficiency. We have really not performed up to our American potential in this respect. Hence, we are a long way from being energy self-sufficient.

Yes, the United States must develop alternative supplies to increase flexibility in our negotiatons with overseas oil countries. To be sure, this will call for higher energy prices, which is naturally not domestically popular. But the alternative would be to curb domestic consumption. The Middle East war has vastly complicated our energy picture and our ability to bring it better into focus.

As I view the situation today, our greatest challenge is the willingness to come to grips with the fact that the industrialized and militarily powerful countries are really too much at the mercy of the small and the economically developing countries. Yet, for some time to come Western Man will have to rely substantially on such oil-rich countries.

Few of our traditional policies can accommodate this turn of events in an era of intense nationalism—especially Arabic nationalism.

Hence, seldom before has there been such a need for new, imaginative United States foreign policy. Consequently, we must have an international—a world—not just a United States perspective with respect to foreign policy.

In the absence of the degree of domestic self-sufficiency in energy that we should have tried harder to achieve, I believe that: Our foreign policies in the Middle East do not reflect our growing dependence on that part of the world for energy supplies. Our foreign policies must be modified so as to reduce tension and better stabilize the oil supply system.

For too long, perhaps, our policies toward the Arab countries have been too generally synonymous with the policies of the international oil companies. In the past, this had some degree of acceptability. But, now—and in the future this will not be in the best interest of our country. I cannot believe any longer that the financial interests of the international oil companies are inherently the same as the interests of the people of the United States.

Our Government must henceforth undertake diplomatic approaches, on our country's behalf, with the Organization of Petroleum Exporting Countries (O.P.E.C.). The overriding concern of our Government must be secure and stable energy supplies.

I repeat and reemphasize:

We are too far from being domestically self-sufficient to ignore the O.P.E.C. countries or to neglect our relations with them.

Now, I return to a brief focus on the need for aggressive domestic actions:

For the past quarter of a century, one Ad-

ministration after another has failed to create or even address the need for a National Fuels and Energy Policy. Each Administration seems to have been content with a hodge-podge of policies. The Congresses have done no better. We are really trying harder in this Congress, but we are having to do it under crisis conditions.

Now we are paying for this neglect!

Our present National Administration suffers even worse from indecision, delay, lack of candor, and an understatement of domestic problems. In short, this Administration is content, it seems, to react too much after the fact rather than take bold and necessary steps beforehand.

As I come toward the closing of these remarks, I make it clear that I believe, in the final analysis, that any long-term strategy for increasing our domestic energy self-sufficiency must rely on traditional institutions that have served us well. This means, in my view, that our principal reliance must continue to be on industry and the market place for our energy supplies. But the staid old ways of the past will not see us through the problems we face now and those we will confront in the future.

There needs to be a blending of youth in your establishments with the wealth of experience within your corporate structures.

You may not realize how much or how often it is true, but young lawyers and economists you pass over in your recruitment and replacements in favor of the "experienced" lawyers and economists are coming to the staffs of the Committees of the Congress. And you should know that many of the laws under which you live are written by these young people in committees.

I urge you to be more interested in young professionals who can join you in the representations you make to Congress and to the departments and agencies and commissions of government.

Recruit them; orient them carefully; train them skillfully; and use their services wisely. It is in your several corporate best interests that you do so. At least this is my view as I observe events as they occur on the national scene.

Again, as I said at the outset, I emphasize my belief that there is nothing but falsity in the allegations and implications that the energy shortages—the increasingly serious energy shortages—are fictitious or concocted. Not only are the allegations of fictitiousness false, they are causing confusion at a time when a national commitment is needed. I speak of commitment in terms of meeting the need for positive programs.

You must believe it; there is a severe energy crisis. It is real. It will come down on us with heavy impact this winter and I fear it will be with us for several years—not in the U.S.A. alone, but worldwide.

TAX OVERPAYMENTS BY OLDER AMERICANS

Mr. CHURCH. Mr. President, low income in retirement continues to be the No. 1 problem confronting older Americans.

More than 5 million persons 65 and above have incomes below the poverty lines: approximately $2,100 a year for elderly single persons and $2,640 for aged couples.

Recent changes in our tax laws—many of which I have either sponsored or actively supported—exempt low-income older Americans from the burden of filing a Federal tax return. For example, an individual 65 or older is excused from this requirement if his adjusted gross income is under $2,800. An aged couple filing jointly is exempt from Federal income tax if their adjusted gross income does not exceed $4,300.

However, a surprisingly large number of older Americans still have a sufficient amount of income to file a tax return. According to the most recent information, 6.9 million returns were filed by elderly persons in 1970.

Unfortunately, many of these individuals may now be paying more taxes than the law requires for several reasons, including:

First. All too often, the elderly taxpayer is simply unaware of helpful deductions, credits, and exemptions which can substantially reduce his or her taxes.

Second. The complexity of the tax law may serve to camouflage tax benefits.

Third. The tax form with the accompanying instructions is full of linguistic subtleties which are not readily understandable by the average taxpayer.

To help protect the elderly against overpayment of income taxes, the Senate Committee on Aging—of which I am chairman—has taken several steps. For example, we have published a list of common deductions which are frequently overlooked by taxpayers who itemize their allowable expenditures. Additionally, the committee has a supply of the publication entitled "Tax Benefits for Older Americans." This helpful pamphlet can be obtained by interested elderly taxpayers by writing the committee.

Another helpful item, it seems to me, is a recent article—entitled "Tax Breaks: Older Citizens Overlook Savings"—appearing in the National Observer.

This account provides a very clear and concise explanation of some of the major tax relief provisions for the elderly.

Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

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

TAX BREAKS—OLDER CITIZENS OVERLOOK SAVINGS

(By Morton C. Paulson)

For many people the twilight years are a time of budget-watching or penny-pinching. And yet many older Americans pay more taxes than necessary, the U.S. Senate Committee on Aging has found. The reason is that they aren't aware of various deductions and exemptions allowed the elderly by the Federal Government and many states.

Here are some of the main tax breaks. Additional information on these and others can be obtained from a tax consultant, a local office of the Internal Revenue Service (IRS), state tax offices, or special publications on the subject.

EXEMPTION FOR AGE

If you are 65 or older, you get a $750 Federal income tax exemption *in addition* to the $750 personal exemption everyone is entitled to. You can claim the age exemption even if you won't be 65 until Jan. 1, 1974; the IRS considers you to be 65 on the day *before* your birthday.

BENEFITS FROM SALE OF RESIDENCE

If you sell or exchange your home during the tax year, you can avoid taxes on all or part of any profit you make. The entire gain may be excluded if the adjusted sales price—the amount you receive after paying selling commissions and certain allowable fixing-up expenses—is $20,000 or less. If the adjusted sales price is more than $20,000, part of the gain may be excluded.

To be eligible for either of these exclusions, you must have owned the home at least eight years and used it for your principal residence for at least five of those years. Also, you or your spouse must be 65 or older at the time of the sale.

Finally, the exclusion can be used only once in a lifetime.

RETIREMENT INCOME CREDIT

Up to 15 per cent of certain retirement income may qualify as a credit against your tax bill. The maximum credit is $228 for a single taxpayer and $457 for a couple filing jointly.

If you're retired, but under 65, you can count as retirement income only taxable proceeds from a pension or annuity from a public retirement system. If you're 65 or older, you can include income from interest, dividends, and certain rents—in addition to pensions and annuities.

The credit is claimed on Schedule R. To calculate it you subtract certain tax-free benefits such as Social Security or railroad retirement income, plus part of any earnings you receive if you are under 72, and then take 15 per cent of what remains as the credit.

There are several conditions, however. You're not entitled to a credit, for instance, if you received more than $1,524 ($2,286 for couples figuring the credit together) from tax-free sources, such as Social Security. Neither could you qualify if you're under 62 and earned $2,424 during the year or between 62 and 72 and earned $2,974 or more. Other qualifications could likewise eliminate or reduce the credit.

INSURANCE EXCLUSION

Part of life-insurance proceeds paid in installments may be excluded from your taxable income. To determine how much, divide the amount held by the insurance company by the number of installments due you.

Example: Say you receive $40,000 in proceeds in 10 annual installments of $4,000, plus $400 interest. You may exclude from your gross income $4,000 (40,000 divided by 10) as a return of principal. The $400 balance is taxable as gross income unless you're a widow or widower; then up to $1,000 annual interest can be excluded.

STATE TAX BREAKS

The tax laws of many states favor the elderly. For example, people moving to Hawaii after 65 pay income taxes on income from Hawaiian sources only. Minnesota exempts most public retirement benefits. Some states, including Florida, Maryland, and Massachusetts, have special exemptions for older homeowners. For information about your state's setup, check with the state tax office.

Determining the full extent of your potential tax benefits—and computing many of them—will take some time and research. It may be advisable to consult a tax expert, or get help from the nearest IRS office.

And these publications, all free, will fill you in on the details:

"Tax Benefits for Older Americans" (IRS publication No. 554). Describes the Federal tax rules affecting older people, tells how to compute your tax, and gives numerous example. Copies can be obtained from any IRS office.

"Retirement Income Credit" (IRS publication No. 524). Explains the credit and tells how to compute it. IRS offices have this one too.

"1973 Tax Facts for Older Americans." This 57-page booklet outlines the tax set-up in each state and itemizes special benefits for the elderly. Available from the American Association of Retired Persons, 1225 Connecticut Ave. N.W., Washington, D.C. 20036.

THE ENERGY CRISIS AND BITUMINOUS COAL

Mr. DOMINICK. Mr. President, it is ironic that while the Nation literally is trying to muster all its available energy to cope with the crisis brought on by the Arab oil embargo, Congress is still considering a surface mining bill which would foreclose our prospects of mining some of the largest deposits of our only truly available energy source—bituminous coal.

I would remind the Senate that when we voted a few weeks ago to approve S. 425, the surface mining bill, the Nation already faced a critical energy shortage. Now the oil embargo has escalated this to a real energy emergency. On October 8, the Senate adopted the Mansfield amendment by a vote of 53 to 33. This emergency makes it more apparent than ever that the Senate acted unwisely in approving this amendment which bars the surface mining of federally owned coal reserves where the Federal Government does not own the surface above the coal. The effects of this amendment, which I opposed, if it becomes law, will be to prohibit the mining of not just a few tons of coal, but thick seams which contain literally billions of tons of low-sulfur fuel. There have been varying estimates of the amount of coal affected in the West by this amendment, but the very lowest of these that I have seen is in excess of 14 billion tons. Other estimates range as high as 37.5 billion tons.

Mr. President, even though we are accustomed to dealing with the Federal budget, it is hard to visualize what the loss of even 14 billion tons of coal from our resources would mean to a Nation which is crying for additional energy. This amount of coal would supply electricity for my State of Colorado for 2,500 years at the present rate of generation.

It was apparent during the debate, Mr. President, that some Senators believed that the enormous seams of strippable coal could be mined by underground methods if we prohibited surface mining. Others thought the Nation could safely set aside this essential resource and replace it with coal mined from deeper seams by underground methods. Both of these assumptions are false. I have received a letter from Dr. Guy McBride, the distinguished president of the Colorado School of Mines, who has written me and other members of the Colorado delegation to express his personal concern and give his professional opinion of these theories. Dr. McBride supports the general concept of the bill, that land should not be surface mined unless it can be reclaimed effectively, and that such reclamation should be mandatory, but he gives his professional opinion that the strippable reserves of coal in the West cannot be mined by underground methods because the strata above them will not support the mine roof. He also points out that underground mining will require much more manpower, which the industry does not have available. Finally, he gives his expert opinion that underground mining of the very thick seams of coal, which abound in the West, even where it is technologically feasible, is an extremely wasteful process, recovering only one-third to one-fourth of the total coal in the seam. As he points out, this would be a severe sacrifice of our national coal resources. Ultimately, we will have to mine the deeper deposits of coal, but this should be delayed until we have methods, which do not now exist, for fuller recovery of this resource.

Mr. President, I commend Dr. McBride for his courage and public spirit in pointing out the fallacy of some of the suppositions on which the Senate apparently was operating when it enacted S. 425. I hope that the House, when it considers its version of surface mining legislation next year, will pay heed to his words and refuse to incorporate the Mansfield amendment in its bill. And, finally, Mr. President, I hope that the Senate conferees will bear in mind the far-reaching and disastrous effects of this provision.

I ask unanimous consent, Mr. President, that Dr. McBride's letter be printed in the RECORD, and I urge all Members of both the House and the Senate to consider its implications carefully.

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

COLORADO SCHOOL OF MINES,
UNIVERSITY OF MINERAL RESOURCES,
Golden, Colo., November 2, 1973.

Senator PETER DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: I am writing to you, and to the other members of our State's Congressional delegation as well, to support the general concept of S. 425 "Surface Mining Reclamation Act of 1973" that lands should not be surface mined unless effective reclamation is both possible and mandatory.

But I wish at the same time to express my personal concern, based on a study of Congressional Record and public media reports, that the Act itself, and more particularly the Mansfield amendment relating to Sec 216 thereof, seem to have been adopted by the Senate on the understanding that most if not all of the so-called "strippable" reserves in our Western states can be mined at acceptable costs by underground methods. I firmly believe this is simply not the case for the reason that if the strata of earth and relatively weak and unconsolidated rock overlying the coal are thin enough to offer an economically feasible stripping ratio then they are incompetent to be the roof of an underground mine.

There are two other matters which appear not to have been given adequate consideration in deciding between underground and surface mining: First, related to surface mining, underground operations are labor intensive and will require miners and engineers in numbers which we shall not be able to supply.

Second, underground operations in thick seams, even where technically feasible, recover only one-fourth to one-third of the total coal and thus entail a severe sacrifice of our national resources.

It is my understanding that the Mansfield amendment, if finally adopted in its present form, will in fact effectively prohibit the surface mining of a very large fraction of otherwise economically and technically strippable reserves in Montana and Wyoming. Although it may be sound public policy to do just this, I would not like to see it done on the specious theory that underground mining of these reserves is a sound alternative.

Please let me know if I or any of my colleagues here can be of help in your further consideration of these important matters.

Yours sincerely,

GARY T. MCBRIDE, Jr.

WENDA MOORE—NEW REGENT OF UNIVERSITY OF MINNESOTA

Mr. MONDALE. Mr. President, several days ago, Gov. Wendell R. Anderson made an outstanding appointment to the University of Minnesota Board of Regents. He selected Mrs. Wenda Moore, an individual with superb academic credentials and experience in public service. Mrs. Moore has worked with great dedication in State government in the field of education and has actively participated in community affairs.

An editorial, which appeared in the November 4, 1973, edition of the Minneapolis Tribune, praises the selection of Mrs. Moore, both for her fine personal qualifications and as evidence of Governor Anderson's commitment to assure that women and minorities have an opportunity for representation on the board of regents.

I wholeheartedly agree with the viewpoint expressed in this editorial, and I ask unanimous consent that it be printed in the RECORD.

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

THE UNIVERSITY'S NEW REGENT

We welcome Wenda Moore to the University of Minnesota Board of Regents. Gov. Anderson, in our opinion, has made an excellent choice to replace Josie Johnson, who is leaving the state. Mrs. Moore will bring to the board an academic background in political science and a history of involvement in civic affairs, much of it centering on education.

In addition, Mrs. Moore—like Mrs. Johnson—is a black woman. In announcing Mrs. Moore's appointment, the governor said he rejects the idea of quotas for the board and did not select her because she is black. Nonetheless he acknowledged that women and minorities have not been adequately represented in the past.

The governor is right about the patterns of the past. Mrs. Johnson was the first black to serve on the board, and she was one of two women on it. We are glad that the governor found a well-qualified candidate to replace her—but we are also glad that he found one who will at least hold the line on the small gains that have been made in the representation of heretofore overlooked segments of Minnesota's population.

HOWARD PHILLIPS

Mr. BUCKLEY. Mr. President, while there are those who may disagree with his views and actions, there is no one who can doubt that Howard Phillips is a man of unswerving principle. In his time as Acting Director of the Office of Economic Opportunity he gained a number of enemies, but he also gained a great number of friends, who found his personal honesty and integrity admirable and who were inspired both by his dedication to the principles of individual liberty and the right of the individual to participate in decisions affecting his life.

On September 21, 1973, the friends of Howard Phillips held a testimonial din-

ner in his honor. At that dinner Mr. Phillips delivered a thoughtful and moving address on the issues and tasks facing America and Americans. He said:

We are in the forefront of the continuing debate about the nature of man—his rights, his obligations, his very future on this planet. . . . We, who fancy ourselves free men and women, have a special responsibility to rivet our attention on this central issue: the struggle to determine whether the individual will master institutional forces or be mastered by them.

He observed further that—

This is not a new issue. It has been with us, in various forms, throughout the history of mankind. But it is an issue which always remains to be decided.

Mr. President, I ask unanimous consent that Mr. Phillips' remarks be printed in the RECORD.

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

ADDRESS BY MR. HOWARD PHILLIPS

Thank you very much. I am deeply grateful to each of you who is here tonight and for the work which so many people put into this dinner.

It is unfortunately not possible to mention by name each of those whom I would like to particularly thank for their loyalty, dedication, and friendship, so I will not attempt it.

But, in expressing my appreciation for the success of tonight's event, I would be remiss if I failed to extend thanks to two people in Washington who did so much to boost ticket sales—Jack Anderson and Nicholas Von Hoffman. Jack Anderson did a column earlier this week in which he stated that a testimonial dinner was being planned for one of the most "unpopular" men in Washington—me. This time, he was right. I am unpopular in this city—and I'm proud of every enemy I've made.

Judging from tonight's attendance, so are you. We worked hard for each and every one. As I look out among the audience, I feel a little bit like that famous TV commercial for Listerine—I've got the taste you hate—twice a day.

But, seriously, I admire the courage of each person who has been willing to be publicly identified with me. You have nothing to gain from it, since I have no present capacity to reward or punish. It is an honor for me to be in the company of people like you, who have enough nerve to risk incurring the wrath of Richard Nixon's enemies *and* his friends, or at least some of them.

Earlier this evening, during the reception, I even heard a rumor that the White House Counsel, Leonard Garment, has already sought out a copy of tonight's attendance list—so he can leak it—to the Justice Department.

But I want to assure those members of the White House staff who are present tonight that my friends are no more responsible for what I do or say than the President is for what his appointees do and say. By all accounts, that makes all of us totally innocent.

While expressing my appreciation, I must also observe that I am deeply in the debt of the national press corps for its work during the past year in increasing my name recognition—which, in this day and age, is very important to anyone in public life.

As my homestate friends can attest, when I ran for Congress in Massachusetts in 1970, I had almost no recognition. Now, thanks to the coverage I've received, they barely recognize me at all.

To demonstrate my gratitude for the contribution they have made to my career, I spent some time this week searching for words adequate to convey my level of regard for the devoted scribblers of the Fourth Estate.

Failing in this task, I consulted the writings of a man whom I greatly admire. Thomas Jefferson. This great libertarian put it in words far more clear than any I would venture, saying in 1807 that quote ". . . a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood. "Nothing," Jefferson continued, "can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."

Jefferson had more to say on the subject, but my wife has urged me not to repeat it in polite company.

I am personally not yet prepared to be so discouraged as was Mr. Jefferson by the inadequacies of the press, perhaps because, in our era, they represent only one of many subjects for deep concern. We are beset on all sides, not merely by Big Media, but also Big Business, Big Education, Big Labor, Big Government, Big Foundations, and all the other decadent bureaucratic megalopolies which restrict individual self-determination.

Throughout our society, where once we had diversity, there is now uniformity; in place of identity, we have anonymity; for individualist variety, we have substituted collective homogeneity and standardization; in evermore areas, public and private, monopoly practices have replaced market systems; the very competition and flow of ideas is threatened as we rely on fewer and fewer sources for more and more information.

As Richard Nixon observed, two and one-half years ago, "Things are in the saddle and ride mankind." The individual appears to become less important in the scheme of things, with accordingly reduced power to direct even his own destiny, let alone that of his family, community, and nation.

We, who fancy ourselves free men and women, have a special responsibility to rivet our attention on this central issue; the struggle to determine whether the individual will master institutional forces or be mastered by them.

This is not a new issue. It has been with us, in various forms, throughout the history of mankind. But it is an issue which *always* remains to be decided.

Tonight's dinner celebrates a brief contemporary chapter in that struggle in which some of us were privileged to participate. Some have despaired that we have not yet won our cause. Others, and I among them, rejoice that we have at last entered the contest, which, at its heart, concerns the future of Western Civilization. It is not simply an ideological struggle, or even principally political, although its manifestations take political form. We are in the forefront of the continuing debate about the nature of man—his rights, his obligations, his very future on this planet.

The likelihood is that, for our era, the debate will be resolved in America, by Americans. Since the time of our national independence, we have had a special role to play in the world—blessed with immense resources, gifted leadership, and unprecedented material progress. Yet, without discounting these benefits, our importance has derived more from what we have believed and stood for, than from what we have possessed.

Today, as we approach our 200th anniversary, things have changed. Many of our resources are becoming inadequate, economic growth has slowed, and our leadership does not seem quite so gifted. Of greater concern still, we are less clearly the instrument of individual freedom that we once were.

Reflecting on this, some years ago, Whittaker Chambers said that, for us, the central question is not whether Western Civilization can be saved, but whether it should be saved.

It remains for Americans to affirmatively answer both of those questions in each generation, proving worthy, as a people, of the heritage with which we were entrusted.

No civilization or society can be cured of its illnesses unless it has the desire for health, a sense of national self-worth, and a will to survive.

We must be wise enough to understand how our strength has been eroded so that we don't seek to cure by administering an additional dose of that which caused the disease.

We must recognize the forces which have eroded the position of the individual in American society:

The decline of the family—the basic instrument through which we conserve and give value to that which is personal;

The erosion of community—that anchor of Republican government which gives citizens a sense of places and enables them to influence the course and nature of their society:

An increasing job-centered mobility—which accords excessive weight to our economic roles, at the expense of our more individual and, if you will, human roles in family and community;

The secularization of religious faith, undermining the personal moral link with God which assures us the strength to assert our independence from social control.

In the midst of these changes, our values have been under sharp challenge by movements which assault the central idea of Western man: the spiritual worth and moral integrity of individual human existence. Individual worth is degraded not just by cultural promiscuity, the impersonality of technology, and criminal disdain for life and property.

In a more civilized way, it is denied by those who seek to judge men, reward and punish them, not on the basis of merit or achievement, but, for example, by quotas which assess our worth on the basis of characteristics acquired at birth. What greater denial could there be of human value and individual responsibility. It's not unlike the stoneage wizards who decided men's fates by reading animal entrails. Astrologers and entrail readers alike should know that our faults, like our strengths, lie less in our stars, than in ourselves.

Individuality is also threatened when we surrender personal responsibility to the collective authority and determination of others in bureaucracies public and private.

Bureaucracies, as collective entities, are hardly capable of making moral decisions, which are intrinsically individual. The collective interest of the group or "public interest" of the state can never be expected to wholly coincide with the private, distinct interests of each citizen. Collective decisions have the added disadvantage of increasing our dependency and institutionalizing our mistakes. Political solutions especially are to be avoided whenever possible, since, by definition, they rely, at root, on the power of the state to compel and enforce.

And so our Federal Republic has gradually yielded to a centralized megastate, substituting concentration of power and collective control for decentralization and diversity, sometimes seeming to have more in common with other megastates than with the principles of liberty on which it was founded.

Chambers said: "The West believes that man's destiny is prosperity and an abundance of goods. So does the Politburo."

Is that all there is? Are we in fact prepared to purchase detente at the price of Sakharov and Solzhenitsen?

George Roche, the President of Hillsdale College, observed that "Freedom is the highest goal of a civilization. A man denied the chance to be a freely choosing moral agent

is in effect being denied the exercise of precisely that quality of his nature which distinguishes him as a man."

Our goals and beliefs are not material. We believe that our nation has more to be proud of than its productivity, that there is more at stake in our negotiations with the Soviet Union than mere questions of scale between corporate liberalism and bureaucratic collectivism.

Those who harbor an individualist faith must therefore reject a "most favored" relationship in which Brezhnev finds it convenient to downplay Soviet reaction to Watergate, in the hope that our officials will reciprocate by overlooking his domestic embarrassments, preferring that no irrelevant consideration of individual liberty in the Soviet Union interfere with their larger objectives of peace and profit. But the point is that, for us, there can be no larger objectives. Ralph Waldo Emerson said: "God offers to every mind its choice between truth and repose . . . You can never have both." You must choose. That is a fact which all free men must grasp.

At OEO, we were often required to observe that "You can't save America, unless people want to be saved."

Time and time again, we were ready to bite the bullet and make unpopular, but right, decisions, which required only that the local people, or the governor, or the board member who had done the complaining be willing to stand up in public for the view they conveyed so vehemently in private.

But, time after time, with some notable exceptions, despite our urging and our willingness to absorb the principal "heat", they found it easier to let the outrage continue, rather than endure conflict. (I might point out that we did manage to make a few unpopular decisions anyway, but the point holds.) You can't save them, unless they want to be saved. Silence is easier. Acquiescence is easier. But as Emerson said, you can't have it both ways.

If you value liberty, you must be prepared to suffer unpleasantness, to persist, to bleed a little.

This month, President Nixon will face one of those tough decisions, about OEO.

As we approach the expiration of OEO's current funding on September 30, he must decide whether to sidestep the prospect of liberal criticism and let that agency's operations continue further, or to exercise his power of veto and, with the stroke of a pen, supported by more than one third of the members of the House, put OEO out of business.

Such was his original plan—set forth to me last January. On June 30, without any need or intent to impound funds, in accordance with the President's Fiscal Year 1974 budget, OEO would have gone out of business, so long as the President refused to sign into law any further appropriation for the agency.

When June came, because of Watergate and the widespread liberal attack on him, the President decided to avoid a head-on fight at that time with OEO's friends. So he signed into law a continuing appropriation.

Now, as September 30 draws near, those of us who favored his original determination watch hopefully to see whether his Administration has regained the will and the capacity to carry forward the business of the people who supported his reelection.

With more acute concern, because the opportunity for corrective action, may not, in this case, soon recur, we will watch to see whether the power of veto is effectively used to prevent enactment of a legal services program which has for its goal political change, rather than client-responsive representation.

History's verdict on the Nixon Administration is not yet in; but those of us here tonight will help to write it.

A free people is obliged to keep their public servants accountable to those from whom they derive their grant of authority, their legitimacy in office, and the tax resources with which they underwrite their activities.

Free society requires a free people, imbued to the core with the spirit of liberty and independence from organizational control. We get only what we deserve and what we insist upon. We have only ourselves to blame for institutions which decry our values, rather than reposit and convey our heritage.

We are to blame for a generation of other-directed men and women, governed by relative norms, rather than absolute standards, who derive identity and personal esteem not from their achievement or adherence to self-defined values, but by adjustment to and acceptance by the group.

Individuals can change history. Conservatives especially should understand and appreciate that.

We can reconvert our hyphenated class-conscious hordes of critics and spectators back to a nation of individualist builders and participants.

We can produce a generation of politicians who will gain favor by opposing politicization and bureaucratization of decision-making. Learning from the mistakes of the past, we can expose the specious reasoning of a liberal establishment which pathologically projects itself in the role of underdog, justifying its perpetuation in power by alternately denouncing or obscuring the very failures for which it is responsible.

We too can help expose the false notion that conservative causes prosper on mythical doses of private wealth, all the while the organizational arms of the liberal establishment thrive on the profits of government protected business and automatic check-offs of cash from students, union members, professional people, and, of course, taxpayers.

We can also help expose that hypocrisy which, in the name of liberalism tramples the civil liberties of heretics against the new orthodoxy, by resort to innuendo, character assassination, guilt by association, and conviction by reliable source.

In seeking to shape history, we must also have a sense of history which affords us the humble recognition that we are part of a pattern which transcends our brief moment in time and rejects the present-oriented denial of our debt to the nation's past or our duty to her future.

At the same time, while acknowledging our relative insignificance in the span of a thousand years, let us act with the awareness that there *is* something special about America's role, which demands something extraordinary from us.

Jefferson said: "We feel that we are acting under obligations not confined to the limits of our own society. It is impossible not to be sensible that we are acting for all mankind."

At OEO, we ended many of our senior staff meetings with the admonition to stay on the offensive. Marshal Foch observed during World War I "Our left flank is battered. Our right flank is falling. Let us attack." There is wisdom and success in that advice. The outcome is determined by those with a vision of the result they seek, a plan for attaining it, and a boldness of execution. It is within your power and mine to shape the outcome of the events in which we now take part.

And in so doing, let us remember that what was true for Jefferson is at least as true today: We act, not just for ourselves, but for all mankind.

THE AMERICAN CRISIS

Mr. CHURCH. Mr. President, on November 2, it was my pleasure to address the North Idaho Chamber of Commerce, meeting in Sandpoint, Idaho.

I spoke, not from a text, but from notes. However, the speech was tape recorded, and later transcribed.

Inasmuch as the speech focuses on the most serious internal political crisis since the days of President Andrew Johnson, I ask unanimous consent that the edited transcript of this address be printed in the RECORD.

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

THE AMERICAN CRISIS

(By Senator FRANK CHURCH)

I'm glad to be here with you in such a beautiful place. I'm not going to speak at great length today because I would like to give you a chance to ask questions for a few minutes following these remarks.

But I do feel constrained to speak to you about a subject that faces us all. It's not a pleasant subject, but it is something that we must concern ourselves with, and face up to. I refer to the very serious internal political crisis that faces this country.

I speak today not as a Democrat and not as a partisan. After all, there is no difference among us, Democrats and Republicans alike, when it comes to the issue of honest government. So I speak to you as a fellow American concerned by the very sobering turn of events that has taken place in this country.

Thomas Paine said of the troubled days before the American Revolution that "these are times that try men's souls." The same could be said of this year of our Lord, 1973. It has been an incredible year, in which we have seen everything come apart at the seams. Each time that I have thought that things were as bad as they could get, they've simply gotten worse.

I wish you could read the mail I have received from Idaho during the past week. For then you would agree with me that we are in deep trouble. Idaho, as you know, is a conservative State; if it leans one way or another, it has traditionally leaned toward the Republican Party. Our people are not given to extremism in their views; they are sound people. Yet, during the past week, I have received nearly a thousand letters, telegrams and communications from Idaho alone, and they are running about 20 to 1 against the President. Most of them call for his impeachment. Meanwhile, the House of Representatives, as you know, has announced, through the Chairman of the House Judiciary Committee, that hearings will soon begin to determine if there are grounds for an impeachment proceeding. This is where we stand today.

Viewing the shambles, I can't help but ask myself how such an incredible turn of events has occurred within the short span of 12 months since the last election, when the President received an overwhelming landslide victory at the polls. If you will remember, the public knew before the last election about the Watergate break-in and the wire-tapping of the Democratic headquarters. And though these activities were illegal, and though it was then known that they had been traced to the Committee to Re-elect the President, the public disregarded the Watergate incident as a prank. The press, at that time, generally described it as an escapade. Spokesmen for the White House dismissed it as "just politics." The trial of those apprehended at the Watergate was put over until after the elections. It seemed, in view of the tremendous victory that the President won at the polls, that this was an incident—an episode—that would soon die.

That was the state of affairs in January. But when the trial of the "Watergate Seven," so called, was actually held, a very remarkable man, Judge Sirica—a Republican, incidentally, if that matters—who presided over

the trial, was determined that his court would not become the scene of a great injustice. The lid was really blown off by Judge Sirica who handled the case in such a way as to frustrate the attempt then being made to limit the prosecution to the men at the bottom. Judge Sirica was determined that if crimes had been committed, not only should the men at the bottom be held accountable, but that those above who had paid for and solicited the crimes should be held accountable, as well. That was in line with the tradition of justice in this country: we don't have one law for those at the bottom, and another law for those at the top.

And so began to unfold the extraordinary disclosures and events of this traumatic year, a year which led with the resignation of Attorney General Kleindienst, and the appointment of Elliott Richardson, who promised the Senate that his chosen Special Prosecutor, Archibald Cox, would be given a free hand to fully investigate and prosecute the Watergate case. The Senate, meanwhile, created the Senate Select Committee on Presidential Campaign Activities—the so-called Watergate Committee—which was charged by resolution to inquire into and expose whatever scandals had occurred, with a view toward corrective legislation.

Since then, the former members of the President's cabinet—Mr. Mitchell and Mr. Stans—have been indicted by a grand jury in New York on charges of seeking to improperly influence an investigation before the Securities and Exchange Commission. The acting director of the FBI, Mr. Gray, has resigned in disgrace after admitting that he burned evidence concerning the Watergate investigation then underway by the FBI. Several former White House aides, including Mr. John Dean, former counsel to the President, have pleaded guilty in Federal Court to charges stemming from the coverup of the Watergate crimes. Dean has directly accused the President of complicity in that coverup. A number of corporate executives have pleaded guilty to the violation of election laws and have been fined, and we are told that there will be others to come.

Mr. Ehrlichman and Mr. Haldeman, two of the most highly placed of the President's staff in the White House, have resigned, and criminal proceedings are pending against them, with an indictment already issued against Mr. Ehrlichman. The Vice President of the United States, Mr. Agnew, has resigned, pleading no contest to charges of evading income taxes, and the Justice Department has published a long list of other charges, including bribery and extortion, which it was prepared to bring against him in a criminal proceeding.

As for the President himself, he has for months opposed orders of the Federal Court to turn over certain tapes of conversations that the Court held to be pertinent to the grand jury's investigation of possible crimes committed. The President held that he was immune from the Court's order; that he stood in a privileged position, beyond the reach of the Court's decree.

On this proposition, his own Justice Department rebelled. Attorney General Richardson resigned rather than fire Mr. Cox, the Special Prosecutor. The President finally had to turn to the Solicitor General, Mr. Bork, to discharge Mr. Cox.

Then at the eleventh hour, faced with a storm of indignation from the people and rumblings of impeachment in the Congress, Mr. Nixon reversed himself and agreed to submit the tapes. Yet now we are told that the two conversations thought to be most incriminating were never taped: one having not been recorded in the first place, and the other having not been picked up because the supply of tape allegedly ran out!

That's where we stand today—at the brink of the most serious internal political crisis since the days of Andrew Johnson, the only American President ever impeached by the House of Representatives. I do not know how this crisis will be resolved. But I do know that there are dangerous misconceptions growing up that, for the sake of the Republic, must be dispelled.

I suggest that the worst of these is the "so what?" syndrome—the belief that "all politicians do it; this bunch just got caught."

In the first place, all politicians don't do it! In the second place, all politicians are not the President or Vice President of the United States! As a matter of fact, politicians have gotten a bum rap out of Watergate, and I say this as much for my Republican brethren as I say it for Democrats. The truth of the matter is that in all of this investigation of an unprecedented scandal—a scandal that seems to have no sides or bottom—there haven't been any elected officials involved at all, save for the White House itself. The people who have been principally involved, in the course of all of the hearings and all of the investigation, have not been men and women elected to public office. They have not been politicians. They have been appointed members of the President's own staff and of the Committee to Re-elect the President!

I can appreciate why Senator Biden, in Chicago this week, felt compelled to say that Mr. Nixon has done for politicians what the Boston Strangler did for door-to-door salesmen!

The second misconception stemming from this tragedy, one that is assiduously cultivated these days, is that the press is somehow the real culprit for exposing the scandals. This is tantamount to blaming the messenger for the message. That's as old as history. Atilla the Hun used to cut off the heads of messengers who brought him bad news. Surely we are more sophisticated than that. The question to ask is this: has the press misinformed the public? That's the question. And on the record, I submit the press has not. Rather, it has performed faithfully and well through this difficult year, under great pressure and with few exceptions. Its charges and revelations have been borne out almost in their entirety by subsequent investigations of the facts. We should be thankful we have this kind of a free press working in this country. If we didn't have it, the United States wouldn't long stay free!

Next, there is the misconception, also being pushed hard these days, that Watergate is being blown up out of all proportion, distracting us from more important things, and that as a result, government is paralyzed and unable to cope with our more pressing problems. This argument sounds plausible enough—until one addresses himself to it seriously, scrutinizes it, and tests it against the events of this year. And then it becomes an argument without substance. I say this as a member of the Senate: the truth is that Congress has not bogged down under the Watergate investigation. Only one Committee in the Senate deals with this investigation. While it has been holding its hearings, all the other Congressional Committees have been at work. As a matter of fact, in 17 years in the Senate, I can recall few years when we've been busier, across the whole broad spectrum of the legislative front. Congress hasn't been bogged down, and neither has the Executive Branch. We have just come through a most difficult and dangerous crisis in the Middle East. American diplomacy functioned, and functioned effectively and well, every day and every hour of that crisis. No, the Federal government has not been paralyzed by Watergate.

Finally, let me emphasize that it is completely untrue that Watergate and related scandals don't really matter that much. If we're going to preserve our system of government, nothing could be more mischievous than such a belief. I commenced these remarks by mentioning the deluge of letters and telegrams that have inundated my office in the past week. They betray, if you were to read them, a complete disillusionment with the government. Confidence is evaporating, and in a country which depends upon the people, free government cannot long endure without a broad measure of public confidence and support.

That is our predicament. It won't go away. I wish it would. But it won't until it is cleared up and cleaned up and the public is satisfied that the government has been purged of wrongdoing. Only then will public confidence be restored in our governmental institutions.

I would close these remarks by saying that, like you, I don't know what lies ahead. I don't know what will turn up next. But I do know that in a State like Idaho—where we are blessed with business that conducts itself openly and above-board; where we are blessed with labor that is not plagued with gangsterism; and where our politics are conducted in an honest and honorable way—an obligation falls upon us to do everything we can to bring our influence to bear at the national level, in order to advance in the country as a whole the same conditions of life that we know in Idaho. In the end, our fate depends entirely upon our nation's fate.

So we must join with all other people who want to see this scandal cleared up, who want to see public confidence in the government restored, who believe in the American system, and who are determined that it shall be preserved.

Nothing less will suffice.

WILDERNESS—A QUESTION OF PURITY

Mr. HATFIELD. Mr. President, questions relating to the administration of the 1964 Wilderness Act have been raised ever since its passage.

The question of just how pure an area must be to be designated wilderness has been particularly troubling in my State of Oregon. In one instance, after the Mount Jefferson Wilderness Area was created, the Forest Service quickly took steps to remove existing primitive facilities from the area. In another, the Forest Service steadfastly opposed my legislation to add the Minam River drainage area to the Eagle Cap Wilderness Area because of some horse logging which took place there in the early years of this century. I have long believed that such a rigid purist interpretation of the Wilderness Act is inappropriate.

Mr. Jeffrey Foote, chairman of the wilderness and forestry committee of the Oregon Environmental Council, recently addressed the Sierra Club Biennial Conference in Boulder, Colo. His topic was "Wilderness—A Question of Purity." Because I believe his paper accurately reflects the views of many of the conservation groups, I ask unanimous consent that it be printed in the RECORD.

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

WILDERNESS—A QUESTION OF PURITY

(By Jeffrey P. Foote)

Since its passage in 1964, the Wilderness Act has become a most significant piece of legislation for those of us involved in the

preservation of public lands. Although the Act certainly has its shortcomings, it has provided an effective and viable method for setting aside lands which we love and cherish. Now, 9 years later, the viability of that law as an effective preservation tool is endangered by an unwarranted, and unnecessarily strict interpretation of its vital definitional provisions. Sadly enough, the main adversary is that agency charged by law with its management.

FOREST SERVICE INTERPRETATION

The U.S. Forest Service is espousing a wilderness "purist" position that is, not only contrary to the Act itself and its legislative history, but is contrary to its earlier actions as well. Regardless of the provisions of the Act, the Forest Service policy has been to oppose wilderness designation to areas that have been intruded on by man. This nonvirtuous concept of purity has become an effective anti-wilderness tool. It is important for us, as wilderness advocates, to understand the Wilderness Act and how this interpretation is being used against wilderness.

The key phrases in the Wilderness Act definition over which the conflict is centered, are that the earth and its community of life are "untrammeled by man" and that the imprint of man's work is "substantially unnoticeable."

I understand from my research that the original drafters of the first Wilderness Bill were very troubled over the word untrammeled because it appeared to have a rather archaic usage. But, it was used because it is the word that appropriately describes their concept of wilderness. The word means: Not confined or limited, not hindered, free and easy. It does not mean undisturbed, or untrampled, as some would suggest.

The words substantially unnoticeable should be treated as a flexible working definition of wilderness. The phrase is ambiguous, but with purpose. It allows for a feeling for the overall character of the land, not one insignificant intrusion. This idea of a flexible working definition is borne out by the legislative history of the Act.

The Forest Service does not treat the words as a working definition. They instead look to them as a rigid and inflexible requirement. For example, two Southeastern Regional Foresters, in a proposal for a Wild Lands East Program, claim that: "We are persistently reminded that there are simply no suitable remaining candidate areas for wilderness classification in this part of the National Forest System." This is not a decision for that agency to make; it is a Congressional decision. But it is easy to see how such a decision could be reached when you consider the Forest Service criteria.

Chief John McGuire in his February 21 statement on the Eastern Wilderness Bill, S. 316, revealed what standards the agency uses. "In interpreting the Wilderness Act the Forest Service has placed emphasis on areas which have almost entirely retained their primeval character and influence, rather than those areas which have been restored to a natural appearance. Prior to the Wilderness Act and now under its definition, we considered 'Wilderness' as a unique, non-renewable, predominately undisturbed natural resource." There is absolutely no basis for this policy in the Act or in any of its legislative history. Nowhere does the Act say that a wilderness must be unique, or undisturbed. The words again are, untrammeled and substantially unnoticeable. Nowhere does the Act say that a wilderness cannot have been restored to its natural character. In fact, this position lacks support even in the Agency's earlier policies. On May 13, 1964, four months before the Wilderness Act was signed into law, the Forest Service, knowing that it would automatically be included in the National Wilderness Preservation System, established the Shining Rock Wild Area in North Carolina. The following language is found in their Wild Area proposal:

"In determining the best and most logical boundaries for the Wild Area, it was necessary to include a portion of the drainage of Ugly Creek covered by a timber sale contract which expires December 20, 1963. About 500 MBF are left to be cut and the operation will be completed this year. The skid trails and log landings will be revegetated and otherwise treated as necessary to hasten natural recovery and prevent vehicular access."

AN ILLUSTRATION: THE MINAM RIVER

The dispute over the Minam River in the Wallowa-Whitman National Forest in Oregon serves as a good illustration of the conflict over Wilderness purity. A portion of this beautiful area was opposed for Wilderness mainly on the purity question. The situation is this: First of all, there are two guest or dude ranches within the area. These ranches are well within the proposed Wilderness with no roads leading to them. But the Wilderness Act allows for inholdings or private rights. Section 4(c) says: "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise or permanent road. . . ." Senator Church discussed the matter on the floor of the Senate prior to the passage of the 1964 Act. He said, in reply to a question concerning condemnation, that ". . . there are in my state in holdings—ranches—which were homesteaded many years ago and lie within primitive areas. We want to be perfectly sure that the owners of these ranches were guaranteed the customary usage of their property for ingress and egress according to the customary ways." This statement certainly indicates that ranches, such as those on the Minam, are acceptable as private right inholdings within the Wilderness. As a matter of fact there exist in the adjoining Eagle Cap Wilderness on Aneroid Lake, a small general store and five small cabins. With this sort of precedent, inclusion of the ranches in the Wilderness is certainly within the framework of the Wilderness Act, as contemplated by the Congress that passed it.

A second objection raised by "purists" is that this area is unsuitable for Wilderness because a small portion of it was logged. This logging only involved 1,600 acres and was done by horse prior to 1924. The cutting was selective and stands of large trees are present throughout the area. Compare this to 80,000 acres of the Bob Marshall Wilderness that was horse-logged after 1900.

Another objection to inclusion of this area is a small field used as an airstrip by the dude ranches. Purists claim this is not of the Wilderness character. On the contrary, it is specified in the Act that "within Wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue. . . ." There is now, for example, an airfield in the Bob Marshall Wilderness in Montana. The Wilderness Act, as applied in the past by Congress, certainly allows the entire Minam River area entry into the National Wilderness Preservation System.

AGENCY PROTECTION: THE CASE OF FRENCH PETE

The Wilderness Act is a tool to afford absolute protection to these "questionable" areas before they are irreparably abused. This is protection of law, not agency protection, which is all that is offered under any Forest Service classification scheme. This distinction is important. If an area carries only agency protection, it can be withdrawn at the discretion of that agency, without public approval. The shortcomings of administrative protection have been driven home to Oregonians with the symbolic case of French Pete.

The French Pete Valley is a 19,200 acre watershed, 55 miles east of Eugene, Oregon, on the Willamette National Forest. It is one of the last valleys in the western Cascades that has not been roaded or logged. Its values as a Wilderness area are beyond question. Yet, this area has been the center of controversy since the early 1950's.

At that time French Pete was part of the Three Sisters Primitive Area. When the Forest Service reclassified the area to Wilderness, they excluded about 55,000 acres. Part of the exclusion was the French Pete Valley. This decision was met by strong public opposition. A public hearing was held in February, 1955 in Eugene. A great majority opposed the decision of the Forest Service.

The exclusion was also opposed by the majority of the Oregon Congressional delegation, including Senator Richard Neuberger and Senator Wayne Morse, as well as Representatives Charles Porter, Edith Green, and Al Ullman.

Despite this opposition, the Forest Service plan stood intact. Senator Neuberger and Senator Morse each made strong statements before the Senate in 1957. Senator Neuberger's remarks are especially significant in that they were made in his comments as he joined Senator Humphrey in introducing the first Wilderness bill.

"Mr. President, the urgent need for some form of Congressional action to safeguard these scenic realms has just been indicated by the decision of the Department of Agriculture to remove from the Three Sisters Wilderness Area of Oregon some 53,000 acres of majestic forest canyons and ridges. . . .

"I am not assailing, or attacking, or criticizing anyone in the Forest Service or in the Department of Agriculture for the Three Sisters decision. What I am saying is this: Such a decision is virtually for eternity . . . So final a verdict, Mr. President, ought to be reviewed by the Congress of the United States and it should not be merely within the fiat of the executive agency. The Congress, after all, is the supreme policymaking agency of the American people, to whom these national forest solitudes actually belong."

Now, fifteen years later, after administrative appeals and Congressional legislation, the battle still rages in the fight to save French Pete.

This is only one example of what agency protection has meant to conservationists in the past. The lasting protection is that of law, which only Congress can erase.

EASTERN WILDERNESS: S. 316 AND S. 938

The whole conflict over the definition is coming to a climax in this Congressional session. The Senate has two Bills before it dealing with Eastern Wilderness. One is the Jackson Bill, S. 316, the other is the Administration Bill, S. 938. It is in consideration of these opposing measures, that Congress will probably settle this particular controversy. S. 316 would establish 18 new wildernesses in the Eastern United States, within the definition of Wilderness found in the 1964 Act. S. 938 would amend the 1964 Act to set up separate classification systems for the East and West.

S. 938 allows the Secretary to consider for wilderness review those areas in the Eastern United States ". . . where man and his own works have once significantly affected the landscapes but are now areas of land (1) where the imprint of man's work is substantially erased; (2) which has generally reverted to a natural appearance; and (3) which can provide outstanding opportunities for solitude or a primitive and unconfined type of recreation."

The effect of this provision is not to change the definition of Wilderness as in the

1964 Act, but to prohibit the Secretary from considering areas in the West which conform to this separate list of characteristics. Thus, an area in the West where man and his own works have once significantly affected the landscape, where the imprint of man's works is substantially erased, and which has generally reverted to a natural appearance would not be considered for review by the Secretary. This language does not lower the standards for wilderness in the East. Rather, it creates a new and purer standard of wilderness in the West. By limiting the Secretary's authority to consider for review such less than pure areas in the West, the proposed amendment would exclude, even from consideration as wilderness, many Western areas which fully qualify, under the definition specified in the 1964 Wilderness Act.

A close analysis of this separate Eastern definition indicates that it is within that definition in the 1964 Act. It is important, to maintain the integrity of the National Wilderness Preservation System, that S. 316 be enacted into law, and S. 938 be rejected.

This "purity" position can be used by the Forest Service and others as an anti-wilderness tool. An illustrative case was discussed in the hearings on S. 316 by Senator Mark Hatfield.

Discussing the Marion Lake area of the Mt. Jefferson Wilderness the Senator said:

"After the legislation was signed into law, the Forest Service moved quickly to remove existing basic amenity facilities such as outdoor toilets because, in the words of the Forest Service, they were 'wholly inconsistent with the wilderness experience.' I point out this issue of privy type toilets because the lake itself—not the amenities—is a magnet which attracts people. Removal of the toilets, as well as a primitive pump for water, increases the potential for disease of such a heavily used area.

"Primitive fire rings which minimize fire danger were also removed. I would not have expected the Forest Service to construct these facilities after the area was designated Wilderness, but I was amazed at the removal of all these amenities. It was almost as if the Forest Service was determined to get back at Congress for passing the Bill."

The cross-examination of Chief McGuire revealed his rationale for the Forest Service position. Discussing his distinction between the two Bills (S. 316 and S. 938) he stated:

"A restored lands definition of wilderness for all national forest lands could markedly reduce the management options for a greater portion of the national forests in the West."

Senator Floyd Haskell, the Subcommittee Chairman, attempted to alleviate the Chief's fears. He said: "I think the cat is now out of the bag. What I gather now is that you are afraid all of the area that qualifies under the definition will be designated as wilderness. You seem to fear that just because an area meets the definition it will be included." Senator Church underscored this when he directed the Chief to "bring the proposals up here, Congress is the final judge of what goes into wilderness and what does not."

CONCLUSION

The Forest Service, and others who follow the "purist" interpretation of the Wilderness Act, are ignoring the writing on the wall. This position is being used solely as an anti-wilderness tool. The timber industry does not want a wilderness in heavily forested areas because this gives the area the enduring protection of law, reversible only by Congress. It is no secret that it is much easier for the Forest Service to manage an area without the Wilderness classification even though one of the purposes of the Act was to take away this discretionary power from the agency and give it back to Congress.

It is important to secure many of these "impure areas" for wilderness due to a shortage of wilderness acreage. The Wilderness Act is a tool to afford absolute protection to these areas before they are irreparably abused.

The Forest Service has different programs designed to give these areas protection, but only agency protection, not the protection of law. Examples are back country and special interest areas. These proposals are not adequate. They can only lead to more unpopular decisions and more French Petes. The Forest Service amendments to the Wilderness Act, S. 938, are also quite inadequate. They place, in a special Eastern Wilderness category, areas that are already qualified for wilderness in the 1964 Act. The effect of this would be to disqualify many areas in the Western United States that are presently qualified.

A better alternative is to look to the legislative history of the Wilderness Act for support and allow these areas, such as those in the Eastern United States, into wilderness. S. 316 is one vehicle to accomplish that purpose. In time, these impure intrusions will be referred back to the natural scene. Senator Frank Church put it this way: "This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces so that we may truly have a national Wilderness Preservation System."

TRIBUTE TO RICHARD STROUT

Mr. MONDALE. Mr. President, a recent article in the Wall Street Journal has given deserved recognition to one of the deans of the Washington press corps, Richard Strout.

For over 50 years, Dick has been recording and commenting on the feats and foibles of Washington politics. Writing for both the Christian Science Monitor and—as TRB—for the New Republic, Dick has consistently demonstrated a style and grace that are rare and engaging. His comments on politicians of all persuasions have been perceptive and often biting; his influence has been substantial.

I urge my colleagues to read this profile of a most remarkable man. Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed at the conclusion of my remarks in the RECORD.

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

WITNESS TO HISTORY—REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

Harding, Teapot Dome were news when he hit capital; but "Watergate is worse"—no sex or cash, just power

(By Ronald G. Shafer)

WASHINGTON.—Reporter Dick Strout doesn't have to dig through the history books for parallels between the Senate Watergate hearings and those into the old Teapot Dome scandal. He was there—50 years ago this fall—sitting in the same Senate caucus room and writing as he does today, for The Christian Science Monitor.

Obviously, some things have changed, Mr. Strout notes. For one thing, the subject is campaign dirty tricks instead of oil leases and bribes. And there's the conspicuous presence of that newfangled medium called television.

But "except for the hot lights, you would almost think you were back in 1923," reminisces the 75-year-old newsman.

Thanks to Watergate, Richard Lee Strout's ringside perceptions of history are in fresh demand. But his reputation is built on far more than longevity. He has covered more major news events than any other reporter in the Monitor's 65-year history. And for 30 years now, he has also been probably the most influential anonymous columnist in the business—for Richard Strout is the author of the column called "TRB From Washington" in The New Republic magazine.

As a result, Dick Strout's reputation "is very high indeed, because he's got a combination of qualities that very few people have," says James Reston of The New York Times. "First of all, the guy is a beautiful writer. And he must have an extra gland because he still runs around like a kid."

Admirers agree that Dick Strout has a rare ability to explain complex issues with clarity, insight and homespun humor. He writes with the descriptive style of a novelist. People in Strout stories come alive with "owlish" faces, "fierce" mustaches, "carbuncle" noses and "spidery" frames.

About two decades ago he wrote a critical column about a man with a creased-leather face and an ego as big as the Washington Monument. The man's name was Lyndon B. Johnson, and he promptly hauled Mr. Strout into his ornate Capitol Hill office to complain. The Senate majority leader was seated behind "the biggest desk in the world, with pushbuttons like an organ," Mr. Strout remembers, "and every time he pushed a button, someone would appear."

AN IMAGINARY BABY

For an hour, TRB received the full LBJ treatment. At one point Johnson complained that he was being treated "like a motherless child," and suddenly, the columnist recalls, "he jumped out of his chair and strode up and down the room, rocking an imaginary baby in his arms." Mr. Strout left unconvinced that he was wrong but amazed that a powerful politician "would waste an hour of his time trying to convert me."

As the episode indicates, Dick Strout is a tough-minded but unassuming newsman. He is—as he might put it—a tall, lean and lively man with fierce bushy eyebrows, an unfierce gray mustache and a weathered bald head. He speaks with a gruffness in his voice, but there is a twinkle in his eye. "Beneath that crusty exterior is a real softie," confides a friend, "but we'd never tell *him* that."

Mr. Strout was born in Cohoes, N.Y. After graduating from Harvard, he worked for a while on newspapers in England, then began his American journalism career with the old Boston Post in 1921. After two days, he switched over to the Boston home office of the Monitor. And about two years later—having by now picked up a Harvard M.A. in economics—he was driving his Model T Ford down to the Monitor's Washington bureau.

"All of a sudden, there I was over there in that big house," Mr. Strout says with a wave of his hand at the White House as he sits dining on his daily liverwurst sandwich and milk shake on a park bench across the street. And there was President Harding, dressed in knickers and telling reporters assembled for a press conference: "Take it easy on me, boys, I want to get out and play some golf."

BACK IN THE CAUCUS ROOM

Since then, reporter Strout's career reads like an on-the-job history course. He has attended the press conferences of nine Presidents. He was on one of the first cross-country airplane flights. He reported from Normandy Beach during the D-Day invasion. He accompanied Russian Premier Nikita Khrushchev when he toured the U.S. in 1959. And he wrote the Monitor's front-page story when Spiro Agnew resigned as Vice President.

But the U.S. Senate, and particularly its historic hearings in the cavernous caucus

room, have provided some of Mr. Strout's biggest stories. Teaport Dome, the Kefauver hearings into organized crime, the Army-McCarthy hearings, the Bobby Baker inquiry—he has witnessed them all. Now it's Watergate, and Mr. Strout is back in the caucus room again.

He sees similarities to Teapot Dome: "Letters to the editor in 1924 charged that the press was carrying things too far," and "readers shrugged and said both parties were alike and it was all just politics." But he is outraged by what he perceives as a crucial difference.

Watergate "is more disturbing and dangerous" because it "is a special kind of corruption without greed," he wrote in a TRB column. "No sex, no dollars. Just power, it doesn't strike at oil leases, it strikes at democracy."

The weekly column provides Mr. Strout—who, as one press scholar puts it, "shows no hint of his own leanings" in news stories—an outlet for his personal views. He took it over in 1943 from Kenneth Crawford, who later became a Newsweek columnist. "He told me it would be easy," Mr. Strout says. "All you have to do is get mad at somebody once a week and spit in their eye."

Mr. Strout inherited the column signature, TRB. It was dreamed up by a New Republic editor who simply reversed the initials of the subway line that then carried copy of a Brooklyn printer—the Brooklyn Rapid Transit (BRT). But Mr. Strout still refers to TRB as "The Rover Boys" because the column sometimes was—and on occasional weeks still is—written by more than one man. The New Republic pays him $175 a column.

Even today many New Republic readers don't know the identity of the man behind the initials. In September TRB received a letter from a reader who, assuming the current writer took over only about five years ago, wrote reassuringly to say "how much better your prose is" than at first, and how "it has been especially in the last year that your writing has seemed to solidify."

Under Mr. Strout, "TRB from Washington" has become The New Republic's most-read feature, and now it also is syndicated in 35 newspapers. The column reflects Mr. Strout's generally liberal views, though he steers an independent course. In 1968 when the magazine refused to endorse Hubert Humphrey for President because of his ties to Johnson administration war policies, TRB—an early war critic—backed HHH anyway.

"In the past 10 years or so, I've let myself go more about using the first-person singular," says Mr. Strout. And he often uses personal recollections to make points, as in this TRB column a few years ago:

"When I was a child at my grandfather's farm, they used to kill pigs in the fall. They tied them up by their hind legs shrieking and squealing before they slit their throats. Once we children bitterly protested, but the hired man was reassuring.

" 'They like it,' he said firmly.

"Today he's in Congress, voting against the poverty program."

Such views spark strong reactions from conservatives. A few write nasty letters like: "You sewer rat, may you be cursed with all plagues." But most are more respectful.

"I disagree with most of TRB's columns," says conservative columnist James J. Kilpatrick. "But I follow his stuff regularly. There's a good deal of wisdom there. He always puts it pleasantly, with just enough lemon juice."

So far, nobody is being groomed as Mr. Strout's successor. "He's unmatchable, I don't think we'll ever find anybody quite like him," says Gilbert Harrison, The New Republic's editor-in-chief. "But I'm not concerned about it. I think he'll live forever. If anything, his writing is livelier than it ever was."

Whether as TRB or as a Monitor reporter, Mr. Strout has been an eyeball-to-eyeball observer of Presidents for more than 50 years. Each, he says, had his own style.

Calvin Coolidge, for example, answered only written questions. So one time Mr. Strout and 11 other reporters tried to pin down the President by craftily submitting identical questions: Would he be a candidate in 1928? "Coolidge looked at the first question and put it aside," recalls Mr. Strout. "He went from the second to the 11th. At the 12th, he paused, read it (silently) and went on dryly—'I have a question on the condition of the children in Poland.' " The President answered the nonexistent question and, with that, concluded the press conference.

Mr. Strout has his private presidential evaluations. "I rate Roosevelt first without a doubt," he says, and President Truman "was as brave as they come." Lyndon Johnson "in many ways was a son of a bitch, but he had a compassionate heart." The latter is evaluation favorably colored by Mr. Strout's lasting admiration for LBJ's "We Shall Overcome" voting rights speech to Congress in 1965.

A WILLINGNESS TO AGGRANDIZE

Mr. Strout is reluctant to evaluate President Nixon yet. But his writings make it clear he's no fan of the man he has called "the most aloof President in history."

He worries that "presidential power has grown enormously"—largely because Congress has been "too lazy" and Presidents only too willing to aggrandize their office. "There's a feeling that once you sleep in Lincoln's bed, you become deified," he says. "It's a dangerous thing."

Mr. Strout, who is not a Christian Scientist but a Unitarian, works out of a small office in the modern, fortress-like Monitor headquarters here. Despite the modern decor, he continues to use a wooden roll-top desk he inherited from a former Monitor Washington bureau chief. The desk has an indented pearl button on its right-hand side. "When you push it," he explains, "nothing happens."

He continues to put in a full workweek at the Monitor, with the understanding that he is free to write his TRB column there on Wednesdays. Nowadays, he specializes in "color," or feature, stories for the Monitor itself, and maintains that he's still there only because "I've become sort of a holy cow." He suggests that this article merely report: "The old reporter says modestly that all he has been is a good competent hack."

His co-workers disagree with that assessment. "He's still here because he pulls his weight as well, or better, than anyone in this office," asserts Godfrey Sperling, the Monitor's Washington bureau chief. "He can move fast on a story. Boom."

"He can on occasion be grumpy, too," says an ex-Monitor staffer with a chuckle. "If he thinks somebody is putting forth 'utter claptrap,' he'll get up and leave."

SHUNNING THE SOCIAL CIRCUIT

Instead of personal contacts, Mr. Strout relies on reading everything he can get his eyes on, then attends congressional hearings and makes "first-hand observations" for additional material. He shuns the Washington social circuit; for relaxation he attends plays or reads aloud to his wife, Ernestine.

Mr. Strout used to drive to work in his Model T, which he parked on the ellipse behind the White House. Nowadays he commutes by bus from his four-bedroom home in Northwest Washington. The house was purchased over 30 years ago with proceeds from his 1939 best-selling book, "Maud," based on his mother-in-law's diary.

The house seems somewhat empty now since the five Strout children have grown and scattered around the world. They include a son and two daughters by Mr. Strout's first wife, Edith, who died in 1932. He married Ernestine in 1939, and they had two more daughters. None of the children have gone into journalism, but they have "enough degrees to start a university," he says proudly.

Journalism isn't a career that Mr. Strout recommends lightly. He advises young people to "stay clear of it unless they have a passion and dedication. The pay is not very good, and the excitement is apt to pall after a while. The sustaining element is the commitment, the feeling that you are doing some good in the world."

After more than a half-century on the job, friends say Dick Strout has lost none of his passion and that he still gets excited as a cub reporter over big news events. At a 50-year anniversary celebration two years ago, when the Monitor presented Mr. Strout with a round-the-world airplane ticket, Godfrey Sperling summed up his colleague this way: "He is the Monitor's oldest reporter; he is also the youngest."

COMMUNICATIONS SATELLITES

Mr. MOSS. Mr. President, almost 30 years ago Arthur Clarke, the visionary British writer, saw synchronous communications satellites as one of the major benefits of a space program. His prediction was made far in advance of what was to be the beginning of communications satellites.

Although much scientific discussion took place before 1958, real effort in this field began with the founding of the National Aeronautics and Space Administration. Years of NASA research have been punctuated by debate on the merits of various technical approaches. Learned experts and major American corporations became involved in controversy over complex concepts such as low altitude versus synchronous satellites and passive versus active satellites. Through all of the debate NASA management and technological know-how provided a focal point for the necessary research to enable selection of optimum approaches.

By 1962 the vast potential of communications satellites became recognized to the point that, after extended consideration and debate in the Congress, the Communications Satellite Act of 1962 was passed. This act created a corporation for the establishment, ownership, operation and regulation of a commercial communications satellite system.

NASA has engaged in a vigorous research and development effort for the past decade and a half in communications technology. The first successful NASA synchronous communications satellite, SYNCOM 2, was launched July 26, 1963. Under present plans, the last launch of a NASA satellite primarily involved in communications experiments will be the launch of the ATS–F satellite next spring. With that launch, significant NASA effort in communications satellites will end on the premise enunciated by the executive branch, that private industry is now in a position to carry forward the research and development necessary for future communications satellites.

Leaders of the U.S. aerospace industry voiced great concern over the future of communications satellites to the Committee on Aeronautical and Space Sciences during hearings held on September 26 and 27.

The purpose of the hearings was to inquire into our future capabilities of obtaining the objectives specified in the National Aeronautics and Space Act of 1958.

During the testimony of the eight witnesses, recognized leaders of industry, five cited communications satellites as a prime example of the positive applications of space technology. Two of these knowledgeable gentlemen specifically highlighted their opinion that NASA should retain responsibility for basic science and technology including that in communications satellites. They favored NASA emphasis on mission management and the science and applications technologies, allowing industry to assume fuller responsibility for design and development.

These same two witnesses were concerned about the executive branch decision, announced last January, to remove NASA from communication satellite research and development.

They feel that the past success of the industry in commercial exploitation of communications satellites was rapid and successful only because of the early work by NASA on flight hardware and multiple approaches to the problems that had to be solved. NASA operational evaluation reduced technical risk to an acceptable level for commercial development.

The potential technological advancement in communications satellites is great. Potential commercial customers want communications channels with guaranteed life based upon well proven technology. In the present environment of a rapidly expanding market, aerospace spokesmen say that the private sector cannot afford the gamble of providing advanced research in such a vast field. Since this is the case, the desired level of international competition may be difficult to maintain.

There is disagreement as to how much responsibility NASA should retain, but I support NASA involvement in continued research in communications satellites as basic to their responsibilities under the National Aeronautics and Space Act of 1958 and the Communications Satellite Act of 1962. Unless that responsibility is maintained, the United States could quickly fall behind in this important field. This is particularly true when one recognizes the vigor with which many other nations are supporting such research in an effort to gain a greater share of the potential rewards or themselves.

I do not believe that the United States must be the world leader in every area of technology. But especially in those areas where we now have a clear lead, we should carefully examine whether we want to casually abandon our lead by conscious default.

There is great interest by industry to pick up many of the NASA research programs, and develop them into useful products and systems. I am confident this can be done.

But if NASA does not resume its pioneering technology work in the communications satellites, I am convinced we will be faced with a serious shortfall of communications technology in the future.

Mr. President, the testimony of our witnesses so clearly expresses the need for NASA to maintain this basic responsibility that I ask unanimous consent to print a portion of their comments in the RECORD at the conclusion of my remarks.

I strongly urge the administration to reconsider the decision to abandon our research in this area, which holds such promise for the betterment of mankind.

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

EXCERPT FROM THE STATEMENT OF DR. WERNHER VON BRAUN BEFORE THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, SEPTEMBER 27, 1973

I also cannot emphasize too strongly how unfortunate I feel it is that budget limitations seem to be forcing NASA to abandon its fiifteen-year involvement in the further development of advanced technology for communications satellites. Caught in a budget pinch, even inside NASA the argument has been made occasionally that communications satellites have developed into such an industrial success story that private enterprise should be able to raise enough R & D money to experiment with more advanced but still unproven communications technologies. From my new vantage point in a private corporation which is deeply involved with advanced communications satellites, let me assure you, gentlemen, that this is wishful thinking. Customers, whether domestic or international, want satellite communications channels with a guaranteed revenue-producing life of seven years or more, and they don't care a hoot what technology you use, as long as it is well-proven. On the other hand, the potential of technological advancement in this new field, whose surface we have hardly scratched, is almost unlimited. There is great potential in the use of higher frequencies, in laser beams communication, in switching satellite beams by ground signal from one ground target to another, in increasing satellite transmitting power so the cost of ground stations can be drastically reduced, to name just a few. In the fiercely competitive environment of the rapidly expanding communications satellite market, no private company can take the gamble of offering unproven technologies to its customers. The few commercial giants in the communications fields may indeed be the only ones who can afford to sink a few million dollars here and there in a little experimentation with new-fangled ideas, but their overall record in advancing the field of communications satellites has been so disappointing that the Federal Communications Commission wisely decided to open up the field to a pack of lively, smaller and less sated competitors. If NASA were to permanently discontinue its pioneering technology work in the communications satellite area, it would virtually reverse that FCC policy and give the game back to the established monopolies who, in view of their vast investments in old-fashioned wire communications, never had much of an incentive to explore the satellite potential in the first place.

The space program has done a lot of wonderful things for the human spirit, for the advancement of science and for the direct benefits of man. Only history can properly assess the lasting significance of these contributions to the human spirit and to science. When it comes to the direct benefits, however, we can make some judgment now, and I would give the highest rating to the communications satellite.

EXCERPT FROM THE STATEMENT OF MR. DANIEL J. FINK, VICE PRESIDENT AND GENERAL MANAGER, SPACE DIVISION, GENERAL ELECTRIC CO., BEFORE THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES SEPTEMBER 27, 1973

We are not comforted by the recent decision to remove NASA from communication satellite R. & D., on the assumption that industry and common carriers are now ready to take on the full burden of R. & D. with no further government stimulus. This seems to us to be an illusion, fostered by the phenomenal success of these operational systems. What is forgotten is that in the early 1960's NASA went into flight hardware with multiple approaches to the problem: The Echo passive reflectors, the Relay low-altitude repeater, and Syncom. Commercial exploitation was rapid only because this relatively expensive three-way evaluation, paid for by NASA, reduced the technical risk to an acceptable level. Thus U.S. companies gained viable footholds in international markets. Similarly, NASA exploratory flights of competitive technologies have led to more advanced operational systems through the late 1960's and now into the 70's.

Now, Canadian, Japanese and European organizations, with heavy government backing, have technical capability approaching that of the U.S. are willing to take high risks. In this environment, we can expect a U.S. publicly owned company to risk $50 to $100 million for developments in the arena of Direct Broadcast Satellites or other more distant capabilities on which the payoff may not come for ten years? Since this R. & D. has heavy technical and market risks, in addition to high costs, a more likely outcome is that the on-going, foreign government-sponsored programs, and not U.S. private industry, will assume the R. & D. prerogative. As a byproduct, leadership in new technology would pass from this nation by the end of this decade, because technology will move forward whether we choose to move with it or not. If NASA ten years ago had been subjected to the pressures for quick commercialization that now exist, it is doubtful that either the communications satellites or meteorological satellites would be in their present advanced state of development.

What we may have seen here is a loss of perspective in determining the most efficient way to remain viable in a highly competitive international marketplace. NASA has shown great resourcefulness in assuming the front-end risks in communications satellites, leaving commercial companies and common carriers free to devote maximum resources to competition in the services and markets they know best. In communications satellites, we may have seen the end of this productive relationship.

We know that foreign companies also have high capabilities in the technologies for environmental, meteorological, and earth resources satellites. We can expect them to be highly competitive in these fields. If the U.S. charter for continuing research and development in these systems, and its cost and risk burdens, pass too quickly from NASA to user hands, the U.S. could lose its competitive position. With it would go most of the basic R. & D. investment which NASA alone was willing and able to make during the costly gestation periods of these developments.

THE NEED FOR AN INDEPENDENT PROSECUTOR

Mr. BAYH. Mr. President, a number of Washington's most distinguished lawyers have addressed an open letter to the Congress expressing their deep concern about the current circumstances

where the President is now, in effect, investigating himself. They express the strong view that the constitutional provision commands that the President "take care that the laws be faithfully executed" requires that the President disqualify himself from investigation into alleged misconduct within his own office, and they call upon us to "move swiftly to end this crisis before it saps our national spirit," and to provide by statute for a independent prosecutor to be appointed by the courts. I ask unanimous consent that the text of their statement be printed in the RECORD.

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

AN OPEN LETTER TO THE CONGRESS FROM GROUP OF CONCERNED LAWYERS, OCTOBER 26, 1973

The undersigned members of the District of Columbia bar urge immediate enactment of legislation reestablishing the Office of Special Prosecutor as an independent agency insulated from the Executive Branch.

Under the rule of law, no man may be judge or prosecutor in his own case. An investigation which may uncover evidence that the President or his associates have obstructed justice, or committed other crimes cannot be entrusted to officials subservient to him.

The Constitution commands the President to "take Care that the Laws be *faithfully* executed." Surely this mandate, under the rule of law, requires the President to disqualify himself from investigation into alleged misconduct within his own office.

It was for these fundamental reasons that the Senate Judiciary Committee, reflecting the conscience of the public and the Congress, called for the creation of an independent Office of Special Prosecutor with authority to pursue the truth wherever it led. It is for these same reasons that the President's dismissal of the Special Prosecutor and abolition of his Office present a grave threat to the rule of law.

A society based on law must maintain public trust in the integrity and impartiality of the processes of justice. The President's recent actions have shaken that trust. The legal profession, above all, must speak out.

It is not enough that the President, under an avalanche of protest, decided not to defy court orders. A shocked and fearful country needs certain assurance—in the form of an Act of Congress—that the investigation will go forward without delay or impediment; that all leads will be pursued; that all relevant evidence will be sought and promptly produced, and none shielded behind a wall of executive privilege; and, most vitally, that prosecuting officials will not be subject to the authority or control of the President. No prosecutor within the Executive Branch, however able or vigorous or honorable, can satisfy this need.

We call upon the Congress to move swiftly to end this crisis before it saps our national spirit. The United States District Court for the District of Columbia should be empowered to appoint a Special Prosecutor with express authority to sign indictments as attorney for the government. The functions, personnel, and files of the deposed Office of Special Prosecutor should be transferred to the new statutory Special Prosecutor, whose tenure and full powers of investigation and prosecution should be explicitly defined in the statute.

The law we urge would indeed be extraordinary, but not more so than the circumstances requiring its enactment. Its constitutionality is beyond serious question. Article II, Section 2, provides that "the Congress may by Law vest the Appointment of such inferior Officers, *as they think proper*, in the President alone, *in the Courts of Law*, or in the Heads of Departments." In the present situation of actual or apparent conflict of interest within the Executive Branch, vesting appointment of the Special Prosecutor in the courts is proper. It is also necessary; nothing less will restore the people's confidence that ours is still a government in which no official is above the law.

Respectfully,

Frederick B. Abramson, Jerome Ackerman, Albert E. Arent, Frederick A. Ballard, John Bodner, Jr., Edward Burling, Jr., Edmund D. Campbell, Austin F. Canfield, Jr., Mortimer M. Caplin, Manuel F. Cohen, Mitchell J. Cooper, Lloyd N. Cutler, John W. Douglas Charles T. Duncan, Philip Elman, Ben C. Fisher, Eugene Gressman, John B. Jones, Jr., Robert H. Kapp, John E. Nolan, Jr., John H. Pickering, E. Barrett Prettyman, Jr., Daniel R. Rezneck, Franklin M. Schultz, Robert L. Wald.

SMALL TOWNS FACE UNCERTAIN FUTURE IN THE UNITED STATES

Mr. SPARKMAN. Mr. President, in the Birmingham News in its Sunday issue of November 4 there was a most interesting article entitled "Small Towns Face Uncertain Future in the United States." Believing that all of us are interested in the future of the small towns of America, I ask unanimous consent to have it printed as a part of my remarks in the RECORD.

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

SMALL TOWNS FACE UNCERTAIN FUTURE IN THE UNITED STATES

(By Al Stanton)

The population experts say that by the year 2000, 18 counties in North Alabama will make up approximately the 15th largest "urban region" in the U.S.

It will be in the 1–10 million urban region class, which, in fact, it already is, with a population of 1,108,795.

Similarly, Mobile and Baldwin counties and the western Florida Panhandle will be in the fourth largest urban region, stretching along the Gulf Coast to about midway between Houston and Corpus Christi.

This is not to say that the Alabama counties will grow all that much.

Alabama's population is growing at a much smaller rate than that of the U.S. But the urban areas of the U.S. generally are growing faster than the small towns and cities of under 50,000 population.

And where does this leave the small towns?

The population experts aren't sure. Some small towns will grow, others will stand still and others will stagnate.

The question was explored at a recent seminar for newspaper people at Oak Ridge, Tenn., sponsored by the Southern Newspaper Publishers Association.

Some 30 newsmen and women interested in the future of small towns attended. Most of them were from the Southeast.

A NUMBER OF MYTHS REMAIN

The experts are trying to find reasons for the "agglomeration" or concentration of large populations. They also are trying to discover what is happening to the small towns. Some confess that despite extensive study the answers remain unknown.

Although there have been extensive studies, a number of myths remain about our population movement, and the experts find disagreement even here.

Selim A. Kublawi, an economist for the Appalachian regional Commission in Washington, says that one myth is that people have been moving to the large cities because they wanted to.

"Most surveys show that the majority of Americans prefer to live in medium-sized cities and small towns," he says. "They live in large cities and around them because of the economic necessities (jobs)."

On the other hand, Kenneth D. Rainey, a Columbus, Ohio, planner, says that people do not really want to return to the small towns, as the surveys show.

"Most of these expressions of desire to get back to the rural areas of the smaller communities must be classed with the expression of intent to cut down on the number of cocktails one drinks," Rainey says.

Still another myth is generated by attempts to treat the small town problem as one that is uniform across the U.S., says Rainey, who is an associate at the Academy for Contemporary Problems at Columbus.

The academy was established jointly by the Batelle Memorial Institute and Ohio State University to study urgent social and environmental problems.

"Averages can be deceiving," he says.

"They can be like the man who has one foot in boiling water and one on a cake of ice. On the average, he is comfortable."

"REASONABLY BRIGHT" FUTURE

Problems vary from place to place, says Rainey.

"In many areas the future for towns of 10–25,000 seems reasonably bright. On the other hand, there are areas where we can only see a continuing emptying out and a continuing difficulty in providing acceptable levels of public service," Rainey says.

Seminar leaders pointed out that there are probably more than 1,000 federal government programs to help small towns.

But the government can't do the job, even if it were desirable to cure all the small town ills.

"There is not enough federal money to prop up these towns even if we didn't spend a nickel on defense," Rainey said.

The out-migration from rural areas is mostly by the young, leaving fewer and longer-educated children, better educated working women and more older people.

Michael I. Foster of the Tennessee Valley Authority, another seminar participant, says the small town under these circumstances still can improve itself.

It needs a "starter" group, most usually a group of downtown businessmen whose interests are threatened or whose ambitions are frustrated by lack of downtown progress, Foster says.

The starter group is stimulated to act by leakage of trade to adjacent larger cities, the growth or threat of suburban shopping centers and the desire to attract more industrial jobs, Foster says.

Foster is director of the TVA Division of Navigation Development and Regional Studies at Knoxville.

UNITED STATES PROVIDES SOME ASSISTANCE

Some assistance is available from the federal government.

The Rural Development Act of 1972 provides for loans to small towns up to 10,000 population for more than 20 community facilities.

These include ambulance services, industrial parks, public buildings, streets, roads, sewers, even cable TV and nursing homes.

But although more than $5 billion was appropriated this year by Congress, the money is not enough.

Along this line, experts also disagree on the government's responsibility to small towns.

Kublawi says, "The small town cannot succeed by itself. Public policy, at the federal

and state level, is essential to enhance the viability of the small town's economy."

On the other hand, Rainey says, "It is not likely that the future of small town America will be decided by any monolithic government policy.

"As has been the case in the past, the growth of small towns will be the result of millions of decisions made in an inconsistent and highly pluralistic environment," Rainey said.

As to where do we go in regard to small towns, he says:

". . . We have behind us 15 to 20 years in experimentation in regional economic development.

"We have tried the local development efforts, the chamber of commerce activity, a broad range of local financing schemes to lure industry into depressed areas and smaller towns.

"We have tried a wide range of state and federal subsidies and grants-in-aid.

"We have tried multistate regions. We have tried multi-county development corporations.

"In short, we have tried most of the ideas surfaced since World War II."

What should we do?

Rainey says he doesn't know.

COMMISSION ON THE PRESIDENCY?

Mr. MONDALE. Mr. President, in a recent Senate speech I discussed a number of aspects of the institution of the Presidency, which have contributed to a decline in the responsiveness of that institution to the Congress and the American people. Certainly, events of recent weeks should focus our attention even more closely on those steps which must be taken—by both the President and the Congress—to restore a balance of power between the branches of Government and make both the executive and legislative branches more responsive to the American public.

In this connection, a recent editorial from the St. Louis Post-Dispatch, commenting on the proposals which I have advanced, effectively discusses a number of these important issues. I ask unanimous consent, Mr. President, that this editorial be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Oct. 16, 1973]

COMMISSION ON THE PRESIDENCY?

The feeling is rather generally held across a broad spectrum of national leadership that no matter what President Nixon does or does not do to regain the confidence of the people his Administration is doomed to ineffectiveness. This impression emerges strongly from a series of interviews conducted by Thomas Ottenad of the *Post-Dispatch* Washington Bureau. One top Democratic leader was blunt: "This Administration is a dead duck," he said.

If the Nixon Administration is fated to act in a caretaker capacity for the next three years, does this not offer the country an opportunity to take a good look at the institution of the presidency, with a view to reforms? We think it does, for as *The New York Times* observed some time ago, even before Watergate brought the Nixon Administration into disrepute "there had been widespread concern that the office of the presidency had somehow become bloated, unresponsive, unduly secretive, out of touch with the people and perhaps even with reality."

Since the end of World War II the Chief Executive has acquired power that he never had before. A president now controls nuclear weapons and heads of military establishment 20 times the size it was at the beginning of that war. There are big new bureaucracies in Washington; and technological advances enable a president to roam the world by jet and be seen in millions of living rooms through television. But nothing has been done to tailor the office to the new conditions.

It is this background that lends interest to a proposal by Senator Walter F. Mondale, a Minnesota Democrat. He believes that over the last three or four decades "the presidency has become larger than life and larger than the law." And he further believes Watergate has imbued the nation with a new resolve to meet national problems, the greatest being the protection of liberty "against a government that would diminish it."

So Mr. Mondale has recommended several specific steps that need to be taken promptly, and he has proposed in a Senate resolution that for the longer range there should be established a Commission on the Office of the Presidency, whose purpose would be to examine what has happened to the office, why it has happened, and what can be done to make sure the office remains open and accountable to Congress and the people. The commission would be composed of members of the Executive and Legislative branches and distinguished private citizens.

The work of the group would not be intended to delay reforms that must be undertaken as soon as possible to end the abuses of power revealed by Watergate and require a more open and responsive presidency, one nearer "life size." But a commission such as Mr. Mondale suggests might be a constructive spin-off from Watergate (even though, we suspect, the idea of another governmental commission will produce a few yawns among the populace).

Mr. Mondale is a capable young man who has presidential ambitions himself, and his proposal may be tied to his personal objectives. Yet that need not detract from its merit. Such a commission could well articulate standards that would benefit the presidency and the country in the future; Mr. Mondale's resolution ought to be adopted.

A LACK OF CONFIDENCE

Mr. CHURCH. Mr. President, we all know of the outpouring of protest from the American people at the activities of the President in recent weeks—including the firing of Special Prosecutor Archibald Cox; the initial attempt by the President to defy an order of the Federal courts; and the new revelations that two of the most pertinent of the Presidential tapes are missing.

My own mail has run 20 to 1 against the President, with more than 1,000 letters, telegrams, and phone calls received—the vast majority of them urging impeachment of the President.

Meanwhile, in Idaho, the leading newspapers of the State—most of which supported the President's reelection last year—have become extremely critical of the manner in which the President has handled the Watergate crisis.

Mr. President, I ask unanimous consent that a sampling of editorial opinion from Idaho, including editorials from the Idaho Statesman in Boise; the Idaho State Journal in Pocatello; the Lewiston Morning Tribune; the Daily Idahonian in Moscow; and the Times-News in Twin Falls, be printed in the RECORD.

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

[From the Idaho State Journal, Oct. 22, 1973]

AN ACT OF POWER

No matter how President Nixon attempts to explain it, fairly or unfairly his firing of special Watergate investigator Archibald Cox comes across to the public as meaning only one thing: Cox was getting too close to the truth, and thus was sacked.

That firing and subsequent resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus are another shattering blow to what public confidence remains in the Nixon administration.

Firing Cox was an act of naked power, and one which seems unnecessary. Nixon did it because Cox said he would challenge the President's compromise offer to produce transcriptions of the Watergate tapes as failing to meet the order of the U.S. Court of Appeals. That court had ruled Nixon should make tapes of private conversations available to Judge John Sirica, who might then decide what information from them should be given to Cox. The court might well have accepted Nixon's offer in order to avoid further confrontation, and Cox would have been forced to abide by the court's decision.

Ironically, Nixon's offer met with generally favorable reaction in Congress and with constitutional authorities. But his vengeful firing of Cox immediately stirred serious new talk of impeachment, and chills once more the recently-thawing relations between Congress and the White House. By the same token, the added slippage in public support means the President's ability to govern at home and deal in foreign affairs will be further undermined.

It seems doubtful that Congress will impeach the President. There still is great reluctance to subject the nation to that wrenching ordeal.

But is there then any alternative means of satisfying the public as to whether the President was involved—as his former counsel John Dean claims—or innocent—as Mr. Nixon insists—in coverup of the Watergate break-in of Democratic national headquarters? The prospect seems dim.

Even if Sen. John Stennis is permitted to hear portions of the private tapes, and even if transcriptions of the recordings are made available to the court, it will not be the same as simply producing the tapes. Too many questions will remain unanswered.

And Nixon's promise that the Watergate investigation will continue "with full vigor" under the Justice Department has a very hollow ring, in view of Mr. Cox's fate. Rumors of planned mass resignations within the Justice Department followed news of the firing. Indeed, continuation of the Watergate investigation would be a hypocritical sham which no self-respecting Justice Department prosecutor should undertake.

When Archibald Cox was hired as special prosecutor, Atty. Gen. Richardson said Cox "will be aware that his ultimate accountability is to the American people." Richard Nixon obviously felt differently. And he, apparently, is accountable to no one.

[From the Lewiston Morning Tribune, Oct. 22, 1973]

YOU WON'T HAVE COX TO KICK AROUND ANY MORE

The appointment of a special Watergate prosecutor was always a sticky wicket. Technically it amounted to a demonstrably untrustworthy administration investigating the extent of its own transgressions. But there was hope that a respectable investigation and prosecution could be accomplished if:

1. The special prosecutor was a man of impeccable integrity.

2. The special prosecutor would be given absolute independence of the administration he was investigating.

3. The administration would disqualify

itself from its technical right to arbitrarily overrule the special prosecutor in the event that his results were deservedly unpleasant for the administration.

The appointment of Archibald Cox as special prosecutor was a success only on the first of the three requirements. It turned out that Cox was a man of such unquestionable integrity, such moral courage and such sharply focused legal indignation that he stands today several miles higher in public esteem than the pathetic president who has fired him.

But the second and third requirements for a thorough and honest investigation have now proven vain hopes in the climate of a White House which so obviously never wanted and indeed feared the truth, the whole truth and nothing but the truth.

The demand by Cox for the whole truth and for all the relevant information contained in secret White House tapes threatened the President with unpleasant consequences. So he snuffed out Cox and the special Watergate prosecuting unit Cox headed.

It is now plain that Cox never really had full independence because it was impossible to be truly independent if he could be independent only so long as he did not begin getting at the truth or stepping on the President's toes.

All the reasons given for firing Cox are rhetorical window dressing. Cox was the man appointed to investigate the President and the President's associates. Cox was fired not because he wasn't doing his job well but for exactly the opposite reason. Cox was fired because he was, in the Nixon view, doing his job too well for White House comfort.—B.H.

[From the Idaho Statesman, Oct. 24, 1973]

A Man of Principle

Former Atty. Gen. Elliot Richardson did not pass judgment on President Nixon at his press conference Tuesday, but reaffirmed his support of former Special Prosecutor Cox and his investigation.

From the beginning, he indicated, his position has been that an independent special prosecutor was necessary in the Watergate case, to restore faith in the integrity of the government.

Given his convictions and the President's decision to fire Cox, Richardson had no choice but to resign. His resignation added to his already considerable stature. It was inspiring, because it offers evidence that there are men in government who will not compromise on basic principles.

The Nixon administration has suffered from a shortage of such men. When former Interior Secretary Walter Hickel let his disagreements with the President become known, he was sacked. Some others were forced out early this year at the beginning of the second Nixon term.

Richardson did not chastise the President nor indulge in any sour grapes recriminations. He simply stated the sequence that led to his decision, and the convictions that prevented him from remaining in the office.

The applause given Richardson by Justice Department employes was a fine tribute to him, and apparently to the position that his resignation represents.

A Victory for the People

President Nixon's capitulation to the order of a federal court for nine Watergate-related tapes should stop the drive to impeach him that had followed last weekend's Justice Department shakeup.

The President's move was a major conciliatory step, in the face of public and congressional outrage. It was a victory for the people.

Some issues are unresolved—including the status of the former Cox investigation, the violation of an administration agreement with the Senate in firing Cox, other tapes and documents, and the possible content of the Watergate Tapes themselves.

An investigation by an independent special prosecutor should continue. Cox should be reinstated. Former Atty. Gen. Elliot Richardson suggested Tuesday the appointment of a new special prosecutor. It would be simpler to reappoint the old one. Richardson should also be invited to return.

One of the greatest concerns of people angered by the President's actions of Saturday was that of an executive claiming excessive powers. The impeachment mechanism offers a remedy in the case of abuse of power by a president.

The resignations that accompanied the Cox removal helped build the fires of indignation. There were critical statements from Republicans as well as Democrats. The telegrams poured in to Washington.

On Tuesday before the President announced his decision Judge John Sirica notified the Watergate grand jury that it would continue to operate. And Richardson conducted his press conference at which he upheld Cox, the Cox investigation and spoke out for the necessity of an independent investigation to restore faith in the integrity of the government.

All of these things might have contributed to the President's decision. The events of recent days suggest that there is power in the attitude of the public, and in the Congress.

The expressions of outrage and the call for an impeachment proceeding in the House served notice on the White House that the President could not bulldoze his way through this situation.

So it appears that the tapes decision represents a victory for the people and the Congress, as well as for the courts. There were so many people speaking out for the rule of law, for limitations on presidential power, for an independent investigation, that a president was forced to back down.

Now that he has taken a major conciliatory step the President should move further. He should reinstate the former special prosecutor and invite the former attorney general to return. With those steps he could undo much of the remaining damage left in the wake of the Saturday explosion.

[From the Twin Falls (Idaho) Times and News, Oct. 23, 1973]

Impeachment

Impeachment used to be a whispered word—now it is mentioned in Congress as often as "yes" and "no."

The turmoil stirred up by the President in his most recent action is a disaster in public relations. He is going down a road on which there is no return. He is finding few who agree with him in this instance and many members of Congress—and thousands of private citizens—believe he is digging his own political grave.

There is something wrong with his actions and it will all come out into the open at some point in time. Now we're not sure why such action was taken. Without a doubt, his action was ill-advised and it now places greater responsibility on Congress and the Courts to uphold the principal that no man is above the law.

As we see it—no man is above the law, even if he is the President of the United States.

Impeachment action must, under law, be brought in the House but it is in the Senate where the final action will be taken—the final decision will be made. The ultimate test in Congress will be what the conservative Republicans decide to do.

[From the Moscow (Idaho) Daily Idahonian, Oct. 22, 1973]

The Firings by the President

The TV Movie of the Week last night was a charming story of an Eskimo boy who had to take a long and perilous canoe trip to get help for an injured mountain climber. It was full of the old virtues, humility before man and nature, self reliance, a respect for the legends and traditions of the past, and a belief in man's ability to meet challenges boldly and successfully.

The papers this weekend were full of a not-so-charming story containing almost none of the old virtues. It's a story of a President—still fighting the release of tape recordings that large numbers of ordinary citizens think should be made public—firing two dedicated public servants and accepting the resignation of a third while working frantically to avoid complying with what had appeared to be a reasonable court order.

Again the President has focused on the legal aspects of the situation while disregarding the common-sense aspects that appear so obvious to the public at large.

Legally, the President is probably within his rights in firing special Watergate prosecutor Archibald Cox, a distinguished lawyer and teacher. And legally the President may be correct in contending that releasing the tapes of his conversations with several leading Watergate conspirators would violate his right to keep information confidential. And legally it may be true that bowing to court orders would make the exceutive branch of government subservient to the judicial branch, contrary to the intent of the Constitution.

But the nation's best legal minds are divided on the legalities of many of the issues, and in each case the legal line runs strongly counter to the common sense line that underlies much current public opinion.

Certainly, Cox is an employee of the executive branch. He is also, however, a special prosecutor specifically appointed to make a thorough and independent investigation into the Watergate mess. To fire him for being fierce in the pursuit of his duties makes a mockery of the appointment.

Perhaps the President should have the right to keep certain information confidential. The tape recorded conversations of most of the people who have come into Nixon's offices since the recording equipment was installed should probably be kept confidential.

In fact, they shouldn't have been recorded in the first place. But the tapes of those talks with the Watergate conspirators would go a long way toward answering the questions that have been raised. It's absurd that they weren't released immediately when their existence became known.

And certainly the executive, judicial and legislative branches of government should be equal, as set forth by the Constitution. But complying with the court order much less likely to upset that balance than refusing to comply, an action that appears to place the executive above the other branches of government.

Perhaps if the President had run a business on Main Street here in Moscow before moving to the White House he might be more inclined toward the common sense approach to these problems that says, let's get everything out on the table and get the whole thing settled. A lot of people who run businesses here and across the country, and a lot of their customers, wish that had been the President's approach from the beginning. As it is, who now can believe that he wants the public to know the truth about Watergate.

[From the Moscow (Idaho) Daily Idahonian, Oct. 22, 1973]

NIXON'S LACK OF TRUST

A couple of other points might be made about these issues. The President continues to demonstrate his distrust in the public and its institutions. If his proposal on the tapes is fair and workable, Judge John Sirica will accept it. The President could then have ignored Cox's complaints, which would have become academic, and let Cox get on with his investigation, which gave promise of doing what it was designed to do.

Cox may have reacted overly strongly to the Nixon compromise. The deal suggested by the President is for him to summarize the disputed tapes and give that summary to the Senate Watergate Committee, meanwhile letting a man chosen by the President, Democratic Sen. John Stennis of Mississippi, hear the tapes and confirm the accuracy of the summary. Cox reacted by saying he wouldn't be a party to such a deal and by threatening to try to have Nixon cited for contempt of court for failing to comply with the court order to give Sirica the tapes. But Nixon's reaction was overly strong, too.

If Judge Sirica rejects the compromise, as he probably should in the interest of truth, then the President's action in driving three good men out of office becomes even more unfortunate.

And finally, if President Nixon had released the tapes promptly, the whole question of a Constitutional confrontation over them would never have arisen.

THE BOMBING OF THE UNIVERSITY OF WISCONSIN

Mr. HOLLINGS. Mr. President, yesterday a powerful editorial appeared in the Charleston, S.C., News and Courier. It concerned the homicidal bombing of a University of Wisconsin research building in 1970, and subsequent events. You will remember, I am sure, that a physicist working in the building was killed in the explosion. Several weeks ago, the perpetrator of this heinous crime was sentenced to 25 years in prison.

His attorneys, however, managed to obtain a mitigation-of-sentence hearing for the guilty party. In arguing for mitigation, Attorney William Kunstler managed the presentation, which included arguments that the war in Vietnam was immoral, therefore, any action designed to impede the conduct of the war was legitimate and moral.

The editorial in the News and Courier exposes this kind of reasoning very forcefully. A civilized society cannot survive according to the law of the jungle that Attorney Kunstler and the others advocate.

The accused individual was charged with murder, and he was convicted of murder. There is no other word to describe his crime. The judge who heard the mitigation hearing fortunately had the good sense to deny the spurious arguments of Kunstler et al.

Mr. President, I ask unanimous consent that the editorial, "A Small Act," which appeared in the November 11, 1973, Charleston, S.C., News and Courier, be printed in its entirety in the RECORD. The column deserves to be widely distributed and read.

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

A SMALL ACT

In the early hours of Aug. 24, 1970, Karleton Lewis Armstrong, a student opposed to United States participation in the Vietnam war, expressed his views by exploding a bomb in the University of Wisconsin Army Mathematics Research Center. It happened that working there at the time, alone, was a physicist, Robert Fassnacht. The explosion killed him.

Armstrong first was charged with murder. Several weeks ago he pleaded guilty to reduced charges of second degree murder and four counts of arson stemming from attacks on several military installations. He was sentenced to 25 years in prison. With the aid of Attorney William M. Kunstler, defender of many anti-war activists, Armstrong obtained a mitigation-of-sentence hearing, hoping to have his prison term reduced.

The hearing was held in Madison, Wis., before Circuit Court Judge William C. Sachjen. Parading before the judge came a strange collection of historians, scientists and political activists in Armstrong's behalf. The war in Vietnam, they argued, was "illegal," and therefore all acts of resistance against it were justified—including the killing of Robert Fassnacht.

"You knew, and I knew," Attorney Kunstler told the judge, "we were cowards We did not do what Karl Armstrong did because we were middle-aged, perhaps, or because our positions were secure and we didn't want to jeopardize them." Melvin Greenberg, another defense attorney, said that the bombing of the research center was "a small, minute act of violence done to stop that huge, great violence" of the Vietnam war. He criticized what he called the "double standard" which permitted those who directed the Vietnam war to go free, while others like Armstrong were subject to criminal proceedings.

Robert Fassnacht was dead. Judge Sachjen rightly ignored the fiery defense oratory about the Vietnam war. His decision did not mention it. He imposed concurrent sentences on the murder and arson charges, cutting only two years from the original 25-year sentence, presumably allowing for the almost two years Armstrong already has been imprisoned after being captured, on the run, in Toronto by the Royal Canadian Mounted Police.

It seems strange that, at this late date, Attorney Kunstler and the activists whom he and others defend still do not know for whom the bell tolls. It tolls not only for those who gave their lives seeking to defend freedom, but also for the Robert Fassnachts who no longer are among the living.

NEW PROSECUTOR MUST BE FREE OF NIXON HAND

Mr. MONDALE. Mr. President, although Mr. Leon Jaworski has assumed his duties as the special prosecutor appointed by the President, I remain of the view that Congress must act to establish a truly independent prosecutor. The prosecutor must not be appointed by the President, must not be removable at the will of the President, must be truly independent, and must possess all necessary power to go to court to seek relevant evidence.

This country has been repeatedly shaken by the Watergate affair and its aftermath. Public confidence in Government and Government officials is at an all-time low. The first step back on the path to restoration of confidence is to bring those guilty of criminal offenses to justice through a thorough investigation. It is by establishing a truly independent prosecutor that we insure that this will be done.

In a recent editorial, the Pioneer Press of St. Paul, Minn., expressed the view that "the special prosecutor's office should be taken completely out of his—the President's—sphere of influence." The editorial continues:

President Nixon's record of obstructionism against the Cox investigation speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "New Prosecutor Must Be Free of Nixon Hand" published in the Pioneer Press of November 5, 1973.

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

NEW PROSECUTOR MUST BE FREE OF NIXON HAND

President Nixon is now trying to derail congressional efforts to assure a fully independent special prosecutor to carry on the Watergate prosecutions and investigations begun by Archibald Cox.

Because of Mr. Nixon's shocking discharge of Cox after he began digging into matters embarrassing to the White House, strong sentiment developed in Congress to establish a special prosecutor's office responsible to the courts and not to the President. This is an eminently fair and reasonable approach. Since the presidency itself is the subject of investigation, and in view of Mr. Nixon's past obstructive actions, the probe should not again be put in charge of anyone subject to dismissal by the President.

Yet this is what Mr. Nixon wants. He authorized his acting Attorney General, Robert Bork, to announce the appointment of Leon Jaworski, a conservative Texas Democrat, to replace Cox as the new special prosecutor. To soften congressional opposition, Bork said Mr. Nixon has promised he will not interfere with Jaworski and will not fire him without the consent of a selected group of congressional leaders from both parties.

Mr. Nixon's record in the Watergate investigations makes such assurances unacceptable. He has denounced the Cox staff as being loaded with hostile lawyers. And at his last press conference he promised cooperation with a new special prosecutor, "but not by having a suit filed by a special prosecutor within the Executive branch against the President of the United States."

Regardless of President Nixon's new assurances, the special prosecutor's office should be taken completely out of his sphere of influence.

Fifty-three members of the Senate are sponsoring legislation which would do this. Their bill would have the special prosecutor appointed by and responsible to federal Judge John Sirica. This legislation, or some reasonable modification, should be enacted, regardless of Mr. Nixon's self-serving opposition.

Nixon might veto such a bill. But Sen. Walter Mondale of Minnesota has an answer to such a threat. He says Mr. Nixon's nominee for a new Attorney General, Sen. William Saxbe, R-Ohio, should not be confirmed by the Senate until the President signs the independent prosecutor measure.

The Senate did not confirm Elliot Richardson as Attorney General until the Nixon Administration had promised not to interfere with Cox's work as special prosecutor. Those promises became "inoperative" (to use a White House term) when Mr. Nixon fired

Cox and thus forced the resignation of Richardson, who refused to concur in the President's action.

President Nixon's record of obstructionism against the Cox investigations speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

GENOCIDE: MISUNDERSTOOD

Mr. PROXMIRE. Mr. President, some people who oppose American ratification of the Genocide Convention do so because they believe that the convention's definition of the word "genocide" dangerously distorts the true meaning of the term. They maintain that article II of the treaty would require each signatory to prosecute any person demonstrating the intent to destroy or harm a single member of a specified ethnic, racial, or religious group. They consider this mandate too broad.

This concern is unwarranted. First, article II of the treaty explicitly states that only the intent to destroy the "whole" or part of such groups would require government action. In 1950 Deputy Under Secretary of State Dean Rusk drew the distinction between crimes of genocide and homicide by noting that the former designated the intent for large-scale violence against members of a specific group while actions against one or two members of a racial or ethnic group would fall in the latter category.

Further, ratification of the Genocide Convention would not increase the number of prosecutions for violence against individuals because the U.S. legal system already considers such violent actions to be criminal offenses. Violence and persecution in any form has long been abhorrent to those upholding the principles of freedom and democracy for all men. Ratification of this document would merely reaffirm our commitment to those principles. After more than 20 years of debate such a reaffirmation is more important than ever.

Mr. President, I ask the Senate to ratify the Genocide Convention as quickly as possible, and make clear America's position against mass violence.

ENERGY CRISIS AND THE CREDIBILITY CRISIS

Mr. MOSS. Mr. President, the lack of credibility of the President of the United States brought about by the ever-widening scourge to which we refer with the generic term, "Watergate," is bringing us within spitting distance of disaster in our energy battle.

The patterns of communication with the public on Watergate and on the energy crisis are strikingly similar. Do you recall, less than a year ago, the initial indignant denials of his knowledge of events surrounding the break in and then each of his later explanations gradually admitting more knowledge, thereby conceding each previous explanation to have been at least partly false.

Now we have had three "energy messages" from the President in less than a year—and each one exposes a little bit more, and levels with the public a little bit more. But it is almost too late.

A skeptical public will not voluntarily follow the dictates of a President who has strained its faith in his office beyond repair.

Even now, some of our citizens, when offered the President's voluntary energy program the other evening are saying "Let him stay home and go to work and save the jet fuel" and "Let's see an example of Nixon's personal conservation."

Hobart Rowen said it very well—"Nixon sidesteps bold measures on energy"—and I ask unanimous consent that the article from the Washington Post of November 11, 1973 be printed in the RECORD for the use of the Senate.

The President's April message on energy was considered a disappointment even by industry.

The President, I submit, is playing politics with energy and is judging the crisis against how the people will react. He is afraid to endanger his 32 percent rating by telling them the truth about energy and moving drastically to correct the problem.

I say it is time he stopped insulting the intelligence of American citizens and leveled with them.

The Senate, in a bipartisan effort led by Senator JACKSON, under the Fuel and Energy Study has been working long and hard for almost 3 years on the energy shortage. Legislation is forthcoming.

As Rowen says, the Nation cannot wait.

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

NIXON SIDESTEPS BOLD MEASURES ON ENERGY

(By Hobart Rowen)

President Nixon's latest stab at an energy program is a step beyond his previous inadequate efforts, but it still falls far short of the mark.

It is nearly unbelievable, at this stage of the crisis, that the President could not find the authority to make a nationwide speed limit of 50 miles per hour mandatory.

Would that the President had been so circumspect in seeking out legal authority when he set up the plumbers' group in the White House!

As Gov. John Love admitted to reporters, a speed limit—which would save more energy than any other single step—"needs a national push." It can't be left to the states or to voluntary compliance by citizens.

Well-informed sources indicate that it was only in response to insistent demands by many state governors that the President, at the last minute, agreed to ask for congressional approval for the use of daylight saving time throughout the year.

It is clear to everyone who has studied the energy problem that in the short run, the most hopeful prospect of reducing wasteful consumption of energy is in the curtailment of the private use of automobiles.

This requires much more than appeals to the public to use car pools and mass transit. It requires tough measures to force the auto industry and the buying public toward producing and using smaller and lighter cars.

Yet, the administration steadfastly refuses to consider a tax on high-horsepower cars and, according to Gov. John Love at the White House press briefing Wednesday night, a substantial additional tax on gasoline itself.

It perpetuates the notion that somehow gasoline rationing may yet be avoided. The reaction by Sen. Henry Jackson (D-Wash.) is more realistic: gasoline rationing is inevitable—and so are some industrial shutdowns that will have painful economic implications.

The Nixon administration's rationale for staying away from higher gasoline taxes is that they are regressive—they would hit lower-income people harder than the wealthy. But there are ways to solve that problem. And there certainly can be no worry about the regressivity of a penalty tax on the huge gas guzzlers.

The point is that bold ways have to be pursued to cut down on the 50 per cent of U.S. oil refinery production that is now devoted to the production of gasoline, mostly for autos. This would permit higher refinery runs for heating oils, and for the special fuels used by railroads and airlines.

The halfway measures outlined in the President's speech suggest that some policy makers must be clinging to the hope that Kissinger's magic touch in Mideast diplomacy will soon have Arab oil flowing again.

But if there is more than rhetoric in the President's call for a "Manhattan Project" sense of urgency, if he really intends for the nation to be independent of Mideast oil needs, there is a distressing lack of commitment so far to development of alternative sources of energy.

Prof. Ernest Frankel of M.I.T. points cut that production of petroleum from either coal or oil shale in a "socially acceptable way" would come to about $6 a barrel in the early 1980's, compared to median predictions of around $7 a barrel for petroleum by that time. (Some estimates for Mideast and South American oil run much higher.)

As the technology improves, oil from shale or coal would probably become cheaper. Thus, says Frankel, "There is not only an alternative but an economically and politically attractive solution," since U.S. coal and shale deposits are larger than the world's total oil reserves.

Beyond that, there is nuclear and solar energy. Is Mr. Nixon giving enough attention to their potential? A concerted effort should seriously be made to look into microbiological sources of energy. Many scientists suggest that this is an unplowed field: for example, methane can be produced from animal waste and urban sewage. Hydrogen and ethyl alcohol can also be produced from microbiological sources.

The kind of commitment that would demand every possible conservation measure in the short run, and every possible exploration of alternative sources for the long haul, is still lacking.

The Nation shouldn't wait until next summer to ration gas; it ought to cut back sharply on gasoline supplies now, and get more out of the refineries for home heating and essential industry.

The nation must also be assured that in its drive to boost energy supplies, it will prevent the oil companies from making windfall profits. Some price increases will be inevitable, but this is not the time to throw controls out the window, making the consumer the scapegoat for short-sighted planning by industry and government over the past several years.

It is also not a time for the Western world to allow itself to become divided by the Arab strategy of embargo. Appeasement, as Leonard Silk pointed out in the New York Times the other day, won't work any better in the Mideast than it did in Munich.

One can understand the concerns in Western Europe and Japan, which get the bulk of their oil supplies from the Arab countries. But this country, Europe and Japan badly need to come together, share existing resources and develop new ones. If they don't, the Arab countries will pick off one consuming country after the other, and $12 oil will look cheap.

JOHN P. FRANK, OF PHOENIX, ARIZ.

Mr. BAYH. Mr. President, Mr. John P. Frank, of Phoenix, Ariz., one of the country's most distinguished attorneys, has for many years provided expert guidance to the Senate on a number of legal issues and particularly in the area of judicial ethics. Mr. Frank has forwarded to me a statement of his views on the constitutional issues surrounding the currently pending legislation providing for the appointment by the courts of an independent prosecutor. I ask unanimous consent that Mr. Frank's statement be printed in the RECORD.

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

STATEMENT OF JOHN P. FRANK

My name is John P. Frank. By way of qualification, in 1942, I was law clerk to Mr. Justice Hugo L. Black. From 1946 to 1954, I taught constitutional law and matters relating to federal courts at Indiana and Yale Universities. From 1954 I practiced in Phoenix, Ariz., with frequent involvement in constitutional matters. In addition to numerous articles, I am the editor of two case books on constitutional law, the author of a frequently used work on the Supreme Court, and the author of two biographies of Supreme Court justices. From 1960 to 1970 I served on the Advisory Committee of the Supreme Court to Civil Procedure, and am a member of the Executive Committee of the Advisory Council on Appellate Justice.

Also of some relevance here, I am the author of numerous articles on disqualification of judges. I have three times appeared before this Committee or one of its subcommittees at the committee's invitation as an expert on disqualification, and I had a material hand in the disqualification act just passed by the Senate.

From this background, I express opinion on two points involved in this bill:

1. There is no constitutional impropriety in asking a court to appoint counsel in a case or group of cases. Courts do it all the time. I have just completed a year and a half of service on a major matter representing all prisoners in the Arizona State Prison by appointment of the Federal District Court. I have been representing the plaintiffs against the state before the judge who appointed me, and the proceedings have dealt with a hundred or more criminal sentences.

All such court appointed attorneys are subject to removal for gross improprieties. The court may not superintend the prosecution and then try the case; but there is no constitutional objection to appointment or discipline of attorneys who are in any case always officers of the court.

I must confess that I cannot see even a serious issue on this question.

2. The Senate has just unanimously passed, at the unanimous recommendation of this Committee, a new statute on the disqualification of judges. While the act does not bear directly here, its spirit is very much in point.

The debates on the Senate floor as well as in this Committee have constantly reiterated the proposition that courts must avoid not merely impropriety, but the appearance of impropriety.

This generalized aphorism is a way of restating among many other things, an ancient maxim of Blackstone that no man shall be a judge in his own case. That principle was reiterated by the Supreme Court in Chief Justice Taft's time in the famous case of *Tumey* v. *Ohio*, holding that a judge who might be affected by the penalty could not try a criminal case. It was reiterated in the recent *Commonwealth Coatings* decision of the Supreme Court now firmly embraced in the recent legislation here.

These principles apply directly to the selection of a prosecutor in the immediate matters. This is a prosecution which reaches Cabinet officers and top staff of the President. We are grimly aware that the tide may reach even higher, and come to the President himself. I do not prejudge the matter in raising this spectre. The point is that we deal with a perfectly serious possibility.

In these circumstances, the President cannot make the appointment of a prosecutor and cannot remove a prosecutor, without being a judge in his own case.

Certainly he cannot do so without *appearing* to be a judge in his own case. I do not mean here easily to knuckle under to appearances; judges must be of sufficiently sturdy stuff not to yield to merely mischievous accusations and appearances. I have expressed concern over the possibility of paying overly deferential heed to the appearance of impropriety in writings on file with this Committee.

But here we are not dealing with a marginal or trumped up appearance. The removal of Mr. Cox at a moment when, from all outward appearances, the flames grow hot about the appointing power, has truly alarmed the whole country. We would be hard put to find an instance of a greater appearance of impropriety.

Let me express my high regard for Mr. Jaworski, a leader of my profession. He might well be chosen as a special prosecutor by an independent appointing source. To accept the office under these present auspices however, is to doom the enterprise from its beginning. It would be hard to conceive of a more flagrant defiance of the principle of maintaining the appearance of propriety than thus permitting the President to judge his own case.

WILLIAM A. SPARROW—STAR FARMER OF AMERICA

Mr. NUNN. Mr. President, in October of this year, an outstanding young Georgian, William A. Sparrow of Unadilla, was named Star Farmer of America for 1973 by the Future Farmers of America, the first Georgian to be so honored since 1956.

Bill's dedication, hard work, and endless achievements in the field of agriculture provide an inspiration to us all. This award is a fitting tribute to the outstanding contributions he has made to his community, his State, and his Nation.

It is my pleasure to share with my colleagues an excellent editorial which was aired recently by WSB radio in Atlanta on "A Great Young American"—Bill Sparrow. Mr. President, I ask unanimous consent to have it printed in the RECORD.

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

WSB VIEWPOINT

"A GREAT YOUNG AMERICAN"

William A. Sparrow is a young Georgia farmer. He owns 289 acres on Rt. 1, Unadilla, and he recently exercised an option to purchase 700 more.

This 22-year-old son of the soil raises peanuts, soybeans, oats, cotton and cattle.

A few years ago as a freshman vocational agricultural student at Unadilla High School, he developed an interest in crop production. As a teen-ager, he started to maintain a small farm on which he raised two acres of peanuts, two of cotton, two of watermelons, and one of cantaloupes. And he found time to also operate a small cattle and swine enterprise, and to study enough to make good grades in all his classes.

But that was only a starter. He also was president of the Unadilla chapter of the Future Farmers of America, president of his church's Sunday School, vice-president of the Junior Class, captain of the football team, Scoutmaster of the local Boy Scout Troop. And recently he completed six years of service with the Georgia Army National Guard.

Bill Sparrow explains his phenomenal record this way: "The reason I was able to do so much was that I worked each afternoon after school, on Saturday and all summer. My father never paid me in cash, but allowed me to have an acre of this-and-that in exchange for my labor."

Perhaps it was inevitable. But at the 1973 Future Farmers of America convention in Kansas City, William A. Sparrow was named the Star Farmer of America, a tremendous recognition that carries with it a $1,000 cash award.

At a time when millions of American youngsters complain that they are bored with life and disillusioned by lack of opportunity, the saga of Bill Sparrow needs to be told over and over again.

The Star Farmer of America has never had time or inclination to become a juvenile delinquent. He's much too busy to be despondent and far too successful to be discouraged.

Here is a young citizen farmer who is making things happen. He's growing food for hungry mouths. He's being useful, creative and productive. And he's prospering for all of his efforts.

He's an inspiration to all who know about him and his achievements.

He's a splendid Georgian and a great young American.

We need many more youngsters like him.

EXPLANATION OF THE NATIONAL FOOD BANK ACT

Mr. McGOVERN. Mr. President, last month I introduced the National Food Bank Act, S. 2577. Inasmuch as it is an important piece of legislation designed to assist areas in need of emergency food assistance, I would like to explain the purpose of the bill, and I ask unanimous consent that the text of S. 2577 be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. McGOVERN. Mr. President, unknown to most Americans, there is a growing problem in the area of domestic emergency food assistance primarily due to the phasing out of the commodity distribution program run by the Department of Agriculture.

We Americans are now running a serious risk of being caught offguard in an emergency. Historically, this country has always produced enough food to feed everyone—and whatever shortages occurred were generally the result of the inability of some elements of the population to purchase food because they could not afford it, rather than because there was no food to buy at any price.

But the world has been eating more food than it has been growing since 1969—5 long lean years. There is no early prospect for relief, and population continues to grow, bringing increasing pressure on food producers everywhere. America's immense food reserves—commonly but mistakenly called sur-

pluses—are all but gone. The planned phaseout of the commodity distribution program is not so much the result of planned intent, but the inevitable result of present shortages in worldwide production; there simply are no commodities to distribute.

It has been my view for some time that creation of a national food reserve and U.S. support for a worldwide grain reserve is a crucial priority for American policy. Recently, along with my Republican colleague from Vermont, GEORGE AIKEN, I introduced a resolution calling for this.

But America must also prepare itself to meet the threat of shortages of food during emergencies right here in our own country. As it stands now, a real emergency—a major flood or hurricane—might find us without a cushion to fall back on.

Historically, during natural disasters, USDA has used the foods stored for the family commodity food program and the school lunch program to give to the American Red Cross and other voluntary organizations for distribution to needy families. And of the two programs, the stocks of the family commodity distribution program have proved the most versatile due to the sizes of the packages and the varieties of commodities purchased for that program. Juices, for example, which are in great demand during any disaster which affects the water supply, are purchased almost exclusively for the family commodity program.

Because of a shortage of food supplies for the commodity program, however, the Congress has mandated a nationwide food stamp program by July 1, 1974, which effectively phases out the family commodity distribution program.

I believe that this is a sound nutritional step. However, it is incumbent upon the Congress to insure that in the process of phasing out the commodity program other programs, which although smaller are no less important, are not prejudiced. The emergency food program is potentially such a program.

It is for these reasons that, along with Senator MAGNUSON of the State of Washington, I have introduced the National Food Bank Act.

The National Food Bank Act would authorize the Secretary of Agriculture to purchase such amount and varieties of food as he deemed nutritionally adequate to be used as emergency stocks during natural disasters. The Secretary would also be authorized to set up regional warehouses to store the food wherever it was believed convenient and accessible.

Red Cross officials have indicated in testimony before the Nutrition Committee that the current phasing down of USDA's commodity distribution program of family assistance is already creating difficulties for food distribution during natural disasters, and that the scheduled complete phaseout of the program in July 1974 may create a significant threat of actual food shortages during a major natural calamity, such as a hurricane on the order of Agnes in June 1972.

The existence of the family distribution program, with its prepared packets of packaged foodstuffs already broken down into family-sized components provided a valuable asset to local disaster relief officials who could simply pass these out to affected families after the initial emergency was over, but before the local food distribution system and local economy returned to normal.

This was especially helpful in reducing paperwork. It was not necessary for disaster victims who would soon be back on their feet on their own to go through the conventional redtape attendant to application for welfare assistance. It is this system which is now breaking down.

In the April floods in Houston, Tex., and local disasters in Illinois and Oklahoma, Red Cross officials found their requests for food through the schools rejected for the first time. Local officials knew that USDA did not have reserves of surplus meat, cheese, and other essential nutrients to replenish community stocks. They therefore did not permit the Red Cross to distribute or utilize their own stocks of these foods, for fear that they could not be replaced.

These local situations did not become tragedies only because the scale of the disasters was small, and it was possible to purchase food directly from commercial sources near the disaster. In a large scale emergency, however, the Red Cross indicates that serious problems could arise, especially if the commercial system itself was disrupted as is generally the case in a major earthquake or hurricane. Once the commodity program is phased out, there will be no stockpiled source of family-style food to distribute. Furthermore, as supplies of commodities purchased for other programs decline, there will be no actual food owned by the Government to distribute at all.

The planned utilization of food stamp distribution, in the view of the Red Cross, represents an inadequate substitute for this purpose. First, these officials note that in some areas local programs are requiring disaster victims to meet all the income and other qualifications of their State programs. The disaster victims are required to fill out forms and must wait in some instances as long as three weeks before they can get their initial books of stamps. This system thus does not assist the Red Cross during the initial days of the diaster at all. The second drawback is that food stamps do not always work in disaster situations if commercial outlets are not available. In last year's heavy snowfall on Indian reservations in several Western States, food packets from the family commodity program were airdropped to stranded families who could not reach stores.

With a very modest investment of approximately $6 million of section 32 funds we in the Congress can insure that the step forward that was achieved by the mandating of a nationwide food stamp program does not result in two steps backward during a natural disaster.

I strongly urge my colleagues in the Congress to endorse the National Food Bank Act prior to the phasing out of the commodity distribution program—next July 1, to allow for a smooth transition. Too often we in the Congress are not given the opportunity to act prior to an emergency, but are forced to act under the gun without the time to investigate all the alternatives. With the National Food Bank Act we have the opportunity to prevent a potential nightmare for millions of Americans instead of trying to cure the ill after the fact.

S. 2577

A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States.

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

SEC. 2. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to provide for the storage of food commodities in geographically dispersed areas of the United States so that such commodities will be readily and conveniently available for distribution in any area of the United States which suffers a major disaster (as determined by the President under the Disaster Relief Act of 1970).

SEC. 3. The Secretary shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster in such area. The Secretary shall determine the quantities and kinds of food commodities to be stored in any area, taking into consideration the kinds of food needed to provide a nutritionally balanced diet and the storability of such commodities.

SEC. 4. The Secretary shall, to the maximum extent practicable, utilize storage facilities provided by the Secretary for the storage of food commodities necessary to carry out the program established under this Act for the storage of food commodities used in carrying out other programs administered by the Secretary, including, but not limited to, the school lunch program (carried out under the National School Lunch Act) and the school breakfast program (carried out under the Child Nutrition Act of 1966).

SEC. 5. The Secretary is authorized to take such action as he deems necessary to maintain fresh, nutritious supplies of food commodities and to provide for the periodic turnover of such commodities to avoid spoilage thereof.

SUPPORT FOR HIGHER EDUCATION

Mr. MONDALE. Mr. President, at a recent meeting of the Committee for Corporate Support of American Universities, Mr. David Packard, former Deputy Secretary of Defense, urged corporations to stop making unrestricted gifts to colleges and universities.

The implications this proposal has for the integrity and independence of higher education are extremely disturbing. A recent editorial in the New York Times correctly termed this proposal a "call for corporate retreat from enlightenment."

I share the deep concern this thoughtful editorial expressed about the Packard proposal, and ask unanimous consent that it be printed in the RECORD at the close of my remarks. To begin insisting on some specific return or result for every corporate contribution would impose a serious and unnecessary limitation on the freedom and autonomy of our higher education institutions.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

Times Mon. Oct. 29

NOT FOR SALE

In urging corporations to put a stop to the practice of making unrestricted gifts to colleges and universities, David Packard is attempting to turn the clock of education and social progress back by twenty years. It was in 1953 that Frank W. Abrams, then chairman of the board of Standard Oil of New Jersey, established the legitimacy of unrestricted corporate gifts to higher education. A test case instigated by Mr. Abrams culminated in a landmark decision in the New Jersey Superior Court hold that corporations are not only entitled but actually have an obligation to support higher education—without strings attached—as the engine of economic and social progress.

It is against such an enlightened policy that Mr. Packard, chairman of the Hewlett-Packard Company and former Deputy Secretary of Defense, now pits his view of the relationship between campus and industry. He sees university governing boards no longer as safe and respectable carbon copies of corporate boards of directors but rather as untrustworthy assemblies of a motley crowd of "students, faculty, alumni, various ethnic groups, etc."

Mr. Packard's vision of what has happened to university boards in the aftermath of the rebellious nineteen-sixties is a figment of panicky imagination. The conservative serenity of such bodies has, unfortunately, been little shaken by the admission of an occasional member who has yet to celebrate his fiftieth birthday.

His distorted view has spawned Mr. Packard's belief that a new breed of trustees would spend industrial donations in ways the corporations could not defend to their stockholders. If Mr. Packard prevails, the only legitimate way for such benefactions to be distributed would be by first making certain that they "contribute in some specific way to our individual companies, or to the general welfare of our free enterprise sytsem."

Higher education owes no *quid pro quo* to any donors—private, corporate or governmental. A campus that bartered away its autonomy would very soon cease to supply the nation—and the corporations—with any human product worth the price of the degree.

Ironically, Mr. Packard issued his call for corporate retreat from enlightenment before a meeting of the Committee for Corporate Support of American Universities—an audience of top-level business executives and of academic presidents. These university spokesmen could do much to shore up the American people's faith in the integrity and future independence of higher education by forthrightly disassociating themselves from the pernicious doctrine that their institutions are for sale.

IMPOUNDED FUNDS, AS OF SEPTEMBER 30

Mr. METCALF. Mr. President, the 93d Congress has been properly interested in restoring its position in the budgetary process. Some progress is being made.

Earlier this session, the Congress approved a measure that would require Senate confirmation of the incumbent Director and Deputy Director of the Office of Management and Budget. The President vetoed that bill. The Senate voted to override the veto. The House effort to override failed. Subsequently, the Senate Committee on Government Operations reported S. 37, which would provide for the confirmation of all future Directors and Deputy Directors of OMB. That bill was passed by the Senate on June 25. It is currently pending before the House Committee on Government Operations.

Provisions, in the Alaskan pipeline bill, which would remove OMB's control over the information requests of independent regulatory commissions, have been approved by both the Houses and Senate.

The Senate Committee on Government Operations has approved budget control legislation. The House Rules Committee is nearing completion of similar legislation.

Some of us have sought for years to restrict executive impoundment. Legislation in this area has been approved by both Houses and differences can be resolved in conference.

In previous years the only way Members received impoundment figures was to extract the information, after considerable delay, from OMB officials. The Federal Impoundment and Information Act, approved a year ago, now requires public, quarterly reports of all impoundments.

The most recent Executive report on impoundments shows that approximately $7.446 billion in "budgetary reserve" exists as of September 30, 1973. It shows that funds are impounded in every Cabinet-level department except the State Department, and also in the Atomic Energy Commission, General Services Administration, NASA, Veterans' Administration, National Science Foundation, and the Small Business Administration.

Mr. President, each Member should carefully review this unheralded, yet vital, report. I ask unanimous consent that the October 15 report, along with Director Ash's letter of transmittal, be printed in the RECORD.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 15, 1973.

HON. JAMES O. EASTLAND,
President pro tempore,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the Federal Register.

Sincerely,

ROY L. ASH,
Director.

Enclosure.

BUDGETARY RESERVES AS OF SEPTEMBER 30, 1973

INTRODUCTION

The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. In cases where the law specifies by year the amount of contract authority available a year in advance, a distinction is made in the report between the 1974 and 1975 programs. There are other specific provisions of law which provide that funds should be available over a period longer than one year; in such cases, the funds generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds into apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiatives of the Executive Branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

The total of reserves for the 1974 program as of September 30, 1974, is 2.8% of the total estimated budget outlays for the year. Since the report as of June 30, 1973, the total of reserves has been reduced by nearly $300 million. As shown in the report, reserves of nearly $1.5 billion established in FY 1973 which were being held for FY 1974 programs have been released to provide or to supplement available budgetary resources for 1974 programs. Reserve actions have been initiated in some programs and amounts in reserve increased in others to await the development of 1974 program and project plans, to meet contingencies during the 1974 program year, and, in the case of programs which have been provided obligational authority beyond the current fiscal year, to ensure that funds will be available beyond FY 1947.

REPORT REQUIRED BY LAW

This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of September 30, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer

to item Number 5 of the Federal Impoundment Information Act, the period of time during which funds to be in reserve is dependent upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on June 30, 1973). The listing:

Presents the amount currently apportioned for the fiscal year 1974;

Presents the amount in reserve as of September 30, 1973;

States whether the amount reserved will be legally available for obligation in fiscal year 1975;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in previous reports. Such modifications have been made for the sake of clarity. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

REASON FOR CURRENT RESERVE

Code 1. "To provide for contingencies" (31 USC 665(c)(2)).

Code 2. "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).

Code 3. To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)). This explanation includes amounts anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.

Code 4. "To achieve the most effective and economic use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.

Code 5. Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) to apportion the funds properly and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

Code 6. The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, section 3):

Code 6a. Obligation at this time of the amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

II. The reserve action will bring the budgetary impact of this program to a level nearer or equal to that contemplated in the most recently submitted budget document and contribute to the reduction of inflationary pressures.

III. The change from the previous reserve is expected to contract the budget impact of this program and contribute to the reduction of inflationary pressures.

IV. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

V. Other. See footnote for each item so coded.

VI. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES, 1974 PROGRAM

[In millions of dollars][1]

Agency	Amount as of June 30, 1973	Amount as of Sept. 30, 1973
Executive Office of the President	2	
Funds appropriated to the President	126	96
Department of Agriculture	1,316	1,173
Department of Commerce	140	63
Department of Defense—Military	1,618	1,143
Department of Defense—civil	33	1
Department of Health, Education, and Welfare	21	23
Department of Housing and Urban Development	460	456
Department of the Interior	478	162
Department of Justice	36	14
Department of State	6	
Department of Transportation	2,885	3,838
Department of Treasury	22	22
Atomic Energy Commission	118	27
General Services Administration	262	258
National Aeronautics and Space Administration	2	2
Veterans Administration	44	43
Other independent agencies:		
National Science Foundation	62	4
Small Business Administration	50	31
All other	51	90
Total	7,732	7,446

[1] Details may not add due to rounding.

SUMMARY OF BUDGETARY RESERVES, 1975 PROGRAM

[In millions of dollars]

Agency	Amount as of Sept. 30, 1973
Department of the Interior	75

BUDGETARY RESERVES AS OF SEPT. 30 1973

[In thousands of dollars]

[Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for fiscal year 1974.]

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Commission: Appalachian regional development programs	(209,000)	(225,000)	Yes	June 29, 1973	July 1, 1973	5, 6c	I
	320,395	40,000	Yes	Sept. 12, 1973	Sept. 12, 1973	5, 6c	I
Agency for International Development: Prototype desalting plant	(1)	20,000	Yes	Apr. 7, 1972	July 1, 1973	5	I
The Inter-American Foundation: Inter-American foundation	5,000	35,652	Yes	June 12, 1973	July 1, 1973	4	V[3]
DEPARTMENT OF AGRICULTURE							
Agriculture Research Service: Construction		1,520	Yes	June 29, 1973	July 1, 1973	4, 6b	I
Foreign Agricultural Service: Salaries and expenses, special foreign currency program	1,000	1,240	Yes	May 23, 1973	July 1, 1973	4	I
Agricultural Stabilization and Conservation Service:							
Rural environmental assistance		210,500	Yes	Jan. 26, 1973	July 1, 1973	6b	I
Water Bank Act program		11,391	Yes	Jan. 26, 1973	July 1, 1973	6b	I
Rural Electrification Administration: Loans		456,103	Yes	Jan. 26, 1973	July 1, 1973	2, 6b, 6c	I
Farmers Home Administration:							
Rural water and waste disposal grants		120,000	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Rural housing for domestic farm labor grants	(—)	(1,621)	Yes	Jan. 31, 1973	July 1, 1973	5, 6b	I
	750	1,831	Yes	Sept. 10, 1973	Sept. 10, 1973	5, 6b	V[3]
Mutual and self-help housing grants		832	Yes	Sept. 22, 1972	July 1, 1973	4	I
Rural Housing Insurance Fund		133,000	Yes	Jan. 26, 1973	July 01, 1973	4	I
Agricultural Marketing Service:							
Marketing services, no year	(1,422)	(818)	Yes	June 11, 1973	July 01, 1973	4	I
	1,812	818	Yes	Sept. 26, 1973	Sept. 26, 1973	4	I
Perishable Agricultural Commodities Act Fund	1,416	58	Yes	June 11, 1973	July 01, 1973	4	I
Forest Service:							
Forest roads and trails and roads and trails for States	(—)	(278,398)	Yes	Mar. 29, 1973	July 01, 1973	4, 6b	I
	117,164	208,934	Yes	July 16, 1973	July 16, 1973	4, 6d	I
Brush disposal	18,657	26,601	Yes	June 08, 1973	July 01, 1973	5	I
Forest fire prevention	275	109	Yes	June 08, 1973	July 01, 1973	4	I
DEPARTMENT OF COMMERCE							
Social and Economic Statistics Administration:							
1974 census of agriculture	(—)	(1,360)	Yes	Nov. 24, 1972	July 01, 1973	2, 4	I
			Not available	Sept. 13, 1973	Sept. 13, 1973	10	VI

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, econom.c, and budgetary effect (see code)
Domestic and International Business: International activities, inter-American Cultural and Trade Center.	292	5,067	Yes	June 26, 1973	July 01, 1973	4, 5	I
Office of Minority Business: Minority business development, no-year	(-----)	(16,768)	Yes	Jan. 26, 1973	July 01, 1973	4, 6b	I
	9,080	14,330	Yes	July 24, 1973	July 24, 1973	5	I
National Oceanic and Atmospheric Administration:							
Research, development, and facilities	(-----)	(31,005)	Yes	June 28, 1973	July 01, 1973	2, 4, 6b	I
	(29,868)	(2,392)	Yes	July 19, 1973	July 19, 1973	2, 4, 6b	I
	30,082	2,178	Yes	Sept. 26, 1973	Sept. 26, 1973	2, 4	I
Satellite operations		727	Yes	June 28, 1973	July 01, 1973	5	I
Promote and develop fishery products and research pertaining to American fisheries	(7,191)	(3,159)	Yes	Mar. 29, 1973	July 01, 1973	4, 5, 6a	I
	7,336	3,111	Yes	July 26, 1973	July 26, 1973	4, 5, 6a	I
National Bureau of Standards:							
Plant and facilities		1,850	Yes	Nov. 24, 1972	July 01, 1973	2, 4, 6b	I
Research and technical services, no-year		3,812	Yes	May 07, 1973	July 01, 1973	5, 6b	I
Construction of facilities		740	Yes	Jan. 26, 1973	July 1, 1973	4, 6b	I
Maritime Administration:							
Ship construction	(-----)	(34,000)	Yes	June 29, 1973	July 1, 1973	4	III
	9,137	24,863	Yes	July 27, 1973	July 27, 1973	4	IV
Research and development		5,000	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
State Marine schools		127	Yes	Nov. 24, 1972	July 1, 1973	4	I
Federal Ship Financing Fund *	2,582	1,446	Yes	June 27, 1973	July 1, 1973	5	I
DEPARTMENT OF DEFENSE—MILITARY							
Salaries and Expenses: Cemeterial expenses, Army *	14,448	2,053	Yes	Sept. 14, 1973	Sept. 14, 1973	5	I
Procurement:							
Missile procurement, Army, 1973–75	(-----)	(2,500)	Yes	Feb. 5, 1973	July 1, 1973	4	I
	163,382	-----	NA	Sept. 11, 1973	Sept. 11, 1973	10	VI
Procurement of aircraft and missiles, Navy, 1973–75	(-----)	(13,281)	Yes	June 29, 1973	July 1, 1973	5	I
	946,747	13,281	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
Aircraft procurement, Air Force, 1972–74*	415,551	143,492	No	Sept. 7, 1973	Sept. 7, 1973	5	I
Aircraft procurement, Air Force, 1973–75*	1,076,916	160,556	Yes	Sept. 7, 1973	Sept. 7, 1973	5	I
Shipbuilding and conversion, Navy, 1971–75	(-----)	(145,672)	Yes	Nov 24, 1972	July 1, 1973	4	I
	892,655	-----	Not available	Sept. 11, 1973	Sept. 11, 1973	10	VI
Shipbuilding and conversion, Navy, 1972–76	(-----)	(427,212)	Yes	Nov. 24, 1972	July 1, 1973	4	I
	738,000	148,081	Yes	Sept. 11, 1973	Sept. 11, 1973	4	I
Shipbuilding and conversion, Navy, 1973–77	(-----)	(763,300)	Yes	June 29, 1973	July 1, 1973	4	I
	992,000	408,512	Yes	Sept. 11, 1973	Sept. 11, 1973	4	I
Military Construction:							
Military construction, Army	(-----)	(70,304)	Yes	June 27, 1973	July 1, 1973	5	I
	648,440	90,954	Yes	Aug. 16, 1973	Aug. 16, 1973	5	I
Military construction, Navy	(-----)	(68,133)	Yes	June 27, 1973	July 1, 1973	5	I
	385,805	65,858	Yes	Aug. 14, 1973	Aug. 14, 1973	5	I
Military construction, Air Force	(-----)	(51,607)	Yes	June 27, 1973	July 1, 1973	5	I
	(130,860)	(49,773)	Yes	July 20, 1973	July 20, 1973	5	I
	141,224	39,409	Yes	Aug. 14, 1973	Aug. 14, 1973	5	I
Military construction, Defense Agencies	(-----)	(58,415)	Yes	Feb. 15, 1973	July 1, 1973	5	I
	8,000	58,215	Yes	Aug. 23, 1973	Aug. 23, 1973	5	I
Military construction, Army National Guard	(-----)	(102)	Yes	June 14, 1973	July 1, 1973	5	I
	3,051	-----	Not available	Aug. 16, 1973	Aug. 16, 1973	10	VI
Military construction, Air National Guard	(-----)	(17)	Yes	May 29, 1973	July 1, 1973	5	I
	5,256	17	Yes	Sept. 6, 9173	Sept. 6, 1973	5	I
Military construction, Army Reserve	(-----)	(7,109)	Yes	Mar. 8, 1973	July 1, 1973	5	I
	25,423	7,109	Yes	Sept. 10, 1973	Sept. 10, 1973	5	I
Military construction, Navy Reserve	(-----)	(3,943)	Yes	May 3, 1973	July 1, 1973	5	I
	17,640	1,842	Yes	Aug. 8, 1973	Aug. 8, 1973	5	I
Military construction, Air Force Reserve	(-----)	(850)	Yes	June 20, 1973	July 1, 1973	5	I
	2,415	850	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
Special Foreign Currency Program:							
Defense, 1972–74	(-----)	(2,477)	Yes	Dec. 18, 1972	July 1, 1973	5	I
	3,169	2,051	No	Aug. 31, 1973	Aug. 31, 1973	5	I
Defense, 1973–75	(-----)	(400)	Yes	Dec. 4, 1972	July 1, 1973	5	I
	2,998	400	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
DEPARTMENT OF DEFENSE—CIVIL							
Corps of Engineers:							
General investigations	(-----)	(150)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	65,084	150	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Construction	(-----)	(783)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	(9,100)	(333)	Yes	July 27, 1973	July 27, 1973	1, 5	I
	(9,175)	(258)	Yes	July 30, 1973	July 30, 1973	1, 5	I
	1,114,829	258	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Flood control, Mississippi River and tributaries	(-----)	(750)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	151,819	750	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Panama Canal: Canal Zone Government, capital outlay	(-----)	(700)	Yes	Sept. 8, 1972	July 1, 1973	5	I
	7,436	85	Yes	Sept. 14, 1973	Sept. 14, 1973	1	V
Wildlife Conservation:							
Army	598	107	Yes	June 14, 1973	July 1, 1973	1	I
Navy	60	8	Yes	June 14, 1973	July 1, 1973	1	I
Air Force	124	40	Yes	June 14, 1973	July 1, 1973	1	I
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services and Mental Health Administration: Indian Health Facilities	3,482	848	Yes	June 27, 1973	July 1, 1973	5	I
Office of Education:							
Higher Education, no-year		1,889	Yes	Nov. 30, 1972	July 1, 1973	5	I
Educational activities overseas, special foreign currency program		16	Yes	Apr. 6, 1972	July 1, 1973	5	I
Social Security Administration: Limitation on construction (trust fund)	(-----)	(12,095)	Yes	Apr. 27, 1972	July 1, 1973	4, 5	I
	12,679	19,973	Yes	Aug. 21, 1973	Aug. 21, 1973	4, 5	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing production and mortgage credit: Nonprofit sponsor assistance		6,520	Yes	Apr. 15, 1973	July 1, 1973	5, 6b, 6c	I
Community development:							
Open space land program		27,730	Yes	Mar. 8, 1973	July 1, 1973	6b, 6c	I
Grants for basic water and sewer facilities		400,175	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Public facility loans		20,000	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Office of Interstate Land Sales Registration: Interstate land sales	1,460	1,981	Yes	June 20, 1973	July 1, 1973	4	I

BUDGETARY RESERVES AS OF SEPT. 30, 1973—Continued

[In thousands of dollars]

[Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for fiscal year 1974]

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
DEPARTMENT OF THE INTERIOR							
Bureau of Land Management:							
Public lands development roads and trails	4,000	8,961	Yes	June 8, 1973	July 1, 1973	6d	I
Oregon and California grant lands		1,150	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Indian Affairs:							
Road construction per 1974 program	57,060	20,000	Yes	Sept. 12, 1973	Sept. 12, 1973	6d	II
Road construction per 1975 program		75,000	Yes	Sept. 12, 1973	Sept. 12, 1973	6d	II
Bureau of Outdoor Recreation: Land water conservation	208,168	61,422	Yes	June 8, 1973	July 1, 1973	6b	I
Geological Survey: Payments from proceeds, sale of water, Mineral Leasing Act of 1920	(2)	27	Yes	June 6, 1973	July 1, 1973	4, 5	I
Bureau of Mines: Drainage of anthracite mines	200	3,575	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Sport Fisheries and Wildlife:							
Migratory bird conservation account (receipt limitation)	(9,000)	(981)	Yes	June 8, 1973	July 1, 1973	4	I
	12,000	981	Yes	Aug. 23, 1973	Aug. 23, 1973	4	I
Federal Aid in wildlife restoration	45,300	7,863	Yes	June 8, 1973	July 1, 1973	4, 5	I
Federal aid in fish restoration and management	14,565	2,339	Yes	June 8, 1973	July 1, 1973	4, 5	I
National Wildlife Refuge Fund	4,620	4,003	Yes	June 8, 1973	July 1, 1973	4, 5	I
Proceeds from sales, water resources development projects	15	4	Yes	June 8, 1973	July 1, 1973	4, 5	I
National Park Service:							
Parkway and road construction	16,338	34,610	Yes	June 8, 1973	July 1, 1973	6d	I
Construction	28,100	14,500	Yes	July 30, 1973	July 30, 1973	4	I
Operation, management, maintenance, and demolition of federally acquired property*.	17	65	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Reclamation:							
Construction and Rehabilitation	(16,970)	(1,055)	Yes	June 8, 1973	July 1, 1973	5, 6b	I
	226,857	1,055	Yes	Sept. 15, 1973	Sept. 15, 1973	5, 6b	I
Operation, maintenance, and replacement of project works, North Platte project	(8)	100	Yes	June 6, 1973	July 1, 1973	6e	I
Upper Colorado River Basin fund	(9,072)	(1,390)	Yes	June 8, 1973	July 1, 1973	5	I
	64,911	1,164	Yes	Sept 15, 1973	Sept 15, 1973	5	I
DEPARTMENT OF JUSTICE							
Bureau of Prisons: Buildings and facilities	(.....)	(36,441)	Yes	Jan. 26, 1973	July 1, 1973	5, 6b	I
	45,823	13,594	Yes	Sept 19, 1973	Sept 19, 1973	5, 6b	I
DEPARTMENT OF TRANSPORTATION							
Office of the Secretary: Transportation, planning, and research and development	(.....)	(5,300)	Yes	June 30, 1973	July 1, 1973	4, 6b	I
	34,353		Not applicable	Sept 14, 1973	Sept 14, 1973	10	VI
U.S. Coast Guard: Acquisition, construction, and improvements	(30,946)	(10,609)	Yes	July 12, 1973	July 12, 1973	4, 6b	I
	109,168	12,099	Yes	Sept 14, 1973	Sept 14, 1973	4, 6b	II
Federal Aviation Administration:							
Civil supersonic aircraft development termination	(.....)	(3,575)	Yes	Jan 23, 1973	July 1, 1973	4, 6b	I
	3,600	3,033	Yes	Sept 10, 1973	Sept 10, 1973	4	I
Civil supersonic aircraft development	(.....)	(2,153)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	800	2,755	Yes	Sept. 10, 1973	Sept. 10, 1973	4	I
Grants-in-aid for airports (Airport and Airway Trust Fund)*	13,000	2,000	Yes	Sept. 14, 1973	Sept. 14, 1973	5	I
Facilities and equipment (Airport and Airway Trust Fund)	(.....)	(207,631)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	293,075	261,919	Yes	Sept. 12, 1973	Sept. 12, 1973	4	I
Research, engineering, and development (Airport and Airway Trust Fund)	(.....)	(10,000)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	(.....)		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Federal Highway Administration:							
Highway beautification	(41,977)	(11,521)	Yes	June 29, 1973	July 1, 1973	4, 5	I
	50,000		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Darien Gap Highway	(.....)	(545)	Yes	Jan. 18, 1973	July 1, 1973	4, 5	I
	17,661		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Highway-related safety grants*	(10,459)	(7,897)	Yes	June 29, 1973	July 3, 1973	4, 5	I
	13,229		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Federal-aid highways/1974 program	(1,617,000)	(2,791,841)	Yes	June 29, 1973	July 2, 1973	4, 5, 6a, 6c	I
	6,742,497	3,414,149	Yes	Sept. 14, 1973	Sept. 14, 1973	6a, 6c	I
Federal-aid highways/1975 program	6,010,000						
Rail-crossings-demonstration projects*	22,322	3,053	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I
Territorial highways*	4,000	1,602	Yes	June 29, 1973	July 1, 1973	4, 6c	I
Trust fund share of other highway programs*	(6,973)	(15,793)	Yes	June 29, 1973	July 3, 1973	4, 5	I
	28,120		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Forest highways trust fund*	(24,000)	(47,604)	Yes	June 29, 1973	July 1, 1973	2, 4, 6c	I
	26,000		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Public lands highways*	(5,000)	(27,000)	Yes	June 29, 1973	July 1, 1973	2, 4, 6c	I
	5,000	5,000	Yes	Sept. 14, 1973	Sept. 14, 1973	4, 6c, 6d	I
Right-of-Way Revolving Fund	48,000	74,782	Yes	June 29, 1973	July 2, 1973	4, 5	I
National Highway Traffic Safety Administration:							
State and community highway safety*	(26,993)	(1,290)	Yes	July 2, 1973	July 2, 1973	1	I
	66,771		Not applicable.	Sept. 13, 1973	July 2, 1973	10	VI
Traffic and highway safety	56,068	2,000	No	Sept. 14, 1973	Sept. 14, 1973	5	I
Construction and compliance facilities	(.....)	(9,018)	Yes	Jan. 19, 1973	July 1, 1973	4, 5	I
		18	Yes	Sept. 14, 1973	Sept. 14, 1973	5	V
Trust fund share of highway traffic safety programs	(16,848)	(2,580)	Yes	July 2, 1973	July 2, 1973	1, 5	I
	96,167		Not applicable	Sept. 13, 1973	Sept. 13, 1973	10	VI
Federal Railroad Administration:							
Emergency rail facilities restoration*	27,100	7,648	Yes	July 27, 1973	July 27, 1973	2	I
High-speed ground transportation research and development	(.....)	(15,000)	Yes	Jan. 19, 1973	July 1, 1973	4, 6b	I
			Not applicable.	Sept. 14, 1973	Sept. 14, 1973	10	VI
Grants to the National Railroad Passenger Corporation	(.....)	(10,000)	Yes	Jan. 19, 1973	July 1, 1973	4, 6b	I
	54,900	48,100	Yes	Sept. 13, 1973	Sept. 13, 1973	4, 6b	V
Urban Mass Transportation Administration: Urban Mass Transportation Fund	(941,300	(210,853)	Yes	July 6, 1973	July 6, 1973	4, 6b	I
	985,550		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
DEPARTMENT OF THE TREASURY							
Office of the Secretary: Construction, Federal Law Enforcement Training Center	383	21,517	Yes	June 6, 1973	July 1, 1973	5	I
ATOMIC ENERGY COMMISSION							
Operating expenses	3,164,739	16,900	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I
Plant and capital equipment	(48,470)	(1,830)	Yes	June 8, 1973	July 1, 1973	5	I
	637,577	9,750	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
GENERAL SERVICES ADMINISTRATION							
Real Property Activities:							
Sites and expenses, public building projects		22,205	Yes	Jan. 26, 1973	July 1, 1973	4	
Construction, public building projects		234,309	Yes	Jan. 26, 1973	July 1, 1973	2, 4	I
Property Management and Disposal:							
Operating expenses, sale of rare silver dollars	(----------)	(4,000)	Yes	Nov. 30, 1972	July 1, 1973	4	I
	3,400	1,386	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Operating expenses, special fund	(----------)	(850)	Yes	June 26, 1973	July 1, 1973	4, 5	I
			Not available	Aug. 16, 1973	Aug. 16, 1973	10	VI
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development		2,200	Yes	June 8, 1973	July 1, 1973	5	I
VETERANS' ADMINISTRATION							
Medical prosthetic research		3,648	Yes	Feb. 15, 1973	July 1, 1973	5	I
Construction, major projects		34,710	Yes	June 13, 1973	July 1, 1973	5	I
Construction, minor projects		5,000	Yes	Dec. 20, 1972	July 1, 1973	5	I
OTHER INDEPENDENT AGENCIES							
District of Columbia:							
Loans for Capital Outlay, Metropolitan Area Sanitary Sewage Work Funds	(----------)	(300)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	3,900	5,300	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Sanitary Sewage	(----------)	(4,285)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	29,000	24,035	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Water Fund	(----------)	(2,360)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	8,000	7,460	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Highway Fund*	11,900	5,956	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, General Fund	(----------)	(6,758)	Yes	Jan. 26, 1973	July 1, 1973	4	I
	176,500	29,526	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Foreign Claims Settlement Commission: Payment of Vietnam and U.S.S. Pueblo prisoner of war claims.	9,125	7,229	Yes	July 12, 1973	July 12, 1973	5	I
American Revolution Bicentennial Commission: Commemorative Activities Fund		5,690	Yes	Nov. 28, 1972	July 1, 1973	5	I
National Science Foundation: Salaries and expenses	56,900	3,500	Yes	June 8, 1973	July 1, 1973	2	I
Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund	8,578	4,822	Yes	July 1, 1973	July 1, 1973	4	I
Small Business Administration: Business Loan and Investment Fund	(173,100)	(41,316)	Yes	June 29, 1973	July 1, 1973	2, 4, 6b	I
	(178,100)	(48,294)	Yes	Aug. 31, 1973	Aug. 31, 1973	2, 4	I
	348,700	31,094	Yes	Sept. 27, 1973	Sept. 27, 1973	2, 4	I
Water Resources Council: Water resources planning	8,611	27	Yes	Aug. 24, 1973	Aug. 24, 1973	2	I

[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] The amount apportioned is consistent with the limitation on the Foundation's activities according to P.L.93-52 as amended.

[3] The amount apportioned in this account is required to finance a loan approved at the end of FY 1973.

[4] Reserved by request of the Canal Zone Government as a contingency for possible future inspection services.

[5] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[6] No improvements are currently necessary (see footnote [7].)

[7] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[8] This amount is potentially available for use under 1975 contract authority; the amount to be made available to each State for obligation in 1975 is anticipated to be announced by the Department of Transportation on July 1, 1974.

[9] $9,000,000 was rescinded in the 1974 Department of Transportation Appropriation Act. It is now included in the Traffic and Highway Safety account.

[10] The amount apportioned is the full amount legally available until action is taken on the amendment to the Rail Passenger Service Act of 1970.

STATEMENT OF FRANK G. ZARB, ASSISTANT DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, BEFORE THE SUBCOMMITTEE ON FEDERAL PROCUREMENT OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS ON S. 2510, CREATING AN OFFICE OF FEDERAL PROCUREMENT POLICY WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT

OCTOBER 31, 1973.

Mr. Chairman and Members of the Subcommittee: Thank you for giving us this opportunity to appear before your subcommittee to present the views of the Office of Management and Budget on S. 2510, a bill "to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes."

This proposed legislation grows out of the long hard work of the Commission on Government Procurement. I want to take this opportunity on behalf of OMB to respectfully commend you and Senator Gurney as members of that Commission for the most significant contribution which the Procurement Commission has made to our knowledge of the problems and opportunities for improvement in the numerous important areas which the Commission's report covered. I believe that this report will undoubtedly be the central reference point for many years to come for those who seek to improve Federal government procurement. Many people from the departments and agencies of the Executive Branch lent their energies and insights to the formulation of the report, and we are already well along on a major Executive Branch effort to determine how to implement its recommendations.

S. 2510 which your committee is now considering, confines itself to the first of the Procurement Commission recommendations calling for creation of an Office of Federal Policy. The Commission obviously felt strongly that the issue of central direction and control in Federal Procurement matters was of paramount importance, and chose the route of recommending a separate independent agency to serve this purpose. The report stated that it recommended

". . . an Office of Federal Procurement Policy, high in competence and small in size, established by law and responsive to Congress, and placed in the Executive Branch at a level where it can oversee the development and application of procurement policy. The contracting agencies should continue to be charged with clear responsibility for individual procurement actions."

I emphasize that the major thrust of the Commission's report was what it felt to be a lack of an effective focal point for procurement policy leadership in the Executive Branch. The report defined what it felt should be the major attributes of that central office:

"1. It should be independent of any agency with procuring responsibility.

"2. It should operate on a plane above the procurement agencies and have directive rather than merely advisory authority.

"3. It must be responsive to the procurement policy decisions of the Congress.

"4. It should consist of a small highly competent cadre of seasoned procurement experts."

Mr. Chairman, I think there is little debate over the need for improvement in the central procurement leadership in the Executive Branch. I would like to recommend to you this morning, a way to properly get on with the real interests of all concerned, that is, implementing many of the Commission's recommendations. There are currently two central agencies of the Executive Branch—OMB and GSA—who have been and can continue to be primarily responsible for procurement matters. OMB is primarily concerned with policy leadership on behalf of the President in three significant ways:

First, with respect to the very important budget and resource allocation aspects of procurement in all agencies.

Second, with respect to the effectiveness of the line programs themselves which involve procurement of goods and services through contract.

Third, with respect to policies and practices which govern the procurement process itself and the professional procurement talent who carry this responsibility.

The General Services Administration has long standing responsibility in the Federal establishment for a wide range of procurement matters under the Federal Property and Administrative Services Act, including

the maintenance of the Federal Procurement Regulations (FPR's). And, the Secretary of Defense presently establishes policy for the military departments under the separate provisions of the Armed Services Procurement Act.

Now, one organizational option is to create a third independent Office of Federal Procurement Policy. This option could result in further confusion, duplication, and competition for authority among three agencies, rather than a clarification of roles and a focusing of leadership which the Procurement Commission sought to achieve. The Commission itself did not attempt to define, in detail, what it felt the role of OFPP should be, nor was there much guidance in the Commission report which told us how OFPP would, in fact, relate to the responsibilities which OMB and GSA would, of necessity, continue to exercise as central agencies of government.

In our assessment, the best method for moving forward now with work suggested by the Commission is to improve the present alignments of organization and place responsibility for performance with OMB and other appropriate agencies and hold it accountable for results. To put it another way, the solution to our problems is not so much an organization solution as it is a revitalization of the structure we already have and a commitment to get on with the task of improvement of Federal procurement along the road which the Procurement Commission has already pointed out to us.

Both the needed improvements and the commitment for progress are within the capability of the agencies to achieve, and several new initiatives have already been taken to make these improvements:

1. OMB is committed to the appointment of a Deputy Assistant Director for Procurement Policy, and we have been actively recruiting for a recognized, widely experienced procurement expert to fill this role, and I believe we are close to success with this goal. Until that person is on board, I will act as head of the Office.

2. On May 22, 1973, the President announced the assignment to the General Services Administration of a broader management role to become the President's principal instrument for development of unified effective administrative systems in support of all Executive Branch activities. To assist in performing this role, the President, by Executive Order 11717, transferred to GSA certain staff functions previously performed by OMB in the areas of financial management, systems development, procurement, contracting, property management and automatic data processing management. As a result of these Presidential actions, GSA, under broad OMB policy oversight, is now shouldering a large share of Executive Branch responsibility to carry out an effective review of the Commission's report and recommendations.

3. We will be discussing with GSA and other agencies a complete plan of implementation for these recommendations and other issues which need resolution or further initiatives which should be undertaken. We are using better means of interagency coordination and communication both in connection with the implementation of the Commission report and on procurement matters generally.

I believe the important thing now is to continue the upgrading of the procurement responsibilities which we have already begun in both OMB and GSA and to work with other agencies in a partnership in order to get effective implementation of the Procurement Commission recommendations. I believe that this is the best way of achieving the greater central leadership and focus of procurement policy responsibility which we agree is necessary: What's more important, it will help us focus attention on the main job and not use up time in effort to construct a new organization and work out a new set of relationships.

I think that the main message which the Procurement Commission report conveys to us is that our procurement process does tend to develop problems which need a stronger central leadership and guidance than we have provided in the past. We believe that the central mechanism which I have described is sound and in accord with the spirit of the Commission report and that it is realistically superior to creation of an OFPP, both in terms of the speed and effectiveness with which it can act. We are already committed to moving ahead as effectively as possible with procurement systems improvement.

I do not offer these plans as the final answer in the management of the very complex problems of procurement in the Executive Branch, but rather to demonstrate that we can meet the needs of the government for central leadership without the statutory creation of yet another agency to function in this arena. After several months of work on this basis, we would like to return and discuss with you our direct, early results and the possible need for further legislation to help strengthen Federal procurement policies and priorities.

Thank you, Mr. Chairman, for the opportunity to present our views on this important matter. I will be happy to respond to any questions.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business having expired, morning business is concluded.

RIGHTS-OF-WAY ACROSS FEDERAL LANDS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on S. 1081, and ask for its immediate consideration.

The ACTING 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 amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment 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 ACTING 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 Nov. 7, 1973, at pp. 36242.)

Mr. JACKSON. Mr. President, I ask unanimous consent that William Van Ness, Mike Harvey, Jim Barnes, Harrison Loesch, Fred Craft, and David Stang, of the staff of the Committee on Interior and Insular Affairs, be accorded the floor privileges during the consideration and the vote on the conference report on S. 1081, the trans-Alaska pipeline bill.

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

Mr. STEVENS. Mr. President, I make the same unanimous-consent request for Lyell Rushton and Mike Todd of my staff.

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

Mr. JACKSON. Mr. President, the House of Representatives has agreed to the report. Favorable action by the Senate today will clear the way for Presidential signature and construction of the trans-Alaska oil pipeline. The current energy shortage points up the critical need to begin construction of the pipeline as soon as possible so that the vast oil resources on the North Slope of Alaska will be available to help meet our urgent energy needs and reduce our growing dependence on uncertain, insecure, and politically motivated foreign sources of crude oil.

Mr. President, the Senate and House conferees worked long and hard to resolve the differences between the two bodies. I believe that the conference report is a fair and reasonable compromise of those differences although I feel that many features of the Senate-passed bill are superior to the House amendment and the conference report.

The joint statement of the managers explains the conference report in some detail. I will simply highlight the most significant features.

1. REVISION OF LAW FOR OIL AND GAS PIPELINE RIGHTS-OF-WAY

The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefication, oil shale, and tar sands.

The conferees agreed that broader rights-of-way legislation will be made a part of the organic act for the Bureau of Land Management which I expect will be enacted by Congress.

2. GUIDELINES FOR RIGHTS-OF-WAY

The conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, were compatible. They spell out in greater statutory detail policies that were formerly left to administrative determination.

3. AUTHORIZATION OF ALASKA OIL PIPELINE

Both the Senate bill and the House amendment provided for the immediate grants of a trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Policy Act and with only a limited right of judicial review. The conferees merged the provisions of the two Houses without making major substantive changes.

4. NEGOTIATIONS WITH CANADA

Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The conferees merged the provisions of the two houses without making substantial changes.

5. LIABILITY OF RIGHT-OF-WAY HOLDER

The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation.

The conferees adopted modified versions of all of these provisions.

GENERAL LIABILITY RULES

One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

TRANS-ALASKA PIPELINE LIABILITY

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

MARINE LEG LIABILITY

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A trans-Alaska pipeline liability fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the fund may be asserted and adjudicated under other applicable Federal or State law.

The fund will accumulate and maintain not less than $100,000,000 from the collection of a fee of 5 cents per barrel of oil transported through the trans-Alaska pipeline and loaded on tankers.

6. LIMITATION ON EXPORTS OF CRUDE OIL

Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The conferees adopted the House language.

7. EXEMPTION OF STRIPPER WELLS FROM PRICE CONTROLS

The conferees adopted the provisions of the Senate bill exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program. A stripper well is defined as a well with an average daily production during the preceding month of not more than 10 barrels.

8. PAYMENTS TO ALASKA NATIVES

The Senate bill provision amending the Alaska Native Claims Settlement Act to provide for advance payments to Natives was adopted, after first, reducing the amount of the advance payments from $7,500,000 each 6 months to $5,000,000; second, delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and third, deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

9. FEDERAL TRADE COMMISSION AUTHORITY

The Senate provision amending the Federal Trade Commission Act was adopted, with amendments. It increases the civil penalty for violating a final order of the Commission, gives the Commission broader authority to initiate injunction actions and enforce subpenas, and gives the Commission authority to represent itself in court if the Attorney General fails to do so after 10 days notice.

10. REGULATORY AGENCY QUESTIONNAIRES

The Senate provision amending the Federal Reporting Services Act was adopted. It substitutes the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

11. EQUITABLE REGIONAL ALLOCATION OF CRUDE OIL

The Senate provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

Mr. President, there is no need to discuss the conference report at length. The Nation absolutely needs the oil from this pipeline as soon as the pipeline can be built, and I urge that the Senate move expeditiously to agree to the conference report.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that I sent to the President with reference to the question raised regarding the Federal Trade Commission amendments, signed by me, by JOHN MELCHER, chairman of the House-Senate Conference on the Alaska Pipeline, and by MIKE GRAVEL, ex-officio member of the House-Senate Conference on the Alaska Pipeline, together with a letter that I received from the Federal Trade Commission Chairman, Mr. Lewis A. Engman, supporting the amendments adopted by the Senate and adopted by the conference.

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

U.S. SENATE,
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
Washington, D.C., November 9, 1973.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As the principal sponsors and floor managers of S. 1081, the Alaska pipeline bill currently pending before the Congress, we write to ask your support for our efforts to achieve enactment of this measure without further delay.

After months of painstaking work by members of Congress and the Administration, the major provisions of this legislation have been approved by both Houses, and, after a long and difficult conference, the differences have been successfully resolved.

At the eleventh hour, however, an effort is being mounted by certain private interests and by some members of your Administration to send the measure back to conference for deletion of two provisions which they find objectionable. The general effect of these provisions would be to grant modest but much-needed new authority to the Federal Trade Commission to enable it to enforce more efficiently the laws under its jurisdiction, and to transfer from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. The merits of these provisions, both from the standpoint of the individual taxpayer and businessman—and particularly the small businessman—who stand to benefit, and from that of sound governmental organization, seem obvious. However, even more obvious to us is the fact that should the campaign to recommit the bill to conference succeed, many questions which were previously settled will inevitably be reopened, and we will be faced with the likelihood of substantial delay in obtaining final passage of the entire bill.

We are confident that you share our view that such further delay at this time would be intolerable. As you stated in your remarks to the nation on November 7, ". . . it is time to act now on vital energy legislation that will affect our daily lives for years to come."

Prompted by the desire to move forward

in the solution of one of the most critical peacetime problems we have ever faced, and convinced that recommittal of the Alaska pipeline bill to conference for any purpose would be irresponsible, we urge your active support for our efforts to obtain Congressional passage of this legislation without further delay.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee.

JOHN MELCHER,
Chairman, House-Senate Conference on the Alaska Pipeline.

MIKE GRAVEL,
Ex Officio Member, House-Senate Conference on the Alaska Pipeline.

FEDERAL TRADE COMMISSION,
Washington, D.C., November 9, 1973.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have asked for my frank assessment of the significance and practical impact of those provisions of S. 1081 which involve the authority of the Federal Trade Commission and the administration of the Federal Reports Act.

As I have previously stated, I believe that Section 408 of the bill, if enacted, would greatly enhance the Commission's effectiveness in discharging its Congressional mandate to prevent unfair and deceptive business practices and unfair methods of competition. The major provisions of this section would:

(1) authorize the Commission, after notifying and consulting with the Department of Justice, to represent itself in civil proceedings arising under the FTC Act, provided the Department does not take the action proposed by the Commission within 10 days;

(2) authorize the Commission to go into federal court to seek temporary injunction to prevent the continuation of particular aggravated violations of the laws under its jurisdiction, pending the completion of the lengthy administrative proceedings and appeals which lead to a final cease-and-desist order; and

(3) increase from $5,000 to $10,000 the maximum civil penalty for violation of Commission orders—a modernization made necessary by 25 years of inflation since the $5,000 limit was enacted in 1938.

Each of these provisions is essentially a "gap-filling" measure; none would increase the Commission's substantive jurisdiction in any respect. This becomes evident when one realizes that a number of other independent agencies (including the SEC, ICC, and the CPSC) are already empowered to handle most or all of their own litigation, and that for many years prior to 1968, when its authority to do so was put in doubt by the holding in *FTC* v. *Guignon*, 390 F.2d 323 (8th Cir. (1968)), the Commission enforced its own subpoenas in the federal courts. In addition, the Commission already possesses the authority to seek preliminary injunctions under the FTC Act in cases involving the advertising of food, drugs, and cosmetics, and the Department of Justice, with whom the Commission shares responsibility for enforcing the antitrust laws, already has such authority under the Clayton and Sherman Acts. Each of these provisions has been the subject of hearings before Committees of both Houses of Congress, and each was incorporated, albeit in a more modest form, in S. 1219 and H.R. 6313, Administration proposals submitted to the 92d Congress.

In view of these facts, I consider the concern apparently being displayed by certain segments of the business community over Section 408 to be totally misplaced. While the added authority provided by this provision would undoubtedly increase the Commission's efficiency, I see no threat of any kind to the responsible businessman. To the extent that the Commission could be more effective in preserving free and open competition, this can only redound to the benefit of the entire system of free enterprise, and particularly to that of small business. It might be noted in this regard that the occasion for incorporating these provisions in the present legislation was the realization by yourself and other Members of Congress, at the time of the acute gasoline shortage last spring, that because it lacked the authority to seek preliminary injunctions the Commission would have been completely powerless to aid the small gasoline retailer, distributor, or refiner, even assuming there had been proof of the most blatant anti-competitive behavior by their major competitors.

Section 409 of the bill simply transfers from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. While it is true that GAO would not have the veto power over agency requests for information currently possessed by OMB, I see in this omission no cause for alarm on the part of the business community. The Federal Reports Act was enacted to protect businessmen from duplicative and unnecessarily burdensome information requests from the federal government. Since the vast majority of such requests originate from within the Executive Branch, rather than the independent agencies, OMB will continue to bear the major responsibility in this regard. With respect to the independent agencies, it seems eminently reasonable, if they are to be truly "independent," that their proposed requests for information be passed upon by an agency responsible to the Congress, instead of by OMB. Close coordination between OMB and GAO will of course be necessary, but I see no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been.

As considerable attention has apparently been focused upon a particular FTC questionnaire with regard to which we have requested OMB approval, the proposed "line of business" form for reporting corporate financial statistics, I would emphasize not only that this questionnaire would go only to the largest of the nation's corporations, but also that the Commission is most receptive to constructive suggestions for modification of the form in order to insure that the costs of compliance will not be excessive.

In conclusion, I would reiterate that the provisions in question, while designed to close several long-overlooked gaps in the Commission's law enforcement authority, in no way extend its substantive reach, nor subject to sanctions any conduct or practice not already covered by the laws under the Commission's jurisdiction. If enacted, they will mean significant benefits for the American consumer and the small businessman, and a greater return on his dollar for the individual taxpayer.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, today the United States finds itself at a pivotal point in its history, facing perhaps one of the most crucial problems ever to confront America—the energy crisis.

But today, our Nation also has the opportunity to meet this national crisis with an equally important and crucial answer—final passage of the trans-Alaska pipeline amendment.

The need for the pipeline has been known for years, and I have continued to warn my colleagues of the absolute necessity of the trans-Alaska pipeline as the energy crisis has grown more and more severe—not only here in the United States, but throughout the world.

Events of recent weeks have proved the validity and the urgency of my warnings. The Arab nations have cut off oil to the United States and we have no indication of when shipments might be resumed.

Mr. President, America does not have to be subject to the actions of those nations who have hooked us on the habit of foreign oil. We can take care of America's energy problems in America if we will only act now.

But we need not look as far as the Middle East to witness a cutback of oil exports to our fuel hungry Nation. Canada, our neighbor to the North has said that it can no longer afford to supply oil to us at previously expected levels because Canada is now faced with her own energy problems. But the worst may be yet to come. The Canadians plan to extend one of their pipelines to Montreal which will curtail about 500,000 barrels of oil a day to the Middle West. The Canadian Minister of Energy, Mines and Resources said recently that a decision to go ahead on the pipeline to Montreal should be notice to the United States that Americans will have to look elsewhere for much of the Canadian oil that previously served U.S. markets.

Last week in his talk to the Nation on the energy crisis, President Nixon accurately described our acute energy shortage when he said that we must face the stark fact that we are heading for the most acute shortage of energy since World War II.

But President Nixon has launched a bold program toward achieving U.S. self sufficiency in energy by 1980. President Nixon's "Project Independence" is a call for us to begin an intensive effort to solve our energy problems. Passage of the trans-Alaska pipeline amendment is an important first step in making our goal of energy self-sufficiency a reality.

What is of vital importance here is that passage of this landmark bill signals a new era for our country in realizing its potential—the potential of Alaska's vast natural resources can help assure America of a progressive energy plan. But this important bill also marks the embarkation of a new era in the utilization of man's technological resources to meet our energy needs and in a manner that is complimentary with our environment.

Since the richest oil strike in the history of the North American Continent was made at Prudhoe Bay in 1968, the State of Alaska has had the ability and the desire to share this precious resource with the "Lower 48 States." Unfortu-

nately, delay after delay and obstruction after obstruction has resulted in paralyzing this important project while our Nation hungers for petroleum with the energy shortage spreading like an epidemic throughout the industrialized world.

Mr. President, I would point out that had construction been commenced in 1970, this year, 1973, Alaskan oil would now be delivered at west coast ports at the rate of 600,000 barrels a day. That is just about our shortfall right now. By next year, delivery would be at the rate of 2 million barrels a day, and our expected shortfall for next year is 2.1 million barrels a day. I think those who have opposed this project over the years ought to take their share of the responsibility for the crisis the country will face next year.

Today we have before us the vehicle to set a new course. Passage of the bill before us offers us a new lease on our energy life and will help provide the needed catalyst to place the United States in a positive energy position.

Construction of the trans-Alaska pipeline not only means more energy for America—in a time when energy is crucial, but it also means a stronger economy both at home and abroad and assures a firm place for the United States in the society of nations reducing our susceptibility to petroleum blackmail.

Winter is quickly approaching and with it the real spectre of severe fuel shortages that not only threaten the warmth of our homes but also endanger the very futures of many U.S. industries and the jobs of thousands of American workers. It is incumbent upon us to act today in order to safeguard America from energy problems in the years to come.

Mr. President, we cannot afford to bury our heads in the snow and freeze, nor must we allow our economy and the jobs of thousands to be endangered while we stand by idly.

We are grappling with a real crisis and now is the time for action—there is simply no more time for the vacillation that has already cost America dearly. This Nation is looking for the Congress to take action, and the passage of the trans-Alaska pipeline amendment is a call to action. With the passage of this critical legislation we can now begin to get on with the business of solving this energy crisis.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HASKELL. Mr. President, has the Senator from Alaska completed his statement?

Mr. STEVENS. I have. I thank the Senator very much.

Mr. HASKELL. Mr. President, I should like to make a brief statement on the conference version of S. 1081. As a member of the conference committee, I wish to go on record in support of the final version of the bill.

As the President and my colleagues know, I did not favor mandating a specific route for the transportation of the North Slope Alaskan oil to the lower 48 States. In fact I felt it was more desirable to have an impartial 9-month study to determine whether the economics demanded that the line end up in Chicago, having gone through Canada, rather than at Valdez, and then shipping the oil by tanker to the West Coast. But once the Senate had decided that question, I felt, as a member of the conference committee, that that problem was behind us.

The ACTING PRESIDENT pro tempore. Will the Senator suspend briefly until order is restored? The Senate will come to order. Senators will please clear the aisle and remove their conversations from the Senate Chamber, so that the Senator from Colorado can be heard.

Mr. HASKELL. Mr. President, I feel that the bill as it emerged from conference has substantial pluses over section 28 of the Mineral Leasing Act of 1920. For example, for the first time, those who use public lands for pipelines are required to pay compensation to the Government for the use of that land. As another example, the owners of a pipeline crossing public lands must not only carry the oil produced on adjacent Federal lands but also carry the oil produced on adjacent non-Federal lands. This can be a definite advantage to the owner of a field on private land. Additionally, the Federal Trade Commission provisions, which were mentioned by the distinguished chairman of the committee, the Senator from Washington (Mr. JACKSON), are a definite forward step. They allow the FTC to seek preliminary injunctions to stop deceptive or unfair trade practices.

So, all in all, Mr. President, it seems to me the bill is a step forward in regulating pipelines on public lands and I would support it.

I would, however, invite attention to one provision which I voted against in conference and which I think went beyond the will of the Senate and the will of the House. That section prohibits judicial review not only under NEPA but also under any other law whatsoever pertaining to the issuance of a permit, a lease, or anything else, in connection with the construction of the line. Judicial review is cut off unless a constitutional question is raised or unless an official takes an act beyond the scope of his authority.

I have serious question as to whether this is constitutional. But, whether it is constitutional or not, I think it is bad practice not to have administrative officers subject to judicial review.

But, with this one exception, Mr. President, I would say that the bill is eminently satisfactory and resolves competing interests. I would urge my colleagues to vote for it.

Mr. JACKSON. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. JACKSON. I want to take this opportunity to express my appreciation, of course, to the Senator from Colorado for the searching way in which he went into this whole issue raised by the Alaska pipeline. It is a real contribution to the end product, which I hope and trust will be a good law and which will help—looking down the road—to provide some answers for the long-range shortages that exist in the area of petroleum products.

I want to commend the Senator for the lawyerlike way and the outstanding way in which he went into all aspects of the issue raised by the pipeline controversy. It touched on just about everything. It was a great help to all members of the committee to have his continuous interest in the matter.

Mr. HASKELL. Mr. President, I wish to thank the distinguished Senator from Washington for those comments and also for his unfailing courtesy both in conducting the markup sessions in the conference.

Mr. FANNIN. Mr. President, I am very much pleased that this day has come and that we shall be voting on this very important legislation.

I want to pay tribute at this time to the chairman of the committee for his excellent work in bringing this legislation to a conclusion.

Mr. JACKSON. Mr. President, if the Senator will allow me to interject there, he is being very generous, but I want to say that we had very fine bipartisan support for this long and, shall we say, protracted discussion in connection with this legislation.

The distinguished senior member of the committee on the Republican side, Mr. FANNIN, was most helpful and most cooperative not only in the long drawn-out hearings but also in the long drawn-out conferences.

I can say the same for both Senators from Alaska (Mr. STEVENS and Mr. GRAVEL). Senator STEVENS was familiar with this problem, not only as a Senator from Alaska by reason of his service in the Senate, but also by reason of his service in the Department of the Interior and his input both prior to his leaving the committee and subsequent to his leaving the committee. The Senator from Alaska (Mr. STEVENS) participated in the arrangements that we have made in connection with the various aspects of the legislation both in the committee and in the conference.

The Senator from Alaska (Mr. GRAVEL), of course, served on the committee and took a long and keen interest in the matter. He sponsored one of the major amendments regarding expedition of adjudicatory processes, which is a major part of this legislation. He, too, participated during the course of the discussions in the committee and as an ex officio member with Senator STEVENS in the conference.

Mr. FANNIN. Mr. President, I want to add my praise to the work of the members of the committee, both on the Democratic side and on the Republican side, for their dedication, their determination, their patience and understanding, and for being willing to listen to all the arguments pro and con on the different amendments. Some of us were

in favor of amendments that were not accepted. Some of us were not in full agreement with some of the provisions in the bill. At the same time, we do have a bill before us which will greatly assist in alleviating some of the problems we have in this Nation so far as the oil shortage is concerned.

I want especially to pay tribute to Senators HANSEN and HATFIELD on my side for their work in bringing about the passage of this legislation. Senator HANSEN is extremely well versed in the problems of the oil industry and many of the facets of oil production and transportation. Senator HATFIELD is a dedicated environmentalist, and a broad-minded and good-thinking person so far as those matters are concerned. I praise both Senators, because they were willing to go forward on the subjects in the legislation about which they had hesitancy, but for the best interests of the Nation they were willing to accept some of the provisions.

Mr. President, the day is long past due when we, in the United States, can sit comfortably on our resources. Resources are of no value unless we can put them to work for the good of man.

The legislation we are voting on today is, in a sense, already 3 years overdue. Were it not for unfortunate obstacles, we could be utilizing the Alaskan North Slope oil today to alleviate the shortage we are facing.

There is no way for us to amend the past, but now that we have this legislation I would hope that construction of the pipeline can be expedited.

Our current energy demands require the importing of 6 million barrels of oil each day. As we all know, this oil simply is not available to us at this time and is not likely to be available in the immediate future.

We desperately need the 2 million barrels of oil that the Alaskan pipeline will deliver daily.

Mr. President, when I speak of the pipeline, I also want to pay tribute to a Senator who is not on the committee but acted in an ex officio manner and gave us counsel and guidance on the different provisions that pertained to Alaska. I refer to Senator STEVENS. He was of great assistance. His expertise in this field is due to his background and his work in the Interior Department, as just stated by the chairman, and his studious activities over the years in the State of Alaska in determining how best to provide for the transportation of crude oil from his State of Alaska and making it available to the lower 48.

As I stated earlier, some provisions were objectionable so far as I was concerned, but I feel that, in the overall, we have an excellent bill.

It is with some anguish that I note it has taken 4 months to move this bill from the initial Senate debate into final passage. Progress has been painfully slow despite the obvious need, I might even say the desperate need of our country.

It is also distressing that at the time we are trying to take a step forward by increasing our fuel supply, we take a step backward by increasing the capacity for the Federal bureaucracy to impede American industry.

The provisions attached to this bill, giving additional powers to the Federal Trade Commission and allowing the bureaucracy to load commerce down with additional paperwork, are very unfortunate. It is a sad commentary that when the broad interests of the Nation are threatened that the narrow interest of a few will insert such provisions in legislation which we must have.

We can only hope that the powers granted here—powers which can virtually destroy American industries if improperly used—will not be abused.

If the energy situation were not so dire, I would oppose this legislation because of these very unwise provisions.

As it is, we must have the Alaskan oil both to meet our national energy needs and to cut down on our balance-of-payments outflow. The Alaskan oil also is high grade with low sulfur, meaning that it will produce less air pollution than some oils currently in use.

This pipeline has been planned and studied now for more than 4 years. I am confident that it will be safe, secure, and efficient.

We are told that it can be put into operation about 3 years after the start of construction and initially will deliver up to 600,000 barrels per day. By 1980 it will reach the 2-million-barrel level.

Mr. President, I am pleased that the Congress finally recognized the wisdom of building this pipeline across Alaska where our Nation can maintain full control.

As we have seen in recent weeks, without control of source and delivery system there is no energy security for the United States.

We are good friends and good neighbors with Canada, and I trust that we always shall be, but we saw what happened when the energy crunch really hit. The tax on oil delivered to the United States from Canada jumped from 40 cents per barrel to $1.90 per barrel. Venezuela also hiked its tax.

As a firm believer in the capitalist system and the forces of supply and demand, I cannot blame producer nations for raising the price when they know that we must pay it.

We learned from the Arab oil cutoff that if we become dependent upon imported fuels we will become subject to political blackmail. And we learned that when a strategic product like oil becomes scarce even good friends are not going to pass up the chance to make a good profit at our expense.

I would hope that this legislation is just the beginning of our efforts to develop our own energy self-sufficiency. Now we must rapidly find out exactly what the potential of the Alaskan fields is, and begin the planning to put this resource fully to work for our Nation.

There has been extensive discussion, and we have been working in the Interior Committee on legislation to meet the energy crisis. Much of our attention has been focused on ways to curtail energy usage and to spread shortages equitably.

We must have legislation which will enable us to put our abundant resources to work—to expand or at least maintain our own energy supplies. This means the fullest use not only of petroleum reserves in Alaska, but also off-shore and continental shelf drilling. It means additional use of our vast coal reserves, oil shale conversion, development of geothermal areas, quicker construction of nuclear plants, and continued efforts to make solar energy economically feasible.

This legislation, however, will be the first bill we have passed which actually will result in expansion of our energy resources. It is an important step toward reaching the goal of self-sufficiency by 1980 which was proclaimed by President Nixon.

Mr. President, I should like to commend all my colleagues who have worked diligently on this bill. I also want to pay tribute to the staff and to express my gratitude to the staff and commend them for the excellent work they have done. Both the majority and minority staff members have contributed greatly to the successful bringing of this bill to the Senate today for final action.

I am very pleased to have had the opportunity to work with the chairman of the committee, and I again express my commendation to him for the way this bill has been brought to a conclusion.

Mr. JACKSON. Mr. President, I again want to express my appreciation to the able senior Senator from Arizona for the splendid bipartisan cooperation we had in working out the final details of this bill. Before we conclude, I believe I should make a few comments in connection with this matter.

I hope and trust that the bill which will be placed on the President's desk by nightfall will not be vetoed. There have been rumors that Mr. Roy Ash is going to recommend a veto. I may say, Mr. President, that Mr. Ash was very active on the Hill and elsewhere in expressing his opposition to the Federal Trade Commission amendments I sponsored in the Senate. This is his right. But implicit in his comments was that if we did not take out the Federal Trade Commission amendments, which were adopted by a 7-to-1 margin in the Senate and approved in conference, he would recommend a veto.

At a time when we need the kind of bipartisan support that I think is essential to bring this country through its most difficult domestic crisis in the economic area probably since World War II, we need to have the kind of confidence expressed on both sides of the political aisle in the executive branch that we have been able to obtain in the legislative branch.

I shall be sorely disappointed, and will say to the President that if the bill is going to be vetoed, I do not know when we are going to get to it. However, I cannot believe that the rumors are true,

because I think there are some level heads in the administration who will not follow that course of action, especially after the House rejected the attempt to recommit the bill to conference for the purpose of deleting the Federal Trade Commission amendment.

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

Mr. JACKSON. I yield.

Mr. STEVENS. I am happy to have the firm support of our chairman. I should like to be certain that the record is clear, and I wonder whether the chairman would object if we were to place in the RECORD at this point the provisions of subsection (m) of section 408 as they appear in the final version of the bill, and the provision of that subsection as it was reported from the conference committee.

I should like to make certain that people realize that we have returned to the Senate version of this provision that pertains to the power of the Federal Trade Commission to represent itself in the courts in civil actions.

The chairman of the committee knows that the Parliamentarian of the House interpreted broadly the original conference committee provision with reference to the Federal Trade Commission and said it could be interpreted to permit the Federal Trade Commission to prosecute criminal actions. Having returned to the original version as it passed the Senate, the provision applies only to civil actions. It requires notification to the Attorney General within 10 days to permit action by the Commission. We have substantially compromised on the provision that originally raised the ire of Director of the Office of Management and Budget, to make certain that they understand the provision they are objecting to. I do not think they did.

Mr. JACKSON. I might suggest that that provision be placed in the RECORD. I have no objection to quoting that section.

Mr. STEVENS. Mr. President, I ask unanimous consent that subsection (m) and subsection (m) of the final version of the conference report be printed in the RECORD.

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

ORIGINAL CONFERENCE PROVISION

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

FINAL CONFERENCE PROVISION

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

Mr. JACKSON. Mr. President I simply wanted to make this statement because other people in the administration have been most cooperative in connection with the expedition of the bill. I think it is regrettable that Mr. Ash saw fit to inject himself into the Federal Trade Commission aspects of the matter which held up action on the pipeline bill in the House. I would hope that from here on out we could get a little better cooperation in connection with urgent matters that are so vital to all Americans whether they are Republicans or Democrats.

I want to say that on the legislative side—and I repeat it—we have had the finest bipartisan cooperation in getting action on these matters.

To point out the criticality of the energy situation as it relates to petroleum at the present time, let me cite some figures that I received on a confidential basis just before I came to the Chamber.

It is now estimated that at the present time the shortage for the Nation in connection with petroleum production will run 17 percent; for gasoline it is going to be 21 percent; for distillates, and by that we mean heating oil, fuel oil, and kerosene, 13 percent; and for residual oil, 24 percent.

What I am about to say is the most significant aspect of the whole problem. Unless a solution is found on transportation, the logistics problem, in connection with the oil industry, the east coast will suffer a doubling of these figures. So instead of a shortfall overall of 17 percent, it will be 28 percent, and that is for all petroleum products. But for the east coast it will be 42 percent for gasoline; for distillates it will be 26 percent, and for residual fuel oil, so essential in the operation of electric power industries, it will be 48 percent.

This means that one of the most serious problems facing the industry and the Nation is transportation, the ability to move it from one area of the country to the other. Mr. President, it is almost reminiscent of the early days of World War II before we built the Little Inch and Big Inch pipelines. At that time we were moving the oil by tankers from Texas and Louisiana up the east coast. After the outbreak of the war the tankers were being sunk one after another and our supplies to the east coast were almost cut off. Now we face a transportation crisis which is just as important as meeting the necessary shortages of the fuel itself.

This points out the critical situation we face nationwide, but the critical problem especially that we face on the east coast unless transportation solutions can be found and the National Energy Emergency Act that we reported out of committee yesterday and on which a report will be filed tonight, is acted on; and I hope we will be able to bring it up tomorrow. It will give emergency authority to the President to deal with this particular problem in the transportation area.

I am hopeful that with expeditious action the President will have the necessary authority and the tools to do the job.

Mr. STEVENS. Mr. President, I am certain that my colleagues who have studied the conference report have discovered that the construction, operation and maintenance of the Trans-Alaska pipeline will be subject to a series of responsible standards intended to protect the environment, create liability where necessary, and protect the public interest. The specific requirements of the law will be further developed by stipulations and regulations, and the final result will be a series of specific and essential Federal guidelines for this project to insure that it will be completed as safely and efficiently as possible.

I would like my colleagues to also know at this time that the State of Alaska shares these concerns, and that the State clearly recognizes its obligation to provide, from the perspective of the people who will live with the pipeline, its own standards to protect the environment, set measures of liability and provide otherwise for the proper progress of this project in the public interest.

In addition to the State law which already covers various areas of concern with regard to the pipeline and its related activities, the State intends to consider and enact laws and standards compatible with Federal standards to protect its air, water, fish, and wildlife, and other public resources; to deal with the hiring, health, and safety of the pipeline-related worker; to provide for comprehensive surveillance of the pipeline at all stages to insure that this unprecedented construction project, and all its associated aspects are properly controlled from the State perspective. All of these measures, Mr. President, are contemplated within the traditional and well-established jurisdictional powers of the States, and within the jurisdictional power given Alaska in this instance as the landlord respecting pipeline activities. We are hopeful practical Federal-State relations can be worked out to minimize the time and costs involved in applying both the Federal and State measures.

I make these points, Mr. President, to assure my colleagues that the State of Alaska sees its responsibilities at this time quite clearly, and to solicit your assurance that nothing in this bill in any way limits the exercise of the State's legal and jurisdictional power to carry out these responsibilities.

Mr. JACKSON. I appreciate your statement, and the fact that the State is so keenly aware of its responsibility. Let me assure the gentleman from Alaska that the bill in no way limits the exercise of State responsibility he has suggested. Nor does it limit the Federal Government's jurisdiction over Fed-

eral lands. I hope the State and Federal Governments can reach practical arrangements that will protect Federal and State interests with minimum cost and minimum delay in construction time.

As you will note, in section 204(c)(9), a stated disclaimer of preemption is made, and made there only to emphasize the point even in that comprehensive liability section. I believe the conference report anticipates the appropriate exercise of State power and responsibility to make certain that this large and important project is completed and operated in the public interest, and I thank the gentleman for raising the point here and having it clarified.

Mr. STEVENS. Under section 28(d), is the Secretary or agency head required to conduct a hearing prior to making a finding that a right-of-way wider than 50 feet is necessary?

Mr. JACKSON. It is not intended that section 28(d) requires a specific hearing and a finding under this section can be made without a hearing. Of course, section 28(k) provides for a hearing on rights-of-way applications where appropriate. As pointed out in the conference report, we do not contemplate that duplicate hearings will be required to comply with NEPA, and since the Alaska oil pipeline is specifically authorized by title II, no further hearings are required for that right-of-way.

Mr. STEVENS. That section provides that the reasons for such a finding be recorded. It is my understanding that the Secretary may record his reasons in Bureau of Land Management public land orders, an environmental impact statement, or any other public document.

Mr. JACKSON. That is correct.

Mr. STEVENS. Section 28(h)(2) requires an applicant for a new project which may have a significant impact on the environment to submit a plan of construction, operation, and rehabilitation. As stated in the conference report, it is not intended that such a plan be a final one since all details cannot be known at the time of application. Is it contemplated that the Secretary or agency head will have the sole discretion to determine if a submitted plan is satisfactory?

Mr. JACKSON. Yes. This, like every other discretionary determination which the Congress has authorized the Secretary to make; it is not intended that such a determination be the subject of judicial review on any grounds other than an abuse of discretion.

Mr. STEVENS. Mr. President, section 28(l) of title of S. 1081 as reported by the conference committee will require applicants and holders of permits to reimburse the United States for costs incurred in processing applications for rights-of-way across Federal lands and in monitoring construction and operation of pipelines on Federal lands. As my colleagues know, the State of Alaska owns the one-eighth royalty interest in the Prudhoe Bay discoveries and thus has a real interest in the cost of transporting North Slope oil to market, a cost which will be affected by these reimbursable costs. In addition, as a member of the Appropriations Subcommittee which will oversee collection of these costs, I feel our legislative record should clearly show Congress' intent that the costs to be reimbursed under this subsection are only those direct and identifiable costs of processing applications and monitoring pipeline construction and operation which are reasonable and necessary for those purposes. I understand it is not the intent of the conference committee that applicants and holders be charged with costs incurred by Federal agencies in activities not related to approving the application for a permit or related to enforcing its terms during construction, operation, or termination of the pipeline. I will be grateful if the esteemed chairman of the Senate conferees would comment on this.

Mr. JACKSON. Mr. President, the Senator is correct. The conferees intend this provision, like the Senate-passed provision, to require reimbursement of all reasonable administrative and other costs incurred in processing an application and in inspection and monitoring of construction, operation, maintenance and termination of a pipeline across Federal land. The conferees contemplate that the Secretary will promulgate regulations establishing a schedule for reimbursement according to standards which are fair and equitable and as uniform as practicable, taking into consideration the direct and indirect cost to the Government, the value to the recipient, the public policy in public interest served and other pertinent facts. In the case of the trans-Alaska pipeline permit it is anticipated that the Government will be reimbursed for all money that has been, or will be, appropriated and spent as a line item under this subject.

Mr. STEVENS. Mr. President, I note that section 28(o) of title I as reported by the conference committee would establish conditions and procedures for suspension and termination of rights-of-way across Federal lands. I believe these provisions apply to all pipeline rights-of-way across Federal land which will be granted under the new act, including the trans-Alaska pipeline. I would inquire of the chairman whether I am correct in this understanding.

Mr. JACKSON. Mr. President, the Senator is correct. Section 203(c) of title II requires that rights-of-way and other authorizations for the trans-Alaska pipeline be subject to the provisions of section 28 of the Mineral Leasing Act as amended by title I with certain exceptions which do not include section 28(o). That latter section will therefore apply to the trans-Alaska pipeline.

Mr. STEVENS. I thank the chairman, Mr. President and ask him further whether the provisions for judicial review under the Administrative Procedure Act incorporated by section 28(o) will be afforded to all holders of such rights-of-way, including the holders of the trans-Alaska pipeline.

Mr. JACKSON. Mr. President, again the Senator is correct. The conferees have provided in section 28(o) that an administrative proceeding under the Administrative Procedure Act must be accorded all holders of such rights-of-way prior to suspenson or termination of the right-of-way. This does not mean, of course, that a hearing is required when the Secretary or his representative acts under 28(o)(2) temporarily to suspend activities within a right-of-way or permit area, as distinguished from terminating or suspending the permit itself, any final suspension or termination order—even the temporary suspension of activities—is subject to judicial review.

Mr. STEVENS. Is my understanding correct that the common carrier requirement contained in section 28(r) is not intended to apply to the component parts of a pipeline system not directly involved in the transportation of oil or natural gas to market. For example, related facilities such as access roads, airstrips, electric lines and fuel lines for supplying power to pumping stations, would not be subject to this requirement?

Mr. JACKSON. Yes.

Mr. STEVENS. The second sentence of section 28(x)(1) authorizes the promulgation of regulations specifying the extent to which holders of a right-of-way shall be liable to third parties where the right-of-way "involves lands which are under the exclusive jurisdiction of the United States." It is my understanding that this provision is only applicable to Federal enclaves which are not subject to State law governing third party liability. Is that correct?

Mr. JACKSON. Yes. We do not intend to supersede or preempt State law on third party liability wherever State law is applicable. There are unique Federal areas, however, where a State has no legislative jurisdiction. This provision would only apply to those so-called Federal enclaves. In addition the provisions of section 28(h)(2)(D) authorize strict liability provisions for Alaska oil and gas pipelines (other than TAPS) with respect to persons who rely on natural resources for subsistence purposes.

Mr. STEVENS. Section 203(d) precludes judicial review of the actions of Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for the trans-Alaska pipeline system. What types of actions would be covered by this provision?

Mr. JACKSON. This provision is intended to cover all actions of all Federal officers necessary to get this pipeline built and on-stream at maximum capacity. Such actions include the issuance and the procedures followed in issuing all necessary authorizations; it includes the imposition of terms and conditions; and it includes subsidiary authorizations, such as notices to proceed, which will be issued in the course of construction of the pipeline.

Mr. STEVENS. Mr. President, section 204(A)(5) in title II would impose strict liability on the holder of the right-of-way for the trans-Alaska pipeline for its activities conducted pursuant to rights-of-way and permits issued to the State of Alaska. I would inquire of the chair-

man whether such liability will cease when those activities under the rights-of-way and authorizations issued to the State have been completed?

Mr. JACKSON. The answer to the Senator's question is "Yes." During hearings it was brought out that the pipeline contractor will also serve as contractor for the State of Alaska in constructing the State highway and airports. It is the intent of this section that strict liability during construction of these facilities will cease once the facilities are built and turned over to the State.

Mr. STEVENS. Mr. President, I note that the conference report has eliminated the reference to the State highway and three public airports for which the State of Alaska has made application and which were specifically authorized in S. 1081 as passed by the Senate. I would like to ask my colleague, the chairman of the Senate conferees, if the conference report is intended to authorize the construction of these facilities as proposed by the State of Alaska as discussed on pages 27 and 28 and elsewhere in the environmental impact statement on the pipeline.

Mr. JACKSON. Mr. President, the answer to the Senator's question is "Yes." Section 206 of S. 1081, as reported by the conference provides that a right-of-way or permit granted under title II for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for construction of a public road or airstrip. Since the proposed State highway from the Yukon River to Prudhoe Bay and three proposed State airports along the right-of-way route are necessary for and related to the construction, operation and maintenance of the pipeline system, issuance of the necessary authorizations to the State of Alaska for these facilities is directed by title II.

Mr. GRAVEL. I have a question which I would like to propound to the chairman of the Committee regarding what will become subsection (h) (2) (D) of section 28 of the Mineral Leasing Act under the conference bill.

In section 28(h) (2) (D) the conference adopts a provision which was included in S. 1081 as reported by the Senate Committee on Interior and Insular Affairs. That provision states that the Agency head, prior to granting a right-of-way, shall issue regulations or impose stipulations which shall include "requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistance purposes." In commenting on that provision, the report of the Senate Interior and Insular Affairs Committee made clear that in the case of pipelines in Alaska, that provision was intended to require the inclusion of a stipulation imposing absolute liability upon the holder of the permit in favor of such persons. Does the chairman agree that section 28(h) (2) (D) of the Mineral Leasing Act as agreed upon by the conferees carries that meaning?

Mr. JACKSON. The distinguished Senator from Alaska is correct. It is intended to give that provision the meaning indicated by the Senate committee report as described by the gentleman in his question.

Mr. GRAVEL. I thank the distinguished chairman of the Senate Committee on Interior and Insular Affairs. Am I further correct in understanding, then, that in the case of permits for pipelines in Alaska such absolute liability provisions in favor of the persons described in section 28(h) (2) (D) would be required even though Section 28(x) appears to be cast in discretionary terms?

Mr. JACKSON. The Senator is correct in the understanding. Section 28(x) was not intended to relieve the head of the Agency from the responsibility intended to be imposed by section 28(h) (2) (D) to include an absolute liability stipulation in the case of any Alaska pipelines other than the trans-Alaska pipeline.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, the Senate has no other business today, once it acts on the pending conference report. It is anticipated that the conference report on the HEW Appropriation bill will come over from the House, perhaps after 5 o'clock this afternoon. This would mean that on tomorrow the Senate could meet and take up the HEW conference report, the State and Justice Appropriation conference report, and possibly begin action on the energy bill. But the latter remains to be seen, because some Senators may wish to invoke the 3-day rule. I hope they will not, the energy crisis being what it is. In any event, the mandatory oil allocations conference report will not be acted on today by the House, I understand. This means that after the action on the conference report now pending before the Senate is completed, there will be no other business before the Senate.

Now, my question is: Would it be possible to agree at this time on a time to vote on the adoption of the conference report, say at 12 o'clock noon or later today?

Mr. JACKSON. It is agreeable with me, and I will be finished in 1 minute. I think that my colleague and I agree. We wanted the yeas and nays.

Mr. ROBERT C. BYRD. Yes. My only reference to 12 o'clock noon is the desire to let committees, now meeting, complete their meetings by 12 o'clock noon.

Mr. STEVENS. Mr. President, will the Senator yield

Mr. JACKSON. I yield.

Mr. STEVENS. As I mentioned to the majority whip, my good friend from West Virginia, I did anticipate that the vote would take place sometime around 2 o'clock today, and there are Senators concerned with that time. I do not know why we could not wait 2 hours for those people.

Mr. JACKSON. The only problem I see with respect to 2 o'clock is that we have Senators leaving at 12 o'clock. It was announced in the notice and in the RECORD that we were coming in at 10 o'clock today. I did not see how we would go into the afternoon. As far as I am concerned, it is up to the Senate. But if we postpone it, then Senators who were notified to be here at 10 o'clock will not be treated fairly and had there not been the notice that we were coming in, and it was in the RECORD for 10 o'clock Tuesday for this purpose, I would not hesitate, but I would just hope that we could vote at noon.

Mr. FANNIN. Mr. President, I cannot disagree with the Chairman. I understand there are Senators scheduled to leave and we have to try to be as fair as we can with all Senators involved. But with respect to Senators leaving we cannot treat them differently than Senators coming in. So it is only right that we go ahead and try to accommodate as many Senators as we can.

Mr. ROBERT C. BYRD. What is the desire of the distinguished manager of the conference report and the distinguished Senator from Arizona?

Mr. JACKSON. 12 o'clock noon.

Mr. STEVENS. 12 o'clock.

Mr. FANNIN. I understood some Senators were leaving at 12 o'clock.

Mr. JACKSON. 12 o'clock noon is fine.

Mr. ROBERT C. BYRD. Very well. It appears that 12 o'clock noon is agreeable on both sides.

Therefore, Mr. President, I ask unanimous consent that the vote on the pending conference report be held at 12 o'clock noon today.

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

Mr. ROBERT C. BYRD. That will be a yea-and-nay vote, once enough Senators are on the floor to sustain a demand for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JACKSON. We will make the request as soon as we have enough Senators on the floor.

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

Mr. JACKSON. Mr. President, I just have one final comment to make and that is, as I have indicated earlier, and I wish to reiterate now, if after the first of the year I find that the Alaskan pipeline matter is tied up in litigation and we are going to be litigating through next year it is my intention then to introduce and push through Congress as fast as I can legislation to authorize the Federal Government to build this line. The shortage is critical in the petroleum area, and it is coming home to all Americans. We have been warned for over 2 years now. We must make sure that construction starts on this pipeline by March of 1974 so that we can complete it by 1977 and have the oil moving.

I yield to my distinguished colleague.

Mr. FANNIN. Mr. President, I wholeheartedly agree with the Senator from Washington, the chairman of the committee. We do face an emergency. The weatherman is going to determine how soon that comes about. I feel that the President must have some flexibility in

dealing with the energy emergency. I also feel very keenly about the problems posed in connection with some of the amendments referred to by the distinguished manager of the bill.

Unfortunately, the FTC and the reporting of amendments are characteristic of the zeal with which certain Members of Congress have sought to solve the energy crisis by excessive regulation. I question the viability of these procedures in light of the energy emergency. Until Congress recognizes that we need less, rather than more, regulation, there will be little hope to expand energy supplies. Until we recognize this we will then only continue to spread shortages around and as a result, people across this Nation will be cold. I heard the distinguished Senator talk about spreading shortages around.

I am making reference to the provisions in the bill that the President referred to. He called for immediate action of the pipeline bill and referred to the FTC and Reporting Act provisions as unnecessary and extraneous. That is why I did oppose those amendments in the conference and on the floor of the Senate. I do not think very many Senators were observant of just exactly what was involved when they voted on the FTC regulation amendment. So it was passed by an overoverwhelming vote. I think if Members of the Senate had been given an opportunity to study the effect it may have on what we are trying to do, the vote would have been different.

Nevertheless, we have a bill before us today and certainly it is the important matter.

Again I say, we must go forward with this legislation. We will hope that, in a very short time, the pipeline will be under construction and we will have oil flowing from Alaska to the lower 48 States.

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

Mr. JACKSON. Mr. President, I am happy to yield to the able Senator from Alaska.

Mr. STEVENS. Mr. President, I want, on behalf of the people of Alaska, to express our appreciation not only to the Senator from Washington and the Senator from Arizona, but also to all of the members of the conference committee who worked so diligently on this legislation.

I think once the decision was made on the floor of the Senate to proceed with the Alaska pipeline after the historic vote, in which the former Vice President cast his vote to break the tie on a motion to table the reconsideration of that vote, we have all proceeded with one thing in mind, and that is that the amendment should be the best possible amendment in view of the circumstances. I am satisfied that this amendment, which limits the right to judicial review, should withstand any attack in court.

I am particularly grateful to our able staff members: Bill Van Ness, Dave Stang, Mike Harvey, Harrison Loesch, and Lyell Rushton, and Max Gruenberg of my staff, who worked very diligently, and Lewis Sigler, counsel for the House Interior Committee, who likewise has done yeoman work. I think they should be recognized for the great service they performed.

I am particularly delighted that the Senator from Washington (Mr. JACKSON) and the Senator from Arizona (Mr. FANNIN) agreed to allow my colleague and me to be ex officio members of the conference committee, so I might be present and assist in the deliberations pertaining to this tremendous project for my State.

I do not know whether it has been repeated on the floor, but I want to repeat that this is the largest single project ever attempted by private enterprise in the history of man. I do not think there has ever been a project that has been studied, restudied, analyzed, and reanalyzed more than this project has been. It is the first project of its type that has been so completely planned, reviewed, and discussed at all levels of Government before its initiation.

I am hopeful that we will have a project that is engineeringly and environmentally sound and will deliver our oil to the markets of the south 48 as rapidly as possible.

Does the Senator from Oklahoma wish the floor?

Mr. BARTLETT. Yes.

Mr. STEVENS. I yield to the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I wish to commend the Senator from Alaska and the Senator from Arizona for their tremendous efforts in the passage of the amendment which legislated the Alaskan pipeline and all those who supported it and voted for it. I commend also the chairman for his efforts to remedy the right-of-way-width problem which was created by court action.

I rise to express my support of and encourage the acceptance of the Alaskan pipeline bill, S. 1081. Although there are some provisions to the bill which individually I would not support, such as the FTC provisions, the legislating of the building of the Alaskan pipeline has been too long delayed already.

The Alaskan pipeline bill is the first constructive piece of legislation dealing with increasing our available energy supplies. In the past, Congress has been content merely with spreading out the shortages.

I want to issue a warning, however: The Alaskan pipeline is not the solution to the energy crisis. It is no panacea. Additional legislation to encourage the development of energy in the short term and the long term must be acted on expediently.

The earliest possible date that Alaskan oil might reach the lower 48 States is late in 1977—4 years from now. And even then it would not be flowing full capacity. Many steps must be taken to increase domestic production between now and late 1977. I would hope that just because we have the Alaskan pipeline bill we will not become lax in our responsibility to the people of the United States. They deserve more than sacrificing because of shortages—they deserve action to alleviate those shortages.

I would like to point out that there is one provision in the Alaskan pipeline bill that will help to alleviate the current shortage.

The "stripper well" amendment which I introduced will achieve results this year that will help the crude oil shortage problem. This amendment will help to maintain domestic crude oil production that now exists, but is on the brink of being lost forever. We need every last drop of producible crude oil. We cannot afford to let price controls or mandatory allocation force economically marginal oil wells to be shut in. The stripper well provision will help to stretch out the life of the so-called stripper well.

A stripper well is a low productivity, marginally economic well. It can produce just enough oil to remain above the breakeven point. By definition a stripper well averages 10 barrels of oil per day or less. They provide approximately one-eighth of our daily domestic supply of crude oil.

Eliminating the stripper well would eliminate a substantial part of our country's producible oil reserves. Currently stripper wells have reserves of almost 5 billion barrels of oil—that's equivalent to about one-half the estimated reserves on the North Slope of Alaska. There were 359,471 stripper wells in 1972. The average stripper well produced 3.13 barrels per day of crude oil. If the average production of each well were to increase only 1 barrel per day per well this would mean an overall production increase of 359,000 barrels per day. This is the equivalent to the production that could be expected from three major domestic oil field discoveries. The Senate, in its wisdom, passed the "stripper well" amendment with only one descending vote.

If and when the Alaskan pipeline bill is signed into law—which I know it will be soon—for the first time Congress will have initiated in the stripper well amendment a constructive action to increase domestic energy supplies.

I hope that my colleagues will continue to work diligently to approve other measures such as the deregulation of natural gas prices and the removal of price controls upon crude oil which also will act to increase supplies of greatly needed energy.

I must express my extreme reluctance to accept the provisions of S. 1081 that broadly extend the powers of the FTC and other agencies. The ensuing holocaust of inquiries and paperwork always places an undue burden on the smaller businessman. It seems when legislation is drafted with the large corporations in mind, it always tends to hurt the small fellow worse and run a few more people out of business.

Irregardless, the importance of the Alaskan pipeline overshadows my apprehensions toward the uncalled-for FTC provisions, which incidentally I voted against when it was voted on upon the floor of the Senate, and I will vote to accept the conference report on S. 1081.

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

Mr. GRAVEL. Mr. President, I rise to support the conference report, as other Senators have done.

I would like to thank the Senator from Washington (Mr. JACKSON) for the distinguished leadership he has provided over the years in what has turned out to be quite an involved issue. The Senator from Washington has acted quite ably.

I would also like to commend Representative MELCHER who, in the course of the House deliberations and during the conference committee, conducted himself in a very creditable manner. He provided a great deal of leadership on this matter, and I commend him for his accomplishments.

Mr. President, I would like to recapitulate for a moment to place the matter in perspective. The discovery of oil on the Alaskan Slope occurred in 1968 and 1969. Had the Nation and its leadership acted wisely at that time, we could have vigorously undertaken the study, the engineering and design, and the building of a safe pipeline which would have brought this product to the United States by 1973. We could have had that oil at this time. It probably would have supplied a million barrels a day right now. That would have alleviated the shortfall we are projected to experience this winter, which will be about 2.3 million barrels per day.

It is necessary to underscore this because often we suffer from our bad judgment and mistakes. This mistake is so large it can be a lesson and guide to future action. This is where industry and the environment clashed. This was the big experiment of our industrial-environmental confrontation.

I think we have weathered that storm. No longer will we see industry thinking it can bull through its desires, unmindful of the total ecological needs of our society.

Similarly, I think that we will not see a continued Government reaction to that pressure, with the hope that the problem will go away. Environmental problems cannot and will not go away.

I first felt that we were ready as a Nation to begin construction of the Alaskan pipeline when I made the decision to push for the pipeline amendment that was agreed to in the Senate by one vote.

As we look back at that very short 3-month span, it seems light years away. If we had a similar vote at the present time, in the light of what is going on in the Mideast, and in the light of the shortfalls we are experiencing, that issue would not win approval by just one vote, but would win overwhelmingly. There is now much greater realization of how erroneous was the criticism that the vote was an effort to circumvent the matter of environmental awareness.

I think the facts will bear out the statement that the Alaskan pipeline is the environmental position to take with respect to the transportation of oil. This is the new high-water mark. I think that all of our modes of transportation will have to emulate it. I dare say that the new design and the other environmental protections have probably increased the cost of the pipeline by about one-third. By the same token, the strip mining bill will increase the cost of mining coal. That merely means we as a society determine the total cost of our activities at the beginning rather than concentrate only on profits, expecting the Government to pay the damages that come about as a result of our action. I think the Alaskan pipeline will be a model for industry and will be a new high point that other industries must reach for.

Mr. President, let me add that the Alaskan pipeline not only meets the problem of bringing to the lower 48 States 2 million barrels of oil a day, oil which is most vitally needed, but it also signifies a more important development, that of opening up the storehouse of resources that lies in the Arctic.

All during the pipeline controversy the construction of the Trans-Alaskan pipeline was suspended, and we experienced a hiatus of activity in oil and other extractive activities that could have helped mitigate the needs of our country today.

What will happen as we begin to understand the problems of the energy crisis—and the problems are extreme—underlines the severity of the situation. We are not talking about an energy crisis that will be over this winter. We are talking about an energy crisis that will have a duration of 10 or 15 years. We are talking about an energy crisis that is dwarfed by the attendant financial crisis.

Some of the things we are experiencing this year—a lowering of the thermostats and the interest in the purchase of small automobiles—are not so significant as the threat to our economic system that will result from a recession which these things may augur.

I think one of the great tragedies is that if we pay much more attention, as politicians, to the pipeline, as though it were more important to get the oil, we will not pay sufficient attention to the other problems of the Nation. And it will make very little difference whether a person has oil available. The problem will be whether he has the ability to buy the heating oil, the small car, or the gasoline.

Mr. President, this is an area to which we have given less attention. It will be the most important problem that will face the country. If we experience a recession, this will be a most serious problem, which will occur 5 years down the road. I think that we could very easily be thrown into a depression by the economic repercussions of what has taken place in the Mideast.

Leaving that matter aside, the requirements of importation will cause such a hemorrhage of dollars outside of this country that we will likely be visited by a depression. In any event, we will lose control of our economic system. We had a minor example of this when the administration lost control over the economic system last February.

But with the hemorrhaging that will take place just to maintain the standard of living that we have come to enjoy, we will throw into a tailspin our entire free enterprise system.

There are many answers. One is to bring about the investment of these dollars. The other is to increase commercialism, to export more. I think these are very small answers to the total problem. The real answer is very simple: We cannot spend more than we have. So if we want to maintain the standard of living we have come to enjoy, what we have to do is begin to produce more.

When I talk about unlocking the storehouse of Alaska, I talk of figures that can reach anywhere from 6 to 10 million barrels of oil per day. I observe that the Committee on Interior and Insular Affairs, in its deliberations under the able leadership of its chairman, went from a concept of an Alaska pipeline versus a Canadian pipeline to the realization that we need both pipelines.

I think that issue is somewhat altered because of the rapidly changing dynamics of what is going on in Canada today. I doubt that we can integrate within the Canadian economy an oil pipeline and a gas pipeline. I think the best we will be able to do will be to request the Canadians to sell us a strip of ground so that we can transport Alaskan products directly to the United States, without involvement at all within the Canadian economy.

I would say that could bring to the United States another 2 million barrels of oil. There is no question in my mind that we will talk about 2 million barrels of oil through a pipeline through Canada, and probably the equivalent of 1 million barrels through Alaska. This involves negotiation with the Canadians for the Northwest Passage. I think, with the changing economics, there is no question that any reasonable person will agree that the great experiment of Humble with the *Manhattan* through the Northwest Passage is economically viable, and that the sooner we get to building the environmentally safe super ports on the east coast, the sooner we will be able to ply those waters. And if we are blessed, as we are in Alaska, with those reserves, then we can see the acceleration of shipment to the east coast of the United States of something on the order of 2 million to 4 million barrels a day.

This is the promise that is unleashed by the action we will finally take today. I think our Nation, through the free enterprise system, can respond to the problem as it begins to confront our society. I think we can respond favorably. I only hope we do not overreact and create a bureaucracy and a governmental infrastructure that does violence to the functioning of this free enterprise system. In my short tenure of office, I have come to realize that government does not always afford answers, and that many times, as we try to solve economic and social problems by the use of government, we displace the checks and balances without our system—checks and balances which have really provided a discipline to keep us all in check, whether

we are government employees or profit-motivated individuals in the marketplace. I have found that unless these checks and balances are automatic, they are most difficult to employ, because the person who is least able to realize the need for the checks and balances is, of course, the person who needs them the most.

With that consideration, and with the realization that later on this week we will be taking up emergency legislation, I yield the floor, giving due note to the fact that my State, the great State of Alaska, which has been unusually blessed with this great wealth, is also more than sufficiently equipped with human beings of character and responsibility to handle that wealth. They can meet the challenge that lies before them—to build, under very difficult circumstances, a prototype society, for not only the rest of the United States to emulate, but possibly the entire world.

Mr. McGOVERN. Mr. President, I understand that the White House has threatened to veto the Alaskan pipeline bill because certain provisions of the bill would:

First, permit the Federal Trade Commission to seek injunctions against unfair or deceptive practices on its own instead of going through the Justice Department;

Second, allow independent regulatory agencies to seek the information they need to do their jobs without the consent of the Office of Management and Budget;

Third, require Senate confirmation of the heads of the Office of Energy Policy and the Mining Enforcement and Safety Administration.

Frankly, I find these positions hard to understand. For months now the administration has been stressing the urgency of this legislation as vital to our energy policy. Apparently, the White House now views keeping independent regulatory agencies under tight political rein more important than the development of Alaskan oil.

When this matter was initially before the Senate, I supported the Mondale-Bayh amendment and opposed the present bill because the Canadian route provided a better alternative. Pumping Alaskan oil through the Mackenzie Basin would have provided oil where it is needed most—in the Midwest—and at the cheapest cost to both our economy and our environment.

But Senators MONDALE, BAYH, HUMPHREY, and I lost that fight; a majority of the Congress has adopted the plan advocated by the administration and the major oil companies. History will show whether our warnings that the Alaskan route will result in an oversupply on the west coast and the siphoning off of 25 percent of Alaskan oil to Japan were correct.

But since the choice has been made, we should now get on with the job of building the pipeline. On that basis I will support the conference report and hope that the development of Alaskan oil will not be further delayed by a Presidential veto.

Mr. METCALF. Mr. President, in approving the conference report on the Alaska pipeline bill, the Congress is sending to the President what is, I believe, the first restriction on excessive power of the Office of Management and Budget to be enacted into law by the 93d Congress.

I refer to the provisions in the Senate bill, agreed to by the House, to remove from OMB its control over the questionnaires sent to business firms by Federal regulatory commissions. The agreed upon language gives the General Accounting Office authority to review these questionnaires and submit suggestions. But GAO will not be permitted to delay, delete or kill questionnaires of independent Federal regulatory commissions as OMB and its predecessor, the Bureau of the Budget, have done through the years, whatever administration was in power.

OMB and the old Bureau of the Budget exercised this control through their big business advisory committee apparatus and the administrative procedures inherent in both OMB and agency proceedings. These procedures militate against representation of the viewpoint of users of information collected from business by the agencies. These advisory committees and administrative procedures are still being applied to questionnaires submitted to executive departments. What the Congress is saying, in approving the pipeline bill provisions, is that an agency of the Congress, the GAO, will review the questionnaires submitted by the independent regulatory commissions which are not a part of the executive branch. But these commissions, creatures of the Congress, have the final say.

So this is a move to upgrade the status of these important commissions, some of which have been so demoralized by executive branch leverage over their actions that they have not even attempted to run questionnaires through the gauntlets.

This constructive change, this realinement of the legislative-executive relationship, also puts an additional responsibility upon the independent commissions. Executive branch dilution and delay of questionnaires can no longer be pleaded as an excuse for inaction by the commissions. In sum, the commissions now will have an excellent opportunity to review their information collection practices, including the quality and clarity of information which they display in their public files and disseminate to the public. I urge the commissions to undertake this review now. And I suggest to the GAO that, consonant with its new responsibilities, it participate in this evaluation.

Mr. President, the conference and the House have also agreed upon another important proviso to upgrade and enhance the independence of regulatory commissions. I refer to that provision which permits the Federal Trade Commission to take its enforcement actions in its own name into Federal Courts, instead of being dependent on the Justice Department, whose insufficient attention to the needs of the FTC has, upon occasion, led to undue delays in obtaining legal remedies. On this point I shall, at the conclusion of my remarks, insert in the RECORD the chronology of a case—involving a company disputing FTC authority to collect certain information from it—which has dragged on for 10 years.

Mr. President, the legislative history of the section of the pipeline bill relating to questionnaire procedures was written by the House Government Operations Committee and its Legal and Monetary Affairs Subcommittee, as well as the Senate Government Operations Committee and its subcommittees. I want especially to note the contribution and cooperation of Chairman HOLIFIELD of the House Government Operations Committee and the leadership of former Congressman John Monagan, who was the leading House sponsor of legislation which became Public Law 92-463, the Federal Advisory Committee Act.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the chronology of the FTC legal action to which I have referred.

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

PURITAN FASHIONS CORPORATIONS, ET AL. VERSUS FTC, CIVIL ACTION N. 70-64, U.S. DISTRICT COURT, D.C.

CHRONOLOGY

1. January 18, 1962: Resolution of Commission ordering investigation of sale and distribution of specialty items.

2. September 25, 1963: Order to Puritan Fashions to file Special Report.

3. October 8, 1963: Letter from Attorney for Puritan Fashions asking if the FTC had obtained clearance from the Office of Management and Budget pursuant to the Federal Reports Act.

4. October 16, 1963: Commission replies that no clearance had been obtained.

5. November 9, 1963: The Commission directs Puritan Fashions to comply with Order.

6. November 1963: Petition filed by Puritan Fashions to vacate and set aside Order of September 25, 1963.

7. December 9, 1963: Petition denied and time to file extended to January 26, 1964.

8. January 10, 1964: Puritan Fashions files complaint in U.S. District Court for the District of Columbia seeking to enjoin Order of the Commission.

9. January 22, 1964: Commission stays order of September 25, 1963, as amended.

10. February 1964: Commission files motion for Summary Judgment.

11. April 22, 1970: Puritan Fashion Files interrogatories.

12. March 6, 1973: Motion for Summary Judgment denied.

13. March 19, 1973: Puritan Fashion permitted to seek discovery in a reasonable period of time (no date set) with an estimated completion date to be supplied by it.

14. May 17, 1973: Commission given 30 days to answer complaint.

15. May 8, 1973: Puritan Fashion moves to depose Henry I. Lipsky.

16. August 30, 1973: Henry I. Lipsky gives testimony.

Mr. ROBERT C. BYRD. Mr. President, I wish to commend Senator JACKSON and the other Senate conferees for the excellent job which they have performed in developing and reporting this legislation, gaining Senate passage thereafter, and for their diligence which resulted in resolving the differences between the House and Senate versions of the measure we are considering today.

I particularly want to express my appreciation to the conferees for their retention of my amendment—section 405 of the trans-Alaska pipeline bill—which provides for Senate confirmation of the Director of the Mining Enforcement and Safety Administration within the Department of the Interior. My amendment, as revised and adopted by the conference committee reads as follows:

SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

I originally introduced this measure as a separate Senate bill, S. 1828, on May 16, 1973, and that bill was referred to the Senate Committee on Interior and Insular Affairs. I later decided that it would be more expeditious to include it as an amendment to S. 1081, which I felt would be acted upon during this session of Congress. Therefore, on July 12, 1973, I introduced it as an amendment to the trans-Alaska pipeline bill, and it was adopted by a rollcall vote of 93 to 2.

Mr. President, a vigorous and fair enforcement of the Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act is a necessity to provide vitally needed protection and safeguards to the mineworkers of the United States. I have taken action to require the Director of the Mining Enforcement and Safety Administration to be subject to Senate confirmation because I want to take every step possible to insure that, whatever administration is in office, whether it be Democratic or Republican, it will be encouraged to appoint the most qualified and competent individual available to fill this post.

Since Congress developed and enacted the Coal Mine Health and Safety Act, I believe that we should also take all action possible to insure that this act is effectively but fairly enforced. I believe my amendment is a forceful step in that direction and I again thank the conferees of both Houses for their cooperation which made possible its inclusion in the pending measure.

Mr. HART. Mr. President, as I have stated in the past, I have serious problems with the provisions in this bill which set aside environmental protections in order to rush through the building of the Alaska pipeline. Also, I have some very strong antitrust concerns about the ownership of the resources in Alaska and of the proposed pipeline. In fact, I believe that had the Department of Justice completed its investigation, by now they would have been compelled to file suit for divestiture and that would have resulted in the pipeline not being built to serve California. Rather, it would have been going to the Midwest via the Canadian route.

If this bill pertained only to the pipeline, I would vote against accepting the conference report and for instructing the conferees to add environmental protections to the bill.

However, I will not so vote today, for I am convinced that if the bill went back to conference, the only thing that is likely to be changed in it would be to eliminate the FTC amendments. And that would be a further blow for consumers.

The FTC amendments, which allow the Commission to get preliminary injunctions and to directly enforce its subpenas in Federal court, and which allow all independent regulatory agencies—arms of the Congress—to obtain information necessary to their investigations without fear of an OMB veto, is a great plus for consumers.

They are equally important as a protective measure for small business against predatory and anticompetitive conduct by business giants. For example, independent gasoline retailers may be saved from arbitrary cutoffs.

Contrary to the arguments of the Chamber of Commerce, small businesses will not be encumbered with an avalanche of forms to fill out from regulatory agencies. Rather, big business will be put on the same basis as small business with disclosure requirements.

These amendments are still in the bill despite frantic lobbying activity against them.

Special words of thanks should go to the cochairmen of the conference committee, the distinguished Senator from Washington (Mr. JACKSON) and Congressman MELCHER, for leading the effort in support of the amendments. But this was clearly a bipartisan effort and all the conferees, leaders on both sides of the aisle and relevant committee chairmen, deserve praise.

Indeed, I am most delighted to add my thanks to the many they will receive for their fine work.

Because of the FTC amendments, I will vote for this bill—in order to give the Commission tools to do properly the job which Congress has assigned them. I urge my colleagues to do the same.

Mr. EAGLETON. Mr. President, despite reservations which led me to vote against this bill when it was before the Senate, I will support the conference report to permit immediate exploitation of our Alaskan oil reserves. No domestic program today has greater priority, in my opinion, than dealing with our deepening energy crisis.

The Arab embargo of oil sales to this country, while not itself the cause of the problem, has sharply aggravated energy shortages which have been in prospect for some time. This winter we could fall as much as 20 percent short of what we require.

No longer can we talk about fuel problems in terms of inconvenience to motorists or higher prices at the gas pump. Today, quite literally, the economic and social well-being of this Nation is on the line.

Even before the Middle East boycott, a study by the Stanford Research Institute concluded that "without immediate action on the energy front, there could be an ominous flattening of the economic growth rate of the United States between 1975 and 1980" from the 4.2 percent needed for a healthy economy to a mere 1.6 percent. That could mean a depression rate of unemployment in the range of 10 to 12 percent.

Early warning signs of such an economic impact are already present. In the last 3 weeks, my office alone received complaints from 20 Missouri companies warning of shutdowns or cutbacks unless they can be assured of adequate supplies of gas and other fuels.

As one constituent put it, "What good does it do for me to have an allocation of heating fuel for my home if I don't have a job so I can pay the bill?"

The energy emergency we now face might have been ameliorated had the administration heeded congressional warnings of more than a year ago when Missouri suffered fuel shortages. The attitude then was that it was a temporary and localized problem, not requiring Federal action. That was the position, too, when the administration opposed my fuel allocation amendment last spring.

In the days ahead, the American people will be asked to make many sacrifices and Congress will have difficult decisions as it attempts to balance competing objectives. Among other things that will mean rethinking some of the requirements and timetables of our environmental program.

In the long run, I am convinced that with wise use of existing energy resources and a concerted program to develop new ones we can avoid some of the calamitous events being predicted. But it will take the best we have as a people to meet the challenge.

Mr. HOLLINGS. Mr. President, I wish to commend the distinguished chairman of the Committee on Interior and Insular Affairs, Senator JACKSON, for his leadership and diligent work which led to this conference report on the Alaska pipeline bill.

One of the more significant achievements of the Senate and House conferees was approval of provisions relating to vessel liability for marine pollution.

It is a well-known fact that numerous large oil tankers will be transporting crude oil from Valdez, Alaska, to the rest of the United States. The potential danger from such heavy traffic of tankers, including the very large crude carriers—VLCC's—is such that the conferees recognized the need for special mechanisms to protect the marine environment.

Section 204(c) addresses this issue by establishing strict liability and limiting it to no more than $100 million for any one single incident. The owner and operator of the vessel shall be liable for the first $14 million in damages, with the balance to be provided from a Fund to be established in accordance with this subsection.

It is the intention of the Committee on Commerce, which provided assistance in drafting this provision, that further attention be paid to this matter in the future. On page 29 of the conference report, it is stated:

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of

marine liability will harmonize the liability provisions of the Trans-Alaskan Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

We certainly recognize and welcome our further responsibility on this matter, Mr. President. It has been pointed out correctly that there is no such liability requirement elsewhere in coastal areas of the United States. One of the methods the Committee on Commerce is considering to rectify this shortcoming would be legislation creating three separate funds to deal with oil pollution liability for vessel owners and operators—one on the west coast, one on the east coast and one in the Gulf of Mexico.

Presently pending before the Committees of Commerce and Foreign Relations is legisiation implementing an international convention establishing an oil pollution compensation fund and limiting vessel owner-operator liability to $14 million. In addition, the Intergovernmental Maritime Consultative Organization—IMCO—would set up and maintain a fund increasing total liability to $32.4 million. This fund would be provided from assessments levied against receivers of oil in signatory States.

As to liability provisions affecting coastal trade in the United States, between States, it was felt that the limitation of the proposed international compensation fund was insufficient. Moreover, should we enact legislation implementing the international fund into domestic law, the International Convention on Civil Liability for Oil Pollution Damage would supersede conflicting Federal and State laws then in effect. Clearly, the provisions of the pipeline bill as to liability were drawn to fit into the international mechanism.

As I noted several years ago, during hearings on this legislation the civil liability convention—

Takes important steps toward international agreement in this area, and that these steps should be positively acknowledged by the Senate. At the same time, the limitation of liability provisions are inadequate and should not be affirmed until a supplemental international compensation fund for oil pollution damage can be negotiated, signed, and submitted for ratification.

It is now clear, Mr. President, that our present international conventions are inadequate to the task. The danger is much greater today than it was back in 1971. Tankers are much, much larger, and the volume of ocean transportation of crude oil has taken a quantum leap.

For this reason, I believe it is important that we consider legislation to broaden the scope of domestic compensation funds so that the case in Alaska will not be different from the case in Florida or Maine or Louisiana. In this way, we can recognize and participate in international agreements, but take adequate measures to provide even greater protection for our marine and coastal environment here in the United States.

Mr. MONDALE. Mr. President, I will reluctantly vote for approval of the conference report on S. 1081, the Alaska pipeline bill.

This past summer Congress made clear its determination that the Alaska pipeline should be built through the State of Alaska and not across Canada as many of us had suggested.

It has always been my position that we need Alaskan oil and that this oil should flow to the lower 48 States as quickly as possible, consistent with environmental safeguards and the greatest benefit for the entire country. During the course of debate on the pipeline bill this summer, I believe I demonstrated that a trans-Canadian pipeline alternative—which could have been thoroughly but swiftly studied under an amendment which I and the distinguished Senator from Indiana (Mr. BAYH) offered—would have offered greater overall benefits to the country than an Alaska pipeline. It would have provided the flexibility for Alaska oil to reach all parts of the country through an existing network of pipelines, without significant delay in bringing this oil to American markets.

The Congress, however, has decided that this pipeline should be built across the State of Alaska and this is now the only alternative open to the Congress if we are to begin receiving this oil as quickly as possible.

The Congress also made its will known that this pipeline should be constructed without further challenges under the National Environmental Policy Act of 1969. I strongly opposed this provision last summer, and I strongly oppose it now. It could set the type of precedent which would nullify one of the most important pieces of environmental legislation ever enacted by the Congress. And it could do so in a manner which would encourage private interests to seek congressional relief whenever this law threatened to reduce the profitability of their own ventures.

I do not believe that we in Congress should bend to this sort of pressure. However, we must recognize the fact that the Alaska pipeline will be built, and recognize the many excellent provisions contained in the conference report. In particular, those provisions allowing the Federal Trade Commission to initiate injunctive proceedings to halt deceptive business practices if the Justice Department fails to act within 10 days, and the provision allowing regulatory agencies to bypass OMB in seeking data from businesses are most valuable. These will be valuable tools for the Federal Government in stopping fraud on the marketplace and in attempting to acquire the type of data needed to undertake effective regulatory policies.

The balancing between the extremely harmful provisions relating to NEPA and the exemplary provisions relating to the FTC and other regulatory agencies is a difficult one. I would have greatly preferred had this legislation not attempted to circumvent NEPA in our rush to get the pipeline moving. We all want Alaskan oil; our country needs as much of it as we can possibly get. But we should have allowed the orderly processes of law to unfold, rather than upsetting the law for some temporary advantage.

In the end, however, Congress has decided that this pipeline should be built across Alaska. I hope and trust that as a result of the efforts of those groups concerned with our Nation's environment, this pipeline will be built in as safe a manner as possible. And I hope that in the future, we can plan legislation with such a major effect on our environment in a manner which will recognize the energy needs of our country without circumventing the law.

Mr. GRIFFIN. Mr. President, there has been considerable discussion about the possible alternative of an oil pipeline across Canada to the Midwest.

I want to make clear for the RECORD why a Michigan Senator, who is deeply concerned about the need for energy in the Midwest, believes it is necessary and desirable to support this trans-Alaska pipeline legislation.

The energy shortage in Michigan and the Midwest is serious. Our area boasts the greatest concentration of industrial manufacturing capacity in the world. The very lifeblood of our economy in Michigan is energy—energy which is translated into jobs for our people as well as comfort in their homes. A lack of energy means economic stagnation, fewer jobs; it means more unemployment and individual hardship. Needless to say, Michigan winters can get very cold.

I have carefully considered the arguments for a proposed oil pipeline across Canada. But I am convinced that the needs of the Midwest would be better served by moving now to begin construction of the Alaska oil pipeline.

Time is a big factor. The trans-Alaska line is ready now to be built. All of the prepermit work has been accomplished. It will be only 789 miles long. Construction time is estimated at 3 years.

By contrast, almost no preliminary work has been accomplished for construction of a trans-Canada line. Such a line would be 3,400 miles in length.

Opting for a trans-Canada route could mean a delay of 5 years or more before any oil would begin to flow.

I do not want to leave the impression that I am opposed to the construction of a trans-Canada oil pipeline. As new reserves are developed, I believe the day will come when it may be feasible to have both a trans-Canada and a trans-Alaskan oil pipeline.

While most attention has focused on the importance of moving oil from the North Slope, I want to indicate that a major consideration in my decision relates to the importance of getting natural gas moving to the Midwest.

Proved reserves of natural gas in Alaska are 31.5 trillion cubic feet and additional potential supplies—undeveloped up to now—are estimated at 327 trillion cubic feet.

By comparison, total proved natural gas reserves in the lower 48 States at the end of 1972 were 234.5 trillion cubic feet, according to Federal Power Commission reports. Thus, the proved reserves in Alaska are approximately 13 percent of the proved reserves in the rest of the Nation and the potential is enormous.

There is a critical need for this gas. I am fully aware of disputes that have arisen over the accuracy of natural gas reserve figures, but the fact of the mat-

ter is that the national growth in energy demand—and the shrinkage of Middle Eastern oil imports—make it imperative that all gas possible be brought to market as quickly as possible.

The curtailment of natural gas deliveries by interstate pipelines as reported by the Federal Power Commission—nearly 1 trillion cubic feet this summer—emphasizes the vital importance of developing new supplies for the consumer. The curtailment figure this summer is a 64-percent increase over last year, and estimates are that curtailments this coming winter will be 18 percent more than last year. These reductions, compounding the oil shortage, underscore the need for prompt action to bring more natural gas to market.

The quickest means of initiating natural gas production from the North Slope is to begin construction of the trans-Alaska oil pipeline. To insist upon a trans-Canada oil pipeline route would actually delay natural gas deliveries by 5 years or more, because of a number of complicating factors other than construction time. These include the problem of amassing capital to build both an oil line and natural gas line across Canada, the availability of men and materials to construct two such lines at relatively the same time, and the impact on the Canadian economy of two multibillion dollar projects.

A group of 26 major United States and Canadian gas companies have organized and prepared plans for looking toward construction of a 48-inch gas pipeline from Prudhoe Bay through the Mackenzie basin across Canada to American market centers, primarily in the Midwest. This line could deliver 4 billion cubic feet of natural gas a day, or more than 1 trillion cubic feet a year—more than 5 percent of our present total interstate consumption.

The reserves in the North Slope of Alaska are the "anchor" for this project, but the potential goes far beyond. There is gas in the Arctic islands, in the Northwest Territories of Canada and elsewhere in the far north which will become available once the initiative is taken to move supplies to market.

I understand that this group of American and Canadian companies has already spent $25 million to date on feasibility and environmental studies and other preparations necessary for construction of the gas pipeline. According to experts, such a gas pipeline will be easier to construct, less costly, and will have far less environmental impact than an oil pipeline.

There are obstacles to overcome before a natural gas pipeline of this magnitude can be constructed. Agreements must be reached with Canada which, I am sure, will have to take into account the interest of Canadians in adequate energy supplies. Permits will have to be obtained from both the Canadian and United States Governments.

When completed, this new gas pipeline across Canada to the Midwest would bring to the United States nearly five times as much natural gas as the Great Lakes region will be short during the natural gas shortages projected for the winter of 1973–74.

In addition, the trans-Alaska oil pipeline will deliver to the lower 48 States nearly 50 percent more oil than we have been importing from the Middle East.

My conclusion, therefore, based on an examination of all factors, including projections of Midwest energy needs into the 1980's, is that two steps should be taken as quickly as possible. One is to construct the trans-Alaska oil pipeline; and the other is to construct a natural gas pipeline across Canada. Construction of both pipelines should proceed as expeditiously as possible.

Mr. MAGNUSON. Mr. President, I wish to join my colleagues in the Senate in congratulating the Senate Committee on Interior and Insular Affairs and particularly Senator HENRY JACKSON, chairman of that committee, and their House counterparts for their exemplary work in obtaining legislation on the Alaska pipeline which, I believe, strikes the best balance possible between the energy needs of the country and our environmental concerns. As we all know too well, this process has not been an easy one. While I personally do not support everything in the bill, I feel that, when viewed in total, this is the best bill possible on this controversial issue.

As the original proponent of two amendments which have been incorporated into the conferee adopted version of S. 1081, and as a Senator who represents a State which will receive some of the oil from the pipeline, I have particular interest in this bill. My concern has centered on the safety and environmental soundness of the marine leg of the pipeline—the tankers which must move the oil to ports on the west coast.

The Alaska tanker traffic is unprecedented, both in size and number of ships. Compared to other transocean oil routes, it is quite hazardous. This route is hazardous because there are frequent movements into and out of narrow passages and crowded harbors. Consequently, I offered amendments relating to the marine leg which have become section 401, vessel construction standards; and section 402, vessel traffic control, of S. 1081, to enhance the safety of this portion of the Alaska pipeline system.

Section 401 will have the effect of accelerating the applicability of tanker construction standards now being devised by the Coast Guard. These standards would cover only the coastwise trade. It was my belief that the sooner the standards were promulgated, the sooner vessel owners could comply and the greater the protection of our marine and coastal environment.

In connection with section 401, I am pleased to report that the 1973 Conference on Marine Pollution From Ships has just concluded. The conference has developed a new, comprehensive treaty aimed at eliminating pollution of the sea by oil and other noxious substances originating from vessels. The treaty includes provisions setting worldwide tanker construction standards. The Commerce Committee has scheduled a hearing on this new treaty and will hear testimony from Russell E. Train, chairman of the U.S. delegation attending the conference, and Adm. Chester Bender, the vice chairman. Preliminary reaction to the specifics of this new international agreement has been favorable—from the administration, from environmental groups, and from the shipping industry. Some say it is one of the best agreements yet devised on this subject.

The path is now clear to implement this treaty and to issue regulations pursuant to the Ports and Waterways Safety Act. The tanker construction industry has been experiencing considerable uncertainty in this transition phase from old to new construction standards. Section 401 will assist in removing this uncertainty.

Section 402 is a simpler provision. It would merely mandate the creation of a vessel traffic control system for the Valdez vicinity so that it would come on line at the same time the oil begins to flow through pipeline.

As chairman of the Senate Commerce Committee, I wish to comment on one other provision of S. 1081—section 204(c), the provision on vessel liability. For several years, the question of the adequacy of compensation for oil pollution damages caused by vessels has been discussed. Section 204(c) should considerably enhance the availability of compensation to injured parties without disrupting existing Federal law, State law, or international treaties.

The Commerce Committee, when considering implementing legislation on the International Conventions on Civil Liability and the Compensation Fund (S. 841), fully intends to harmonize the provisions of S. 1081 and S. 841. Our staff assisted the conference committee in drafting section 204(c) so that the two bills could be made compatible and so that further steps to universalize the limits of liability could be taken.

Mr. BAYH. Mr. President, I remain committed, as I was when this legislation originally came before the Senate, to the earliest responsible use of Alaskan oil and natural gas. The recent worsening of our energy shortage has merely reaffirmed something that has long been obvious—America must seek to develop to the maximum extent possible all domestic energy resources to reduce our dependence on foreign energy sources and to lessen the energy shortfall which will be with us for some time.

But the present bill is fatally defective in two major respects. One is the proposed location of the pipeline, bringing vast quantities of oil to the section of the country that needs it least and, almost inevitably, making available millions of barrels for export to Japan. Not only that, the route itself is environmentally defective—so much so, in fact, that proponents of the bill had to attach an amendment exempting it from the provisions of the National Environmental Policy Act.

That, Mr. President, is the second fatal flaw in the bill now before us, and I shall return to it shortly. Let me first, however, stress again those points about the Alaskan land-and-sea route which led me to argue for the alternative, Canadian, route.

In the first place, the simple, unassailable economic facts of the situation demonstrate that new supplies of oil are needed much less along the west coast than in the East and Midwest. As the information we offered the Senate last

July conclusively proved, oil prices will be 50 to 100 percent higher in the Midwest and East than in the Far West if the Alaskan pipeline is built. That cost differential is so large and so unnecessary that all the official arguments in favor of the Alaskan route collapse in the face of it.

The only explanation that can possibly account for the extraordinary lobbying effort on the part of the big oil companies in favor of the present bill is that the oil companies themselves expect to profit massively by it. And the source of their profit can only come from large exports at premium prices. In other words, Mr. President, the Alaskan route is almost certain to result in a substantial diversion of this scarce resource to foreign markets. Stripped of all the self-serving rhetoric and phony arguments against the trans-Canada route, that is the nub of the matter. And that is why I cannot, in good conscience, cast my vote in favor of so improvident and inequitable a measure.

To be sure, I am a Midwestern Senator. But, I am a U.S. Senator first. I do not believe a vote on a matter of this importance should be cast on a purely regional basis. Alaskan oil should be available on a national basis—not a Midwest or a west coast basis. The facts are that the present conference report will make Alaskan oil available only to the west coast. The trans-Canadian pipeline approach which I have supported permits the Alaskan oil to be piped to Edmonton and Chicago, and from there the oil can be directed east or west as the supply and demand of our Nation dictates is in the national interest.

The environmental arguments against the Alaskan route are also weighty. The National Environmental Policy Act was enacted into law precisely in order to insure that our Nation would not have to pay the price of long-term catastrophes for the benefit of short-term gains. Setting aside the provisions of that act for the sake of speeding construction of the Alaskan pipeline by 1 year—only 1 year—represents the worst kind of shortsighted policymaking. What is more, it offers the clearest kind of evidence that the Alaskan route's proponents themselves recognize how defective from an environmental standpoint their project must be. For if it were not, they surely would not have pushed so hard—indeed, so desperately—to establish so ominous a precedent.

Good public policy always requires the need to balance worthy goals which are seemingly irreconcilable. The goals of adequate energy supply and a clear environment present such a challenge. In times of critical energy shortages, such as existing today, particular attention must be given to energy and fuel needs. But I have confidence that the energy crisis can be met without completely forsaking progress toward a healthy environment. In short, policy makers should insist that necessary energy requirements be met by utilizing the alternative which is least injurious to a healthy environment. But the present conference report does not follow this strategy of adequate fuel and energy supply with least damage to environment. Rather the suggested approach is one of no—absolutely no—attention to a healthy environment whatsoever. This approach is not only shortsighted, it also underestimates the capacity of American industry, science and technology to accept challenge.

The fact is, Mr. President, full compliance with the terms of the NEPA would mean that Alaskan oil would be available, at least in the Western United States, in 1978 instead of 1977. It would by no means solve this year's, or next year's, or the year after next's or even the year after that year's energy crisis. By what rationale, then, can we possibly justify establishing an antienvironmental precedent that will return to haunt us again and again?

Here, too, the only explanation must be that the Alaskan route could in all probability not survive the sort of impact-statement analysis that present law requires. Hence, the truly dangerous provision in this conference report sets aside a long and carefully considered act of Congress. Hence, too, my vote against this conference report.

Let me stress again, Mr. President, that the issue is not whether we shall or shall not have Alaskan oil in the contiguous 48 States. If it were that stark a choice, I should have had a far more difficult time determining my vote today. But in fact the issue is Alaskan oil brought here at an uneconomic price to most Americans, over an environmentally defective route, with the likelihood that much of it will be lost to domestic use through spillages and foreign sales—all this as against a trans-Canadian route that will bring us the same oil, in greater quantities and at lower prices, and without dealing a possibly ruinous blow to national environmental policy.

Mr. President, I cannot support this dangerously misguided legislation, and I can only urge my colleagues to reconsider it prayerfully and thoughtfully today and join me in opposing it.

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

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

Mr. JACKSON. I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

The hour of 12 o'clock having arrived, the question is on agreeing to the conference report on S. 1081.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CLARK (when his name was called). On this vote I have a pair with the distinguished Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Rhode Island Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 80, nays 5, as follows:

[No. 479 Leg.]

YEAS—80

Abourezk	Fulbright	Montoya
Aiken	Gravel	Moss
Allen	Griffin	Muskie
Baker	Gurney	Nunn
Bartlett	Hansen	Packwood
Beall	Hart	Pastore
Bennett	Hartke	Pearson
Bentsen	Haskell	Ribicoff
Brock	Hatfield	Roth
Burdick	Hathaway	Schweiker
Byrd, Harry F., Jr.	Helms	Scott, Hugh
	Hollings	Scott, William L.
Byrd, Robert C.	Hruska	Sparkman
Cannon	Inouye	Stafford
Case	Jackson	Stevens
Chiles	Javits	Stevenson
Church	Johnston	Symington
Cook	Kennedy	Taft
Cotton	Long	Talmadge
Cranston	Magnuson	Thurmond
Dole	Mansfield	Tower
Domenici	Mathias	Tunney
Dominick	McClellan	Weicker
Eagleton	McClure	Williams
Eastland	McGee	Young
Ervin	McGovern	
Fannin	Metcalf	
Fong	Mondale	

NAYS—5

Bayh	Brooke	Proxmire
Biden	Hughes	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Clark, against.

ANSWERED "PRESENT"—1

Buckley

NOT VOTING—13

Bellmon	Humphrey	Randolph
Bible	McIntyre	Saxbe
Curtis	Nelson	Stennis
Goldwater	Pell	
Huddleston	Percy	

So the conference report was agreed to.

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

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, once again I have had to vote "present" on the Alaskan pipeline issue because of my family's ownership of certain rights in a shallow drilling technique that may be utilized in connection with the construction of the pipeline. I feel, however, that on an issue of this significance, it is incumbent on each Member of the Senate to record his position.

Had I been free to vote, I would have voted, however reluctantly, in favor of the bill. I say reluctantly, because there are a number of features about the final decision on the Alaska route that I consider unfortunate, and because of provisions in the legislation that grant various governmental agencies a busybody right of intrusion into private business matters which are irrelevant to the question of the granting of a right-of-way over Federal lands.

My great regret is that there was not a more thorough, bona fide, and timely investigation of a trans-Canadian route. Had such an investigation been initiated, there would have been adequate opportunity to explore the relative environmental, economic, and security merits of the two alternatives, and we could have been assured of a far wiser decision. The time, however, has now passed when this can be done with any expectation of beginning deliveries of the energy resources of the North Slope to the lower 48 States within the time frame dictated by our urgent present needs.

I have studied the question of the Canadian alternative with very great care and have consulted with individuals in Canada and elsewhere who have extensive experience with the problems involved with the financing and construction of major pipelines. I am convinced that even if a go-ahead could be secured for a Canadian line within the next year, we still could not afford the inherent delays, especially as they would affect the ultimate deliveries of North Slope gas. What has been too little appreciated and largely ignored is the fact that the sheer size of this pipeline project is such that work on a gas pipeline from Prudhoe Bay across Canada could not commence until virtual completion of the oil pipeline. The reason for this is that the oil pipeline project will preempt too large a portion of the available pipeline equipment and work force, and will place too great a strain on capital markets to permit the simultaneous financing of a second huge line. Thus, the added time required to build a Canadian oil line will delay by that period the ultimate delivery of North Slope gas to the Midwest, where this source of energy is so vitally needed.

Under all the circumstances, and despite the undesirable accretions that have been tacked on the bill in the way of unnecessary governmental regulation, I feel there is no responsible alternative but to proceed with the building of the Alaskan pipeline. I am satisfied—thanks to the enormous efforts of concerned environmentalists—that every environmental precaution will, in fact, be taken in the construction and operation of the line. Thus, while some environmental risks undoubtedly continue to exist, they will be kept to a minimum and, under the circumstances, will have to be assumed.

Mr. PERCY. Mr. President, I regret that due to a commitment in Chicago, I was unable to be present for the vote on the Alaska pipeline conference report, S. 1081. I had expected the vote to be this afternoon and I had planned to be present.

I have been recorded as favoring enactment of S. 1081. I believe it is now imperative that construction on the Alaska pipeline begin as soon as possible, so that our Nation can begin to make use of the vast energy resources of the North Slope.

There have been delays in beginning the construction, and I believe the pipeline will be safer and less damaging to the environment as a result of the careful scrutiny it has been given.

We have had a full debate in both Houses of Congress on this bill. We have had close votes on environmental issues, and I was on the losing side of some of those votes.

But now I believe we must proceed with dispatch to get the pipeline built and get the oil flowing. The President has warned that we face a 10- to 17-percent shortage of petroleum this winter. While the pipeline will not help us through this winter or even the next three winters, we must have that oil to help insure that our Nation will not be faced with a perpetual shortage of energy. I am hopeful that the Alaska pipeline can soon be followed by a Canadian pipeline, which will bring oil directly from the North Slope to the Midwest and Northeast, where it is needed most. I am assured by my colleague, Senator STEVENS, that the North Slope resources are adequate to support both pipelines.

Mr. President, I strongly support the Senate's action today in approving the conference report on S. 1081, and I hope the President will sign the bill into law immediately.

PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise to inquire of the distinguished majority leader what the program is for the remainder of the day, if any, and what the program is for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response may I say that there will be no further votes today.

However, it is anticipated that tomorrow we will take up Calendar No. 467, H.R. 1284, an act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees. I understand that an amendment is being prepared having to do with the rights of returned prisoners of war, which I understand is noncontroversial. So this bill, which was passed today, and on which the action was then vitiated, will be called up tomorrow.

As to the rail transportation system in the Midwest and Northeastern regions, Calendar No. 344, S. 2188, I am unable at this time to state when that measure will be brought up, because of differences between the House and the Senate bills.

It is the intention of the leadership to call up Calendar No. 388, S. 1868, a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome, and so forth, at least on one track by next Monday.

It is hoped that the emergency energy bill which the Interior Committee will file tonight, and which is of such transcendent importance can be taken up tomorrow, because it might entail, I believe, up to 2 or 3 days' debate.

Then, during the course of the day tomorrow, we hope to consider and dispose of the State-Justice-Judiciary conference report and the HEW conference report both of which are being considered in the House today. There will be a yea-and-nay vote on at least one of these conference reports.

We would also hope to get the mandatory oil allocation conference report over from the House as well, and it will be considered in the Senate shortly after its receipt from the House.

As far as the military construction authorization is concerned, I am informed of difficulties beyond control of the Senate that might make it impossible to obtain final approval of this bill until after Thanksgiving Day. Under the rules, the House must act first and failure to act can hold up the bill which the Senate Appropriations Committee has had ready to report to the Senate as soon as the appropriation bill is received from the House. I hope the House will proceed on the Appropriations Act independently.

The District of Columbia home rule bill conference report has been delayed in the House, until Thursday, so I assume that it will not be taken up in the House until after Thanksgiving.

The Alaskan pipeline bill has passed both Houses and is on its way to the White House.

In connection with the conference report on the health maintenance bill the House has to act first.

I do not think it will be possible to get up the Ford nomination this week. I wish it were, but I understand the Committee on Rules and Administration will hold further hearings tomorrow. This was arranged some days ago, but if there is a chance the leadership will try to do otherwise.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUGH SCOTT. I hope we will find a way to do it this week, or if not, at the very beginning of next week, before we begin to lose attendance.

Mr. MANSFIELD. The Senator will have my full support in that regard. The sooner the better.

Then, the matter of the Saxbe pay bill will likely be reported from the Committee on Post Office and Civil Service, but there will be a move made, if that

is reported and called up, to have it referred to the Committee on the Judiciary. I think the Senate is on notice on the basis of statements made today by the distinguished assistant majority leader.

Mr. HUGH SCOTT. In that connection, I would like to say that by unanimous consent the Committee on the Judiciary this morning agreed it would request that the bill be referred to them for 1 day less than 1 week, and to be reported back to the Senate not later than next Tuesday night following such hearings as the distinguished assistant majority leader wishes to suggest, and that the bill be reported back without extraneous matter or nongermane amendments, the idea being that it not be loaded with extraneous matters but rather considered on its merits.

Mr. ROBERT C. BYRD. Mr. President, in that respect, I ask unanimous consent that the Committee on Post Office and Civil Service may have until midnight tonight to file its report on the bill.

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

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

Mr. MANSFIELD. Yes, indeed.

Mr. SYMINGTON. I wish to say to the distinguished majority leader that there is no holdup on the military construction bill. We have agreed on a conference with the House. Under the rules we have to wait until the House passes on their conference. I understand there are parliamentary problems over there that they have to solve before that can be done.

Mr. MANSFIELD. I understand, and I understand there is good reason for it, but I wanted to indicate the schedule as best I can.

Then, we have the Legal Services Corporation report filed with the Senate, Calendar No. 471, S. 2686. When that will come up has not been determined at this time, because there are a number of holds on that bill.

But I hope it will be possible, in support of proposals made by the President of the United States last week, and because of the intensive amount of work performed by the Interior Committee in reporting this bill tonight, for the Senate to take up the emergency energy bill tomorrow. It is vital; it is mandatory; it is needed.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from Washington (Mr. JACKSON) whether he, as the manager of the bill, is prepared to proceed with the bill tomorow.

Mr. JACKSON. I am prepared to proceed tomorrow on the emergency petroleum bill. The report is in process of completion. It will be filed by midnight tonight. Copies will be available the first thing in the morning.

This is an emergency bill. The President has asked that we move with expedition. The committee is moving, I think, the fastest in its history. I would hope that tomorrow—at least by the end of the day, after the conference reports have been acted on—we can lay the bill before the Senate and come in very early on Thursday, so that we can complete action on the bill within a day.

Mr. MANSFIELD. Would the distinguished Senator from Washington, the chairman of the committee, assure us that he will consult with the ranking minority members of the committee with a view to removing any possible objection?

Mr. JACKSON. I have already consulted with the ranking minority member of the committee, the distinguished Senator from Arizona (Mr. FANNIN). He wants to move along. I would hope that we will confine amendments to the specific emergency. We have removed from the bill the sections dealing with the deregulation of natural gas and the regulation of intrastate gas. We cut both issues out of the proceedings. I do not want to take up deregulation or the regulation of intrastate gas in the emergency bill.

Mr. MANSFIELD. Mr. President, is it true that the distinguished Senator's colleague, the distinguished senior Senator from Washington (Mr. MAGNUSON), is at present holding hearings on these matters, which he hopefully will be able to report to the Senate some time late this week?

Mr. JACKSON. The Senator is correct. We have taken care of everything in the bill of an emergency nature except an amendment with respect to clean air, as to which the distinguished Senator from Maine (Mr. MUSKIE) held hearings yesterday. That will come up separately later, I believe, this week.

Therefore, I am most anxious to have the emergency bill passed, in light of the problems we have, the most serious being the need for gasoline rationing. Every day we delay in settling the matter, the greater the shortfall.

I gave to the Senate earlier today a statement on the critical shortage. I want again to repeat that this is particularly a problem on the east coast. We anticipate, according to the figures given out this morning, that there will be a national shortage of gasoline of 21 percent; of distillates—that is, the fuel oil or heating oil—of 13 percent; and of residual oil, 24 percent—that is, for electric utilities. For the east coast, because of a lack of transportation, all of these figures will be doubled. For the eastern United States, it will mean a shortage of 42 percent; of distillates, 26 percent; of residual oil, 48 percent; unless transportation facilities are available. This means using tankers and other modes of transportation to bring in the oil.

The situation is critical. Every day of delay on this legislation to set in motion authority to deal with gasoline rationing in particular, the greater the shortfall will be in the period ahead. It is that simple. That is why time is of the essence.

Mr. MANSFIELD. Will the Senator give to the Senate and the American people his approximation as to when he thinks it is quite likely that gasoline rationing may become effective?

Mr. JACKSON. I would hope that the administration will start printing the tickets right now. It should have been begun yesterday. The machinery to give local control is outlined in the emergency bill. The pattern is being set up. I would hope that gasoline rationing could be put into effect prior to January 1.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. JACKSON. I yield.

Mr. MANSFIELD. When is the last tanker from the Middle East due in this country?

Mr. JACKSON. Less than 2 weeks.

Mr. MANSFIELD. Less than 2 weeks, and that is the end of oil from the Middle East?

Mr. JACKSON. That is correct.

Mr. MANSFIELD. I would like to ask the Senator a question. This is from the Great Falls, Mont., Tribune, and I received a great deal of mail as a result of this small article from the Associated Press, which states:

> A government report released Wednesday—
>
> That is last Wednesday—
>
> indicates that fuel oil exports in 1973 will drastically surpass 1972 despite a serious shortage in this country.

How does the Senator account for a 248-percent increase this year in our shortage over 1972? Has the Senator seen the story?

Mr. JACKSON. Yes, I have seen the story. We are asking for a complete report on this particular story.

As my colleagues may undoubtedly know, we do have reciprocal arrangements. We do export into Canada in connection with certain of the requirements on the Eastern part of the United States. They import into the United States. There are export situations that serve to our overall benefits.

I think the real question that must be answered is, "Is there a net inflow as a result of exports by the United States to other countries and into the United States, in the end?" We are dealing with the logistics of the oil industry, which is extremely complicated, and the major problem on the east coast stems from a lack of transportation. The oil that they get and use I think runs as high as 70 or 80 percent imported. This is a major problem.

We will have a response, may I say, in detail for the Senate when this matter comes up tomorrow.

Mr. MANSFIELD. Mr. President, I want to thank the distinguished chairman of the committee, who has been most active in bringing forth this emergency legislation, and I point out that the Senator from Washington (Mr. JACKSON) has been advocating what he has just been talking about for at least the last year and a half. I think he has performed a great service in a time of need and emergency, and I am delighted that, in response to the question raised by the distinguished Republican leader, he has been able to get together with the ranking Republican member of the Interior and Insular Affairs Committee, the distinguished Senator from Arizona (Mr. FANNIN). I am hopeful that it will be possible for all of us to work together to get this legislation to the floor and dispose of it as quickly as possible.

Mr. BROOKE. Mr. President, will the Senator yield for a brief question?

Mr. JACKSON. Yes, if I have the time.

Mr. MANSFIELD. I yield.

Mr. BROOKE. This colloquy has been most informative and helpful.

Will the Senator give some indication as to what the prospects will be if the negotiations between the Arab countries and the State of Israel are successful? Can we have any hope, say, in the months ahead?

Mr. JACKSON. May I respond to my good friend from Massachusetts in this way? Even if all of the oil had moved—if we had had a normal flow of oil—the prewar September projections had called for a shortfall, a shortage, of up to 300,000 barrels daily of heating and fuel oil for the country. Now, that was based on a cold winter. Of course, who knows what the winter is going to be like? But even in a normal winter, we would have had a shortfall of at least 100,000 barrels per day and it would strike particularly hard at New England, because it is in that area of the country where there is a substantial shortage in connection with the heating oil problem.

I do not believe that we can ever again—and I hope that this emergency will be a blessing in disguise—put ourselves, Western Europe, and Japan, in a situation in which the Persian Gulf countries can hold the jugular vein of the Western World in one hand and turn off our vital oil imports when they want to. I do not think the American people would want that sort of thing. I think it would be unwise to assume that something of a magical nature is going to happen in the Middle East that will resolve the terrible problem that we face of trying to ration our shortages.

Mr. BROOKE. I quite agree with the Senator that that certainly should not be our posture, but I think many American people who are reading the papers daily now are getting great hope out of the magnificient work of Secretary of State Kissinger and are hopeful that the Arab-Israeli negotiations will be successful, and are expecting——

Mr. JACKSON. May I give the Senator the real reason why I think it would be unwise?

Mr. BROOKE. Yes, certainly.

Mr. JACKSON. I saw a projection of the Persian Gulf countries' surpluses of dollars over and above what they can spend by 1975. They will have $100 billion over and above what they can spend. As one of them told me when I was in Saudi Arabia a year ago this month:

Senator, can you think of a better investment than just keeping it in the ground?

The point I want to make, Mr. President, is that I do not think, even with a settlement, there is going to be any great incentive to them to export at an accelerated rate as long as they adhere to that philosophy. That is my premise, and I think we would be foolish to rely on an assumption that if a settlement occurs, they will suddenly allow an increase in their output.

Without an increase, we are certain to have problems, because we had looked to this area to provide for our growth requirements.

Our job is to get conservation measures into effect at once, and then to handle, on an emergency basis, coal conversion, stepped up coal and oil production, and, if necessary, to analyze the long-term strategic energy requirements.

Mr. BROOKE. I thank the Senator, because I fear many people are having false hopes as a result of the success they expect to come from negotiations between the Arabs and the Israelis. We certainly in New England, as the Senator so well pointed out, depend a lot upon oil which is imported into the country. Thank God we now have the Allocation Act that has been passed, and we will get some relief from that.

May I just ask one further question along the lines of the conservation measures? Is there any expectation that the Commerce Committee—and this question is addressed to the majority leader—will report to the Senate a bill on daylight saving time this week?

Mr. MANSFIELD. Yes; I am informed that that is so. I will yield to the Senator from South Carolina for a reply on that.

Mr. HOLLINGS. We are meeting at 2 o'clock this afternoon and hope to report the bill out of committee today.

Mr. MANSFIELD. Can the Senator indicate when the gas deregulation bill and the like should be reported?

Mr. HOLLINGS. That should be reported out of committee no later than Thursday. It could be reported out tomorrow.

If the distinguished leader would yield at that particular point, I would make the very important point that the exchange between the Senator from Washington and the majority leader brought up the need for an energy policy in this Government. We passed a bill on that subject last April with only 12 dissenting votes. Since then we have had Governor Love appointed as energy czar, but he has only 10 or 12 men on board to try to develop a policy. What we are in essence doing, as we stand here on the floor, is that the Senator from Washington pulls out a yellow sheet and he has a few statistics, and he says these are the facts, and the logistics problems are difficult. The statistical information is scattered.

I have withheld placing that bill on the emergency measure, but whenever a conservation bill comes up, we have agreed within the Commerce Committee to attach it on that particular measure, because we last week—and this is my point—listened with great interest to our distinguished President. He talked of a measure last year and once in April this year, but the distinguished President missed the point of changes in policy. Only a year ago today, we almost had the appointment of the Assistant Secretary of the Interior, Kenneth Lay, who was to be the energy czar. This was after the election. Kenneth Lay was going to be the energy czar.

Then in preparing the method, Under Secretary of State Dr. James Akron was appointed in December as the energy czar.

Thereupon, in January in return for a message to the Congress, the President changed again and said that we must have a super Cabinet post, and Secretary Butz, the Secretary in charge of the Department, would be the energy czar.

That was three times in 3 months.

Thereupon, the energy bill came to the floor of the Senate, and the administration changed one more time and said that what we would have would be a three-man committee and that they were thereby appointing Dr. Kissinger, Mr. Ehrlichman, and Secretary Shultz.

We started working with them, and then Mr. Bono, who was hired to submit an energy paper, was hired after he had submitted that paper.

Then we began working with the Assistant Secretary of the Treasury, Mr. Simon.

Then in June came the appointment of Governor Love. So we have had seven energy czars in the last year. We have yet to have one establish a policy. As was pointed out in the hearings, we had a sort of two-man committee.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? There are too many conversations going on. The Senator from South Carolina is trying to address the Senate.

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their seats, and conversations will cease.

Mr. HOLLINGS. Mr. President, we then had Secretary Morton and Governor Love, but if we could have put that off we would have in that bill the appointment by the President of the same distinguished czar, Mr. Love, and have him correlate the information. There would then be a promulgation of national policy and we would have one place in which to find out what the policy is, rather than having the intermittent introduction of bills on the floor of the Senate.

Mr. GRAVEL. Mr. President, if the Senator would yield, is the committee going to release the regulation of oil bill?

Mr. HOLLINGS. They could bring before the Senate the deregulation bill. However, I do not believe that would be this week. The other bill is still in the committee.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I only wish to ask a question of the Senator from Washington. I thought he left the impression, in response to a question from the Senator from Massachusetts, that it was not really very important whether we get a settlement of the war in the Mideast and a resumption of the production of oil by the Arab countries. I think it might be true that the United States, with our resources and with conservation methods, might be able to cope better with that situation than other countries. However, does the Senator from Washington not think that Japan and the countries of Western Europe are much more dependent upon the Persian Gulf oil than we are? Unless we succeed in having the war in the Mideast settled, the whole world is going to be disrupted and we cannot escape the consequences of the failure of the Arab countries to produce, even though Western Europe and Japan would be much worse off than we would be. The Senator left the impression that it was not really important whether we got a settlement and the resumption of the production of oil.

Mr. JACKSON. Mr. President, that was not my intention. I was trying to be responsive to the question of the Senator from Massachusetts who had the impression, I thought, that if we had a settlement of the Israeli-Arab dispute, the oil would start to flow to the United States almost at once and that would make a great difference in what we had been discussing on the floor with reference to the oil shortage in the Northeast. That is not true. However, a settlement is important, not only to the United States, but also to the whole world. The United States can survive even with a cutoff in the Mideast. However, Europe gets 80 percent of its supply from the Mideast. They would be in serious trouble. Japan gets 90 percent of its supply from the Mideast, and they would be in even more trouble.

I did want to emphasize that there is a new school of thought in the Mideast about not stepping up the production of their petroleum output. They are looking down the road to the point where, they say, just by selling everything they can produce over there, they will suddenly be piled mountains high with dollars and currency which they could not invest. They would rather have a lower output for a longer period than had previously been projected by our experts.

I think this is a significant development. And we would be deluding ourselves if we were to presume that we will get an increase in oil from the Persian Gulf over what had previously been projected. In other words, we should not think that Saudi Arabia will be doubling their output by 1978. I do not think that this will happen, even with the best settlement that could possibly be worked out.

Mr. FULBRIGHT. I just wanted to make the point, and I think the Senator has answered that he agreed that it is extremely important that a settlement—a real settlement and not just a cease-fire—be brought about and that we cannot escape the effect of the reduction in the flow of Arab oil. We will be seriously affected by it, even though it will be worse for Japan and the countries of Western Europe.

Furthermore, I had the impression that the Senator meant that it was not very important as to whether a real settlement of the Mideastern situation is brought about. I think it is very important. We should encourage the Secretary of State to do everything he possibly can to bring about a negotiated settlement.

Mr. McCLURE. Mr. President, if the Senator will yield, I want to underscore what the Senator has had to say. I think the facts would indicate that our shortfall, which may be 20 percent nationwide now, would be reduced to something in the neighborhood of 5 percent. Our ability to take emergency conservation measures to meet that shortfall could be very greatly enhanced if our shortfall were only 5 percent, as it would be after the resumption of shipments from the Arab countries to our country. However, there would certainly be a time lag. We cannot assume that the emergency would be over immediately after the cessation of hostilities in the Mideast.

I commend the Senator from Arkansas for bringing out the fact that it is extremely important to this country and to our allies, Japan and the countries of Western Europe, that the conflict be brought to a successful cessation.

Mr. FULBRIGHT. Mr. President, I would also like to point out that Canada has been receiving a very large amount of oil from the Mideast. In turn, the Canadians are the largest single exporters of oil to our country. We get more oil from Canada than from any other country; more than 1.5 million barrels a day. If oil is unavailable from Canada, we will be in serious trouble.

I thought the impression was given that whatever the Arab countries do would not seriously affect us.

I think it is very important, and we are the key country. The United States and the Soviet Union have to agree, along with the Arabs and Israelis, on the settlement—a negotiated settlement based on the general principles of the United Nations Security Council resolution we have accepted as a basic guideline.

So I hope Congress will not undercut the Secretary of State's efforts to achieve a détente. I hope that we will support those efforts and not leave the country under a false impression that a settlement is not extremely important to us.

Mr. McCLURE. Will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. McCLURE. I think we have to couple that with the argument that without resumption of the flow of Arab oil to the United States and to our allies, emergency conservation measures alone cannot cover the shortfall. We will have severe shortages.

Mr. FULBRIGHT. That is right.

Mr. McCLURE. And the statistics which the Senator from Washington (Mr. JACKSON) read to us just a few minutes ago are certainly evidence of the fact that we cannot easily cope with a 40-percent shortage in New England, for instance, which will be the result if we do not get some kind of an accommodation that will result in the continuation of supplies from the Middle East. I think it is a matter of extreme urgency to us.

I thank the Senator for permitting me to comment.

Mr. FULBRIGHT. I agree with the Senator. I think it is extremely urgent.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after I am recognized tomorrow, the distinguished majority leader be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

ADDITIONAL APPROPRIATIONS FOR WORLD BANK

Mr. HARRY F. BYRD, JR. Mr. President, the President of the United States has asked Congress to approve an appropriation of $1.5 billion in additional funds for the International Development Association. This is a subsidiary of the World Bank. This request came to Congress last week.

I must be frank to say that I cannot support this proposal. It is an additional appropriation to the soft loan window of the World Bank.

In order to obtain the funds to give to the World Bank, the U.S. Government must go out on today's market and pay 8 percent interest. Then it plans to turn that money over to the World Bank at the soft loan window, which will then loan this money to other countries at three-fourths of one percent interest, over a 40-year period.

Mr. President, I submit that somewhere down the line this country has got to stop giving away—this Congress has got to stop giving away—funds taken out of the pockets of the hard working wage earners of this Nation.

What has Congress done already this year in regard to international financial institutions?

In the present budget is $2,250,000,000 to go to international financial institutions to make up for the devaluation of the American dollar.

How does that work?

The American taxpayer, being the generous person that he or she is, has contributed funds to international financial organizations. Then we devaluated the dollar, twice. As a result of those devaluations, the American dollar is worth less. So these financial institutions come back to Congress and say, "Well now, because the dollars you gave us are worth less, we want you to increase your contribution to make up for that difference"—which Congress has done. It did that to the tune of $2,250,000,000.

Now the President comes in with another proposal to give an additional $1.5 billion to the soft loan window of the World Bank.

As I have already said, I submit that, somewhere down the line, we must call a halt.

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

Mr. HARRY F. BYRD, JR. I am glad to yield to the able Senator from Missouri.

Mr. SYMINGTON. I am very much impressed with what the able senior Senator from Virginia is saying. As he knows, for some years the soft loan window has been a matter of grave apprehension with me.

May I ask the Senator, how was this request for the one billion and a half made?

Mr. HARRY F. BYRD, JR. It was made in a statement from the President to Congress.

Mr. SYMINGTON. What committee will it come before? Will it be a supplemental or a continuing resolution?

Mr. HARRY F. BYRD, JR. So far as I can determine, it would of course come before the Appropriations Committee. Whether it would come before the Committee on Foreign Relations for authorization, that I am not certain of.

Mr. SYMINGTON. That was the thrust of my question. The able Senator has stated what I was worried about. If it comes in as an additional appropriation,

that simply means it is a matter of money and not of legislative history as to whether it is justified on the basis of an analysis of our relationships with other countries.

That is the reason I asked the question and I thank the able Senator for bringing this up. I am now going downstairs to ask the Committee on Foreign Relations whether anything has been said on it to that committee.

Mr. HARRY F. BYRD, JR. I thank the Senator from Missouri very much. I might say it was the distinguished senior Senator from Missouri (Mr. SYMINGTON) who first brought to the attention of the Senate this matter of the soft loan window of the World Bank. It was because of his comments on the floor of the Senate that the Senator from Virginia became interested in this subject. I might also say that I have been following the leadership of the distinguished Senator from Missouri on this very vital matter.

Mr. SYMINGTON. I hope that the American people realize the care and diligence the able Senator from Virginia is using in trying to prevent this incredible outflow of dollars to foreign countries which has had so much to do with the deterioration of our own economy.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's comments. He is certainly right about the outflow of dollars to foreign countries.

I hold in my hand the new requests for authorizations and/or appropriations for foreign aid and assistance contained in the fiscal 1974 budget document, the budget that Congress is now considering. It shows that new requests for foreign aid and assistance total $18 billion.

I repeat, $18 billion.

Included in that $18 billion is approximately $8 billion for the Export-Import Bank. That is in a little different category from the other $10 billion. But even if we leave out the amount for the Export-Import Bank, it still means that in the current budget there is more than $10 billion for foreign aid assistance.

Mr. SYMINGTON. The difference is really one of nomenclature instead of actuality, because I can remember when the question of the soft loan windows came up and, as the able Senator has pointed out, there is no repayment of the principal for 10 years, and in many cases, if not most, no interest—just a carrying charge. It really is a gift. Yet, because it is put as a loan, the expenses are far greater than if it was a gift because we have to follow it up like a loan. As one of those involved in it said, "They made the AID agency the greatest bank in the world. The only trouble is, no one in the agency knows anything about banking."

So again I congratulate the able Senator from Virginia on his remarks.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's bringing out those points.

I might say in that connection that the subcommittee of which I am chairman, the Subcommittee on International Finance and Resources, established last week that 108 different countries owe money to the United States.

I repeat, 108 different countries—for a total of $58 billion. Thus, we have been very generous. Besides that amount, we have given away to foreign countries—not loaned, $58 billion outstanding on loans—more than $130 billion since the end of World War II.

Now, Mr. President, if Congress were to approve this $1.5 billion additional for the International Development Association, the government does not have the money so that it must go out into the open market and borrow it. As I mentioned earlier in my comments, the Government today is paying 8 percent—actually, in today's newspaper it is listed as 8.3 percent—for the money.

In September, the Government of the United States paid over 9 percent to borrow funds to operate the Government. So I say it is certainly not reasonable or logical or right to dip further into the pockets of the wage earners of our Nation for money to turn over to these international banking institutions, which in turn lend this money at very low interest rates, with the principal to be paid over a 40-year period.

Incidentally, the principal is not repaid to the United States. That is what many persons overlook when they consider these international financial institutions.

That money never comes back to the United States. If it comes back at all, it comes back to the international financial institutions.

The only place the United States can obtain money, the only place Congress can obtain money, the only place the President of the United States can obtain money is out of the pockets of the people who work, out of the pockets of the wage earners, through taxes.

In light of all the funds we have already appropriated and spent for the benefit of foreign nations, I do not believe that we should go into another big program of $1.5 billion in additional appropriations to the World Bank. This is a tremendous amount of money.

In my judgment, our country is in a very desperate financial situation.

Frankly, my view is a minority view among my colleagues in Congress. I hope that the majority of my colleagues are correct, that we do not need to worry as much as I am worrying about the Government's financial situation.

But I am convinced that they are not correct, and I am convinced that I am correct in my assertion that we are facing a very severe situation in the huge deficits that the Government has been running over a long period of time.

I will give an example. Let us take the last five budgets. In 1970, the Federal funds deficit was $13.1 billion; in 1971, it was $30 billion; in 1972, it was $29.2 billion; in 1973, the year which ended last June, it was $24.9 billion; and the projected deficit for the current fiscal year, ending June 30, 1974, is $18.8 billion.

The accumulated deficit in that 5-year period totals $115 billion, and it represents 25 percent of the total national debt.

Stated another way, 25 percent of the total national debt has been incurred during the 5-year period ending next June.

The interest on the national debt in this year's budget is $27.5 billion. That is just the interest on the debt, the interest charge.

The figure of $27.5 billion is twice as much money as this Government will spend this year on its entire weapons systems acquisition program. The measure passed by the Senate and by the House of Representatives and agreed to in conference for weapons acquisitions in the procurement bill is, in round figures, $13 billion. The difference between the $21 billion in the procurement bill and the $13 billion—the additional $8 billion—is for research and development.

So I submit, Mr. President, that when we are running these smashing deficits—and they are smashing deficits—we would be very unwise to approve the President's request for an additional $1.5 billion for the World Bank. There must be an end to this generosity somewhere, and I think now is the time to call a halt.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a table giving in detail the new requests for authorization and/or appropriation for foreign aid and assistance contained in the fiscal year 1974 budget document. This table was prepared by the Subcommittee on Appropriations of the Committee on Foreign Operations of the House of Representatives, headed by Representative OTTO E. PASSMAN, of Louisiana.

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

New requests for authorization and/or appropriation for Foreign Aid and Assistance contained in the fiscal year 1974 budget document

1. Foreign Assistance Act (includes military assistance)	$2,428,850,000
2. Overseas Private Investment Corporation	72,500,000
3. Foreign Military Credit Sales	525,000,000
4. Inter-American Development Bank	693,380,000
5. International Development Association	320,000,000
6. Asian Development Bank	100,000,000
7. Asian Development Bank (proposed)	108,571,000
8. Asian Development Bank (maintenance of value)	24,000,000
9. International Development Association (maintenance of value)	161,000,000
10. Inter-American Development Bank (maintenance of value)	510,000,000
11. Internat'l Bank of Reconst. & Dev't. (maintenance of value)	774,000,000
12. International Monetary Fund (maintenance of value)	756,000,000
13. Maintenance of Value Adjustment	25,000,000
14. Receipts and Recoveries from Previous Programs	394,464,000
15. Military Assistance (in Defense budget)	1,930,800,000
16. International Military Headquarters	85,800,000
17. MAAG's, Missions and Milgroups	168,100,000
18. Permanent Military construction-Foreign Nations	190,700,000
19. Export-Import Bank, Long-term Credits	3,850,000,000

20. Export-Import Bank, Regular Operations	$2,200,000,000
21. Export-Import Bank, Short-term Operations	1,600,000,000
22. Peace Corps	77,001,000
23. Migrants and Refugees	8,800,000
24. Public Law 480 (Agricultural Commodities)	653,638,000
25. Contribution to International Organizations	199,787,000
26. Education (Foreign and Other Students)	59,800,000
27. Trust Territories of the Pacific	$56,000,000
28. Latin America Highway (Darien Gap)	30,000,000
Grand total	18,003,191,000

NOTE.—Total appropriation requests for maintenance of value amount to $2,250,000,000.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD three tables I have had prepared, showing the deficits in Federal funds and interest on the national debt, and various other financial information dealing with the U.S. Government, some of it going back for a 20-year period.

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

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955-74 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	$58.1	$62.3	−$4.2	$6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	$101.4	$106.5	−$5.1	$12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.3	186.2	−24.9	24.2
1974 [1]	181.0	199.8	−18.8	27.5
20-year total	2,056.2	2,270.6	−214.4	273.4

[1] Estimated figures.

Sources: Office of Management and Budget and Treasury Department.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

[In billions of dollars]

	Fiscal year—						
	1968	1969	1970	1971	1972	1973	[1] 1974
Receipts:							
Individual income taxes	$69	$87	$90	$86	$95	$103	$116
Corporate income taxes	29	37	33	27	32	36	42
Total	98	124	123	113	126	139	158
Excise taxes (excluding highway)	10	11	10.3	10.5	9.1	9.9	9.9
Estate and gift	3	3.5	3.6	3.7	5.2	5.0	5.4
Customs	2	2.3	2.4	2.6	3.2	3.2	3.5
Miscellaneous	2.5	3.0	3.4	3.9	3.5	3.9	4.2
Total Federal fund receipts	116	143	143	134	149	161	181
Trust funds (social security, retirement, highway)	$38	$44	$51	$54	$60	$71	$85
Total	154	188	194	188	209	232	266
Expenditures:							
Federal funds	143	149	156	164	178	186	200
Trust funds	36	36	40	48	54	61	69
Total	179	185	196	212	232	247	269
Unified budget surplus (+) or deficit (−)	−25	+3.1	−2	−24	−23	−15	−3
Federal funds deficit	27	6	13	30	29	25	19

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	47.0
Dec. 31, 1971	10.2	12.2	67.8
Dec. 31, 1972	10.5	13.2	82.9
Mar. 31, 1973	10.5	12.9	90.9

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Source: U.S. Treasury Department.

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished majority leader announced to the Senate today that probably next Monday, Calendar 388, S. 1868 will be called up for action by the Senate. This is a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome to the United States. It was introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY).

The legislation Senator HUMPHREY's proposal would repeal says this:

The President may not prohibit the importation of a strategic material from a non-Communist country if such material is imported from a Communist-dominated country.

Except for the fact that the United Nations does not like it, and Russia does not like it—what is the matter with the existing legislation, which was passed by the Congress, signed by the President, and upheld by the courts?

I believe that the proposal by Senator HUMPHREY needs very careful consideration. It needs careful consideration in a number of different areas.

First, I think there should be full discussion as to whether it is wise to repeal legislation which Congress enacted 2 years ago, legislation which had the support and the affirmative vote of representatives from 46 of the 50 States.

The proposal offered by the distinguished Senator from Minnesota (Mr. HUMPHREY) would repeal legislation which the Senator from Virginia sponsored 2 years ago. As I say, that legislation was enacted—when we take the votes of the Senate and the House of Representatives—by the affirmative votes of representatives from 46 of the 50 States. I think that is a significant fact that should be given careful consideration.

Second, the legislation proposed by the Senator from Minnesota (Mr. HUMPHREY) would amend the United Nations Participation Act. This brings up the question of what other amendments should be presented at this time to an act which was passed 28 years ago. The Senate, I should think, would want to consider in some detail the entire question of the United Nations Participation Act, and undoubtedly Senators will want to present amendments thereto.

Third, during consideration of the proposed legislation, the Senate, I should think, would want a full-scale debate on the United Nations itself. The membership of the United Nations has changed drastically since the Senate authorized participation in 1945.

At that time there were 51 member nations; now there are 135 member nations.

Fourth, I believe the Senate will wish to discuss the background of the United Nations action against Rhodesia. It will

be of interest to inquire as to how a small, land-locked African nation, which has attacked no one, was officially declared by the U.N. Security Council to be "a threat to the peace," when no such action was taken against North Vietnam during its long aggression in Southeast Asia, or against the Soviet Union and the Warsaw Pact nations at the time of the 1968 invasion of Czechoslovakia.

Fifth, I would hope that the managers of the bill presented by the Senator from Minnesota would be prepared to discuss in some detail the governments and potential contributions of the new members—namely, those admitted to membership after the original 51. The Senate and the Nation, I believe, would be interested in just what types of governments these new United Nations members have.

Sixth, I should think the Senate and the people of our Nation would have great interest in the financial aspects of the United Nations. Most certainly, we should know, and consideration of the proposed legislation would present a good opportunity to get a full accounting, just how much money the United States has contributed to the United Nations since it was organized in 1945. We need to know not just the regular assessments—the dollar amount and percentages, and so forth—but also the various voluntary contributions with dollar amounts, percentages, and so forth.

These are a few thoughts that come to my mind, and undoubtedly other Senators will have many other areas that should be explored during consideration of the proposed legislation.

It has been many years since there has been a full-scale discussion in the Congress as to the role of the United Nations and its many ramifications.

Now would be a good time to give full consideration to the various matters I have mentioned above.

I hope when this legislation is called up, possibly next week, that the Senate would enter into a full-scale discussion of the United Nations, the many problems concerning that world organization, and the financial contributions of the United States to it.

I end as I began:

The legislation Senator HUMPHREY's proposal would repeal says this:

The President may not prohibit the importation of a strategic material from a non-Communist country if such material is imported from a Communist-dominated country.

Except for the fact that the United Nations does not like it, and Russia does not like it—what is the matter with the existing legislation, which was passed by the Congress, signed by the President, and upheld by the courts?

ORDER FOR AGREEMENT TO COMMITTEE AMENDMENTS TO S. 2589 AT THE TIME OF ITS CONSIDERATION

Mr. JACKSON. Mr. President, in line with the desire of all of us to expedite action on the emergency energy bill, S. 2589, which has been reported by the Committee on Interior and Insular Affairs, I ask unanimous consent that when the Senate proceeds to the consideration of S. 2589, the committee amendments be considered as having been agreed to en bloc and that the bill as amended be treated as original text for the purpose of further amendment.

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

QUORUM CALL

Mr. HARRY F. BYRD, JR. 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. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 10 A.M.

Mr. HARRY F. BYRD, JR. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 1:25 p.m., the Senate adjourned until Wednesday, November 14, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 13, 1973:

DEPARTMENT OF JUSTICE

Evan LeRoy Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa for the term of 4 years. Reappointment.

IN THE NAVY

Rear Adm. Eli T. Reich, U.S. Navy, retired, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designed by the President under subsection (a) of section 8066, in grade, as follows:

To be lieutenant general

Maj. Gen. Royal N. Baker, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, November 13, 1973*

The House met at 12 o'clock noon.

Rev. Edward M. Gladden, St. Andrew's Methodist Church, Salisbury, Md., offered the following prayer:

Our Father, inspire the Members of this body, and the people of this Republic, to fulfill their destiny as a nation that Thou hast blessed; here they have come citizens from every race. Here they have found refuge; here they built homes; and here they invested their lives. We thank Thee for those who were heroic in times of peril, and gave freely to the last full measure of devotion. Let us not waste their sacrifice. Teach us to bring durable peace out of war, order out of chaos, brotherhood out of conflict. So may our people learn to do justly, love mercy, and walk humbly with Thee.

We commend the Congress of our great Nation to Thy loving care and fatherly goodness. 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.

THE REVEREND EDWARD M. GLADDEN

(Mr. BAUMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, the Reverend Mr. Edward M. Gladden comes to us today from the United Methodist Church of Salisbury on the Eastern Shore of Maryland. A distinguished member of his community, he was born in Chance, Somerset County, Md., which is the mother county of that great area of the Free State. He has pastored several churches on his native Eastern Shore and his pastorate now includes St. Andrew's in Salisbury and Melson's near Delmar, with more than a thousand souls.

After elementary and high school, he attended Wesley College in Dover, Del., and Duke Divinity School, Duke University, Durham, N.C. He has had pastorates at Galestown and Newark, Md., and on beautiful Smith Island, out in the Chesapeake Bay, one of the most picturesque communities in my district.

I know all the Members welcome Reverend Gladden here today and thank him for his inspirational prayer which has opened our session.

THANKSGIVING RECESS

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, the program which has been announced for the next few weeks calls for a 10-day recess over Thanksgiving. I cannot in good conscience agree with such a schedule. The Congress has work to do. We still have three appropriations bills to pass in the House and numerous others to deal with by way of conference reports. The con-