SENATE—*Tuesday, November 20, 1973*

The Senate met at 10 a.m. and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

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

O God, the giver of all good, and source of all blessings, we give thanks to Thee for Thy mercies which are new every morning, fresh every moment, and more than we can number.

We thank Thee for seedtime and harvest, summer and winter, nights and days throughout the year; for food and clothing and for shelter; for health and reason; for childhood and age, youth and manhood; for Thy fatherly hand upon us in sickness and in health, in life and in death; for friends, kindred, and benefactors; for home and for a nation dedicated to freedom and justice under Thy rule.

As we enter the Thanksgiving season there is nothing for which we may not bless and thank Thee—even for lessons learned in failure, for dividends from difficulties, for turbulence and contention which lead to reconciliation and renewal.

Accept our thanksgiving and make us fit to serve Thee in the days which lie before us.

Through Him who is Lord of Life. 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 20, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. SAM NUNN, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

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

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 Calendars Nos. 488, 495, 497, 499, 520, and 521.

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

DISPOSAL OF MOLYBDENUM FROM THE NATIONAL STOCKPILE

The bill (S. 2551) to authorize the disposal of molybdenum from the national stockpile, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

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

WHITE HOUSE CONFERENCE ON THE LIBRARY AND INFORMATION SCIENCES

The Senate proceeded to consider the joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Sciences in 1976, which had been reported from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

The amendment was agreed to.

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

The preamble was amended and agreed to.

The joint resolution, as amended, with its amended preamble, reads as follows:

Whereas access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government; and

Whereas the preservation and the dissemination of information and ideas are the primary purpose and function of libraries and information centers; and

Whereas the growth and augmentation of the Nation's libraries and information centers are essential if all Americans are to have reasonable access to adequate services of libraries and information centers; and

Whereas new achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically; and

Whereas maximum realization of the potential inherent in the use of advanced technology by libaries and information centers requires cooperation through planning for, and coordination of, the services of libraries and information centers; and

Whereas the National Commission on Libraries and Information Science is developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs; and

Whereas productive recommendations for expanding access to libraries and information services will require public understanding and support as well as that of public and private libraries and information centers: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services in 1976.

(b)(1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, in accordance with the policies set forth in the preamble to this joint resolution.

(2) The conference shall be composed of, and bring together—

(A) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;

(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);

(C) persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services; and

(D) representatives of the general public.

(c)(1) The conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

(2) In administering this joint resolution, the Commission shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate.

(3)(A) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to, the Commission upon its request under clause (A) of paragraph (2); and, for that purpose, each Federal department and agency is authorized to provide personnel to the Commission in accordance with section 3341 of title 5, United States Code. For the purposes of such section 3341 and this paragraph, the Commission shall be deemed to be a part of any executive or military department of which a request is made under clause (A) of paragraph (2).

(B) The Librarian of Congress is authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.

(4) In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission is authorized to publish and distribute for the Conference the

reports authorized under this joint resolution without regard for section 501 of title 44, United States Code.

(6) Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e)(1) There is hereby established a twenty-eight-member advisory committee to the Conference composed of (A) at least three members of the Commission designated by the Chairman thereof; (B) two persons designated by the Speaker of the House of Representatives; (C) two persons designated by the President pro tempore of the Senate; and (D) not more than twenty-one persons appointed by the President. Such advisory committee shall assist and advise the Commission in planning and conducting the Conference. The Chairman of the Commission shall serve as Chairman of the Conference.

(2) The Chairman of the Commission is authorized, in his discretion, to establish, prescribe functions for, and appoint members to such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.

(3) Members of any committee established under this subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding the rate of pay specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests offered the Commission shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums, but not to exceed $10,000,000, as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

The title was amended so as to read: "Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services in 1973."

TRAVEL AND TRANSPORTATION ALLOWANCES TO CERTAIN MEMBERS OF THE UNIFORMED SERVICES

The Senate proceeded to consider the bill (S. 1038) to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That chapter 7 of title 37, United States Code, is amended:

(1) By inserting the following new section:

"§ 411b. Travel and transportation allowances: travel performed in connection with certain leave

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service stationed outside the forty-eight contiguous States and the District of Columbia who is ordered to make a change of permanent station to another duty station outside the forty-eight contiguous States and the District of Columbia may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a place approved by the Secretary concerned, or his designee, or to a place no farther distant than his home of record if he is a member without dependents, and from that place to his designated post of duty, if either his last duty station or his designated post of duty is a restricted area in which dependents are not authorized.

"(b) The allowances prescribed under this section may not exceed the rate authorized under section 404(d) of this title. Authorized travel under this section is performed in a duty status.".

(2) By inserting the following new item in the analysis:

"411b. Travel and transportation allowances: travel performed in connection with certain leave."

immediately below

"411a. Travel and transportation allowances: travel performed in connection with convalescent leave.".

The amendment was agreed to.

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

PAY AND POSITION CLASSIFICATION FOR THE SELECTIVE SERVICE SYSTEM

The bill (H.R. 6334) to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System, was considered, ordered to a third reading, read the third time, and passed.

URBAN MASS TRANSPORTATION ACT OF 1964

The Senate proceeded to consider the bill (H.R. 10511) to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements, which had been reported from the Committee on Banking, Housing and Urban Affairs, with an amendment to strike out all after the enacting clause and insert:

That (a) section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(f) No federal financial assistance under this Act may be provided for the purchase of buses unless as a condition of such assistance the applicant or any public body receiving assistance for the purchase of buses under this Act or any publicly owned operator receiving such assistance shall as a condition of such assistance enter into an agreement with the Secretary that such public body, or any operator of mass transportation for the public body, shall not engage in charter bus operations outside of the urban area within which it provides regularly scheduled mass transportation service, except as provided in the agreement authorized by this subsection. Such agreement shall provide for fair and equitable arrangements, appropriate in the judgment of the Secretary, to assure that the financial assistance granted under this Act will not enable public bodies and publicly and privately owned operators for public bodies to foreclose private operators from the intercity charter bus industry where such operators are willing and able to provide such service. In addition to any other remedies specified in the agreements, the Secretary shall have the authority to bar a grantee or operator from the receipt of further financial assistance for mass transportation facilities and equipment where he determines that there has been a continuing pattern of violations of the terms of the agreement. Upon receiving a complaint regarding an alleged violation, the Secretary shall investigate and shall determine whether a violation has occurred. Upon determination that a violation has occurred, he shall take appropriate action to correct the violation under the terms and conditions of the agreement.".

(b)(1) The first sentence of section 164 (a) of Public Law 93–87, approved August 13, 1973, is amended—

(1) by inserting "or" before "(2)"; and

(2) by striking out "or (3) the Urban Mass Transportation Act of 1964,".

(2) The second sentence of such section 164(a) is amended by striking out ", (2), and (3)" and inserting in lieu thereof "and (2)".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendment be agreed to and that the bill as thus amended be considered as original text for the purpose of further amendment.

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

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

The legislative clerk proceeded to read the amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

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

The amendment ordered to be printed in the RECORD is as follows:

At the end of the bill insert the following:

Section 164(a) of the Federal-Aid Highway Act is amended by striking out all after the word "operations" in the first sentence and all of the second sentence, and insert-

ing in lieu thereof "outside of the urban area(s) within which it provides regularly scheduled mass transportation service except as provided in an agreement authorized and required by Section 3(f) of the Urban Mass Transportation Act of 1964, which subsection shall apply to Federal financial assistance for the purchase of buses under this Act."

Mr. BENTSEN. Mr. President, H.R. 10511, as reported by the Committee on Banking, Housing and Urban Affairs, partially corrects a difficult situation created by section 164 of the Federal-Aid Highway Act of 1973. I commend the Banking Committee, and particularly the distinguished Senator from New Jersey (Mr. WILLIAMS) for his work on this amendment.

The Federal-Aid Highway Act, of which I was the principal sponsor, contained language in section 164 which would have prohibited any applicant for assistance under the Urban Mass Transportation Act or other Federal acts; including the Highway Act, from receiving funds for the purchase of buses unless the applicant first agreed not to engage in charter bus activities in competition with private bus carriers outside of the area in which the applicant provided regularly scheduled mass transportation service.

The practical effect of this language was to foreclose many public bus companies from significant charter activities, which stimulate revenue for them. In my own State, for example, the city of Corpus Christi noted that their charter business, which largely serves local schools, is the only profitable part of their transit operation, and the revenues from that service are used to subsidize other parts of their operation that regularly lose money.

The language of the Federal-Aid Highway Act was undoubtedly too severe. In its place, the Banking Committee has wisely inserted language which requires public companies operating charters to enter into an agreement with the Secretary to assure that the public companies do not foreclose private operators from operating charter buses if the private companies are willing to do so. In my view, this accomplishes the goals we originally had in the Senate version of the highway bill.

My amendment would extend the principle established in the bill under consideration to assure that the same test which applies to buses purchased under the Urban Mass Transportation Act also applies to buses purchased with highway trust funds.

In the words of John Barnum, Acting Secretary of Transportation—

> We think the parity between the two programs is essential if the localities are to have the genuine flexibility in the use of mass transportation funds which are a central achievement of the Federal-Aid Highway Act of 173.

My amendment, then, treats buses purchased with trust fund moneys the same as buses purchased with UMTA funds. I believe it is necessary, since we do not want to create different conditions for the purchase of buses under the two programs.

I have discussed the amendment with the manager of the bill (Mr. WILLIAMS), and I am hopeful that he and his colleague on the minority side (Mr. TOWER) can accept the amendment.

Mr. WILLIAMS. Mr. President, section 164 of the Federal-Aid Highway Act (Public Law 93–87) enacted on August 13 of this year contained a provision forbidding Federal assistance for the purchase of buses under the Urban Mass Transit Act or the highway trust fund unless the applicant agrees not to engage in certain types of charter bus services. Under the provisions of this section, applicants for urban mass transit funds would be prohibited from engaging in the charter bus business in competition with private operators outside the area within which they provide regularly scheduled mass transportation services. The provisions of this section were never considered by the Senate but were contained in the House-passed version of the bill and later adopted by the conference committee.

If these provisions were enforced, almost half of the publicly owned bus companies in the United States would have to choose between giving up their charter services, which is the most lucrative part of their operations, or foregoing Federal mass transportation assistance. In New Jersey alone, section 164 has jeopardized the application for a grant of $31 million to purchase 1,200 buses for Transport of New Jersey—our State's largest transportation system.

Obviously, this section of the Highway Act is inconsistent with our national objective of encouraging urban mass transportation—an objective which has become our No. 1 domestic goal as a result of the energy crisis.

H.R. 10511 will help us to achieve this goal and alleviate the problems caused by section 164 of the Highway Act. It will allow Federal urban mass transit assistance where the recipient of such assistance enters into fair and equitable arrangements with the Department of Transportation to assure that Federal funding will not foreclose private operators—who are not recipients of such assistance—from engaging in the intercity charter bus business when these operators are willing and able to provide this service.

Under the provisions of H.R. 10511, private charter bus operators can not be put out of business because of competitive advantages enjoyed by companies receiving Federal assistance. On the other hand, the much needed revenues emanating from charter operations will not be lost by recipients of Federal mass transit assistance nor will they be prohibited from offering charter bus service to the public if they do not through the use of unfair or destructive competition drive private operators out of the charter bus business.

The intent of this amendment is to rectify the problems caused by section 164 of the Federal Aid Highway Act. The sponsors of this legislation, therefore, hope that the Secretary of Transportation will exercise his authority to revise the terms and conditions of any grants entered into pursuant to that act so as to reflect the new standards set forth in H.R. 10511.

Mr. President, this legislation is, in my opinion, fair and equitable to all parties concerned. It is endorsed by the U.S. Department of Transportation, The National Association of Motor Bus Owners—representing the private bus operators—the American Transit Association, the Institute for Rapid Transit, and the National League of Cities Conference of Mayors. These groups represent a broad spectrum of all parties engaged in urban mass transportation and the charter bus business. With this totality of support, I hope that the House of Representatives will adopt the Senate amendments to H.R. 10511 within the very near future and alleviate the need for a House-Senate conference. In this manner, the barriers to Federal urban mass transportation assistance will be expeditiously removed and we will take one step toward the alleviation of the energy crisis.

The amendment, offered by the distinguished Senator from Texas, takes the provisions which are applicable to the Urban Mass Transit Act and makes them equally applicable to the provisions of the Highway Act which effect urban mass transportation. I certainly feel that this amendment is essential if mass transit is to be treated equally under both acts.

Mr. DOMENICI. Mr. President, I wish to state my strong support for the amendment offered by the distinguished Senator from Texas (Mr. BENTSEN). As Senator BENTSEN has stated, this amendment would assure equal treatment for a community seeking Federal support for the purchase of mass-transit buses, whether it seeks support under the Urban Mass Transportation Act or under the Federal-aid urban highway system.

As Senator BENTSEN has stated, this amendment will conform the language under title 23 of the Code with the UMTA language in the reported bill. Such conformity is important to the effective implementation of both laws.

My Senate colleagues are well aware of the important changes made earlier this year in Public Law 93–87 to broaden the scope of the Federal-aid highway program. For the first time, money out of the highway trust fund can be used for various mass transit purposes. Such new initiative, designed to make our highways and our transit systems more effective, are particularly significant now, when we confront an energy shortage.

It would be most unfortunate if we were to undercut this opportunity by establishing a double standard that would make it difficult for a local agency to use its highway funds to purchase buses.

It was the intent of the earlier act to conform criteria for mass-transit projects either out of highway or UMTA funds in order not to preclude one choice

or the other. To make the program effective, we must have identical criteria.

Public Law 93–87 recognized the need to have a parallel test for the two acts. Section 142(j) of title 23 of the Code added this year, states that "the provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply" in implementing sections of title 23 that permit the acquisition of buses and subway systems. Senator BENTSEN's amendment would assure a continuation of this conformity.

I do not believe there is any opposition to this effort to conform the two acts. The language, I understand, was drawn up with the support of the National Association of Motor Bus operators. This language has the strong support of the administration.

Mr. President, I would like to commend the distinguished Senator from New Jersey (Mr. WILLIAMS) for his leadership in developing this bill. It is an important contribution to the implementation of an effective, national program for urban mass transit.

I have two questions that I should like to propound to the Senator from New Jersey. I do not think they will take much time. I propose to propound them as a member of the minority on the Committee on Public Works.

We wholeheartedly support the amendment, but I wish to ask the manager of the bill, the Senator from New Jersey, this question: First, is it his understanding that this language makes—as I believe it does—an identical charter-bus test under both the UMTA and the Federal-aid highway program?

Mr. WILLIAMS. The answer is "Yes." It is an identical test under both programs.

Mr. DOMENICI. My second question is this: Is my understanding correct that the committee welcomes this amendment and that the committee would have written such an amendment itself if it had not been for the questions relating to the committee jurisdiction, and that the Senator from New Jersey expects the Senate conferees to insist upon the inclusion of Senator BENTSEN's amendment in the conference report with the House?

Mr. WILLIAMS. The answer to that is also in the affirmative. We would have considered it in our committee if we had jurisdiction. We did not. The Committee on Public Works had jurisdiction since it is part of the Highway Act. In conference, we will certainly insist upon agreement to the Bentsen amendment.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. TOWER. Mr. President, on behalf of the minority, we concur in the amendment offered by the distinguished Senator from Texas (Mr. BENTSEN) and are prepared to accept it.

Mr. BENTSEN. I thank the Senator from Texas and the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. STEVENSON. Mr. President, I submit an amendment and ask for its immediate consideration.

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

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask that the further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

On page 5 after line 3, add the following new section:

"SEC. 2. The Secretary shall amend any agreements entered into pursuant to Section 164a of the Federal-Aid Highway Act of 1973, P.L. 93–87, to conform to the requirements of Section 1 of this Act. The effective date of such conformed agreements shall be the effective date of the original agreements entered into pursuant to Section 164a."

Mr. STEVENSON. Mr. President, the amendment simply gives H.R. 10511 some retroactivity. Restrictive agreements, already entered into by applicants and the Urban Mass Transit Authority, as required by section 164(a), could with this amendment be renegotiated to conform with the more liberal requirements of the bill.

Certain localities have already entered into agreements with UMTA in conformity with the Highway Act as it was passed last August. There may be more agreements entered before this bill becomes effective.

The Banking Committee was somewhat aware of this problem and did take some cognizance of it in its report language. I am not sure, however, that report language is enough to give this bill retroactivity.

This amendment simply assures that communities with restrictive agreements or charter bus service will not be discriminated against. That is the intent of the Banking Committee. The administration supports it.

I hope the distinguished floor manager of this bill will be able to accept the amendment.

The amendment simply assures that communities with restrictive agreements on chartered bus service will not be discriminated against. That is the intent of the Committee on Banking, Housing and Urban Affairs.

I am told that the Mass Transit Authority supports this amendment, and I am hopeful that the distinguished floor manager of the bill and the ranking minority member would see fit to accept the amendment.

Mr. TOWER. Mr. President, if the Senator will yield, I am aware that this amendment is supported by the Urban Mass Transit Authority; and the minority certainly has no objection to it and is prepared to accept it.

Mr. STEVENSON. I thank the Senator.

Mr. WILLIAMS. Mr. President, our committee thought that the purpose of the amendment would have been met by the language of the committee report. But if there is any question, this amendment certainly clarifies it, and we support the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill (H.R. 10511) was read the third time, and passed.

The title was amended so as to read: "An Act to amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that Act for the acquisition of certain equipment which may be used for charter service in a manner which does not foreclose private operators from furnishing such service, and for other purposes."

EMIKO KURAOKA

The resolution (S. Res. 204) to pay a gratuity to Emiko Kuraoka was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Emiko Kuraoka, widow of Matsuo Kuraoka, an employee of the Senate at the time of his death, a sum equal to eight and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILL INDEFINITELY POSTPONED—S. 2466, PUBLIC HEALTH SERVICE HOSPITALS

Mr. MANSFIELD. Mr. President, the President yesterday signed the military procurement authorization bill. The subject matter listed under Calendar No. 386, S. 2466, having been included in that legislation, agreed to by both Houses and signed by the President, I ask unanimous consent that S. 2466 be indefinitely postponed.

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

JOHN FITZGERALD KENNEDY—A REMEMBRANCE

Mr. MANSFIELD. Mr. President, whether or not the Senate will be in session tomorrow is undetermined at this time. But the day after tomorrow—on Thanksgiving, of all days—marks the 10th anniversary of the assassination of our late and beloved President, John F. Kennedy.

What is 10 years remembered:
Is it shots of infamy in a Dallas street?
A clinical report of a murder.
Is it a dress dark-splotched with blood?
The swollen faces of grief.
Is it a rain-filled sky over Washington?
A silent throng under the Capitol's dome.

Is it two children and a child's single cry?
A riderless horse.
An intonation in a cathedral.
The flickering of a flame.

What is 10 years remembered:

How much rain beating on a grave-site?
How much snow falling and filtered sunlight?
How many mind-flashes of a man?
Of his humor and humanity.
Of his sense and sensitivity.

Ten years after, it is all remembered and more:

An assertion of human decency
A trust of freedom.
A confidence in reason
A love of country
A kindled hope for the Nation.
This was John Fitzgerald Kennedy.
This is John Fitzgerald Kennedy.
Ten years after.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire to be recognized?

Mr. TOWER. I do not seek recognition.

Mr. MANSFIELD. 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. DOMENICI. 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.

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

PERSPECTIVE ON THE SOVIET GRAIN SALE

Mr. DOMENICI. Mr. President, I speak today on what I call the perspective on the Soviet grain transaction.

What did the big sale of U.S. grain to the Soviet Union really mean to the United States? Probably it has meant less than most consumers think to our food prices. And I firmly believe it has meant more to the economy of rural America than most of us appreciate.

The big grain sale ranks as one of the really large transactions in agricultural trade history—and coming during a Presidential election year it was almost certain to become a center of political controversy.

That is unfortunate—because I think the American people deserve an objective and dispassionate look at this transaction, at its costs and benefits, and its implications for the future. That is why I have taken some time recently to examine the sale and its effects carefully.

IMPACT ON FOOD COSTS

The Russian grain sale should not be played—as it has been in too many recent headlines—as the major factor behind the sharp increases in U.S. food prices.

At least three other factors have had more important impact on our food prices for the last year and a half.

First—and very likely foremost—has been the impact of devaluing the dollar. The dollar has devalued against the currencies of West Germany and Japan by about one-third in this period. This meant they could buy one-third more of our grains for the same number of yen or deutschemarks—a real bargain. The United States had to devalue, and in the long run we will benefit from more realistic monetary rates. In the short run, however, it has meant our consumers have had to bid against foreign buyers with "discount coupons" for shopping in the United States.

The second major factor in food cost increases has been bad weather in a number of major grain production areas—including both the United States and Russia. The Russian crop failure in 1972 was followed by the failure of the monsoon rains and poor rice crops in India and Southeast Asia; drought in India and Africa cut peanut production; Australia lost half her grain crop to drought last fall, and South Africa could not even plant her corn crop because it was so dry. The United States, on the other hand was too wet; we lost millions of bushels of corn and soybeans that we could not get out of the fields, and the wet weather and flooding delayed planting again this spring. Peru was not able to catch anchovies for her fishmeal industry, and it now looks as though the fishmeal will not be back in volume before 1975. All of these shortfalls boosted food prices around the world.

The third major factor has been the growing affluence of consumers in other countries. Real incomes have been growing 3 to 4 percent per year in both the developed and developing countries—adjusted for both population growth and inflation. Five countries have more than doubled their real per capita output since 1960—including Spain, Greece, Korea, Taiwan, and Japan. Thus, more people are bidding for better diets today from a relatively fixed number of farming acres.

These factors have all had more impact on our food prices than the Russian grain sale. By itself, the Russian sale would have added less than a cent to the price of a loaf of bread, and would have had very little impact on our prices for meat and other items.

BENEFITS OF THE SOVIET GRAIN SALE

The United States has gained some very real and important benefits from our farm product sales.

Many people in this country—even some from important agricultural States—seem to have forgotten that agriculture is still America's largest and most important industry. It employs more people, occupies more of our capital, and contributes more of our export earnings than any other single industry in the country. When our agriculture is healthy, our whole economy benefits.

For nearly 40 years, though, American agriculture has been limping along at three-quarter speed. We have been wasting a major portion of our farming resources because we could not find markets for all of our productive potential, and we have been subsidizing that waste at a substantial cost to all taxpayers. The Nation and our farmers have been poorer as a result.

Today, partly as a result of the Soviet grain sale, American agriculture is beginning to operate at full speed. Farmers are turning out record crops, buying record amounts of product, generating new jobs and contributing more to the economy than they ever have before in history.

For 5 years, the administration has been making a concerted effort to use our comparative advantage in agriculture more effectively for the benefit of the whole Nation. We have been encouraging other countries to rely more heavily on the efficient American farmer—in order to provide more export earnings for the Nation and more jobs and more income for Americans on and off the farm.

We had been eyeing the big Russian market for several years. The Soviet Union does have, after all, the second-largest economy in the world. It has a population larger than our own, with rising incomes, and a hunger for a better diet. Russia also has a great deal of land, but because of a severe climate she is already pushing her grain production to the limits of her capability. If the Russians are going to eat better they will likely have to import farm products, especially feeds like corn and soybeans.

The Soviets bought some feed last year, along with the wheat. This year the Russians were back for more feed grain, and they have indicated that they will continue to be regular buyers for livestock feed. They also say they will buy wheat when it is needed to supplement their own production.

Our agricultural sales to Russia could well be the beginning of a very important and mutually beneficial trade relationship between the two countries. Russia is immensely rich in natural resources—including oil, natural gas, and minerals. It could be a very good thing to have the Russians looking at the United States as a source of farm products and a buyer of Russian energy and raw materials, instead of as simply a rival for world power.

FOR RURAL AMERICA

The growing demand for farm products, in Russia, in India, in Korea, in dozens of countries around the globe, has tremendous importance for America and particularly for rural America.

Agriculture is still the primary economic base for most of our rural areas. For decades, however, this economic base has been losing jobs, as technology replaced manpower faster than the markets for farm products expanded. Farms have gotten bigger and fewer. Small towns have withered.

For years, we have been holding back our agriculture, wasting part of the productivity of men and acres and machines.

Now, we see an opportunity to gear up American agriculture for full output. As more people around the world get more money, bid for better diets, eat more

livestock products that require more grain—we hope that our farms can consistently run at full speed.

That will mean more dollars in farm income, more farming jobs, more opportunity for the man who wants to get into farming or farm as a sideline, and better wages for hired farm workers. It will mean more jobs off our farms and ranches too—more trucks carrying farm products, more people handling them at elevators and processing plants, more workers in expanded fertilizer and chemical plants.

Cash is already flowing into farmers' hands—and back into the economy. All over rural America this year, houses are being repainted, plumbing improved, shingles replaced—because farmers are making more money. Dealers are selling more trucks, tractors, home appliances, and farm buildings.

It has been 40 years since this Nation has seen its agriculture operating at full speed in peacetime—and I think we will all be startled by the impact of the economic benefits. Rural America will feel these benefits most keenly. The exodus from our farms and small towns will be slowed, perhaps even stopped, the extra incomes generated by farming will provide a stronger economic base—perhaps a water or sewer system that will help attract new industries to enhance the town's future.

This strengthening of rural America's future need not mean higher food costs for our consumers either. On the contrary, farmers will be able to use all of their land, labor and capital more efficiently than they could before—and this will help keep per-unit costs of production lower than they would be otherwise—at least hopefully when the supply more closely reaches the demand.

The demand surge came very fast, and it has taken some time for our farmers to gear up. However, we have now eliminated all restrictions on production of our major crops. Farmers are producing records crops of wheat, feed grains, and soybeans this year, and will increase their production still further for next year. U.S. farmers have the capacity to supply our own food needs at reasonable prices, and still provide increased amounts of farm products for exports.

As our additional production comes from the fields, I fully expect that Americans in the years ahead can be confident that American food costs will resume their long-term decline. By that I mean that food costs will continue to take a smaller and smaller proportion of our take-home pay, even as our diets include more meat and other preferred foods. This year, 1973, is the first year in 15 that our food costs have not declined in those terms, and I think we will find it only a temporary interruption of the long-term trend.

The Federal Government's budget picture has also been drastically improved by the improvement in our agriculture—and again we can credit part of this to the Soviet grain sale. The result is a financial benefit for every taxpayer.

Farm program costs have been slashed amazingly. Since 1933 farm programs have cost $85 billion, and in recent years, they had been running between $3 and $4 billion per year. For the next 2 years, our costs will be almost nothing. The demand for farm products, including the demand from Russia, not only eliminated the heavy surpluses of U.S. wheat that were building up in early 1972, they have given encouragement to a very different type of farm program. The Agriculture and Consumer Protection Act of 1973 costs the taxpayer nothing at all when farm prices are strong. I doubt that Congress and U.S. farmers would have had the courage to try this type of program until now and the taxpayers will get a $6 to $8 billion break over the next 3 years because of it.

The Federal budget has also gained new tax revenue from the increased income generated by our farm sales throughout the economy. Farmers alone will contribute an extra $750 million in income taxes in 1972 and 1973 due to their increased income.

A great deal has been made of the fact that the U.S. Government paid about $160 million in export subsidies on the grain sale to the Soviet Union. Even there, the Government made a "profit" in the sense that the subsidy was more than offset by immediate savings in farm program payments, grain storage costs and other items.

One of the most important benefits of our agricultural sales has been on our national balance of payments. We could not maintain our current standard of living without the imports of fuels, raw materials, and low-cost manufactured goods we get from other countries.

Our farm exports are helping to keep the dollar strong enough to pay for these things, and the Russian grain sale in 1972 generated well over $1 billion in foreign earnings.

Overall, in 1973, farm exports brought back home nearly $13 billion of our dollars, and the total for 1974 may be as high as $20 billion.

Our balance of trade deficit was only $141 million in the first three quarters of this year, compared with $5 billion a year ago. The major reason for the improvement was a $4.3 billion increase in farm exports.

U.S. farmers are bailing out the dollar and the Nation.

As the export demand for farm products continues in the future, and permits our agriculture to run efficiently at top speed, we can expect an even greater contribution to the strength of the dollar and to the standard of living of every American.

Finally, I think we must be aware of the important role that American food is playing in world peace. Our agricultural abundance became an important factor in winding down the war in Viet Nam. It has been important in establishing the détente with Russia, and the rapprochement with the Chinese. If nations can meet their legitimate needs effectively through trade, they have less incentive to resort to violence. Furthermore, strong trading relationships can help a great deal in times of stress.

PROBLEMS WITH THE RUSSIAN GRAIN SALE

I conclude by saying that some aspects of the transaction need to be considered because many problems have been generated by the enormity of the transaction.

I do not want to defend every aspect of the Soviet grain sale, of course. There are legitimate questions to be asked about some important parts of the sale.

One of the biggest problems is how a market-oriented economy like ours deals effectively with a large centrally planned buyer like the U.S.S.R. The gyrations of the commodity futures markets alone this year are enough to indicate that we had a difficult time with the sale.

We need futures markets for farm products, to help farmers hedge their risks, and to help set forward price signals. They are also important in helping processors of farm products hedge their inventories and keep processing margins low. However, we must ask now whether the current regulations under which futures trading is operated are strong enough. We must examine the roles of floor traders and others involved in the trading.

The Russian sale revealed some serious weaknesses in our wheat export subsidy system; in fact, it raised the question whether we should have such an export subsidy at all.

The U.S. Government provided $500 million in credit for the Soviets. We have been doing the same for other commercial customers. Is this a proper role for government?

All of these questions need to be seriously examined and I hope to participate in that examination, carefully and in an unemotional atmosphere.

However, I think there is little question that our current farm policy is right. We are seeking maximum markets for our farm exports year in and year out, so that our farmers and rural people get better incomes and contribute a larger effort to the entire economy.

I believe the policy is working; that it can be made to work even better. It is producing major benefits for all, not only for the farmer. Grain sales to the Soviet Union are a small part of this, but they are part and parcel of a larger American policy.

Mr. President, if I have any remaining time I yield back that time.

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

THE FEDERAL MINIMUM WAGE

Mr. TAFT. Mr. President, earlier this year numerous arguments were advanced in the Senate regarding the necessity of increasing the Federal minimum wage. The Senator from New Jersey (Mr. WILLIAMS), the distinguished chairman of the Labor and Public Welfare Committee, stated on the floor, in referring to the necessity of enacting minimum wage legislation:

I would say again that the basic issue which Congress must face now is whether we are going to provide an adequate wage level for millions of low-wage workers now—not in 1974, 1975, or 1976, but now.

The distinguished ranking minority member of the Labor and Public Welfare Committee, the Senator from New York (Mr. JAVITS), stated on the floor:

The issue before the Senate is not whether the minimum wage should be raised—most agree that an increase is warranted—but rather how much and how soon it should be raised. Even the most cursory glance at the cost of living figures shows that the increases provided for in S. 1861 are, at most, barely adequate to compensate how income workers for inflation since 1966, the last time minimum wage legislation was enacted.

The Senators from Colorado and Maryland and I agree that an increase in the Federal minimum wage is necessary and should be acted upon in this session of the Congress. Regrettably, a constructive compromise was not reached earlier this year and the President was presented with no other responsible option but to veto the legislation forwarded to him. As we all know, the House upheld that veto.

Millions of working Americans thus have not received a much-needed increase in their wages, and developments to date have not provided encouragement for congressional action to correct this situation. No committee meetings have been held or scheduled to consider areas of compromise and no other movement has been made to push for consideration of this most vital issue. Informal efforts to try to get a compromise with those who have been interested unfortunately have been unavailing.

One reason that has been suggested for lack of action on this issue is that the leadership of the pertinent committees in the House and Senate do not seem interested in further consideration the issue in this session. This is bread-and-butter legislation important to so many Americans; but certain labor leaders, fixed in their position on certain details of this issue, seem to prefer to have no legislation than any compromise proposals. But I am sure that most Senators, and especially the ranking members of the Labor and Public Welfare Committee, have not lost interest in the problem. While the Watergate affair and related developments do merit attention, this attention should not develop into complete obsession at the expense of other concerns of the people. Our governmental system must continue to operate and attend to the many important issues facing this country.

I cannot believe the suggestion that organized labor is completely opposed to any consideration of this legislation at this time. If true, it would be especially unfortunate. Labor leadership is well aware that give and take are very important in the legislative process and, in fact, has stressed the necessity of constructive compromise over the years in dealing with matters of national importance. It is very difficult for me to believe that knowledgeable labor leaders, such as Mr. Meany, would block legislation of such importance as minimum wage, just because every word of every section of a proposal is not exactly what organized labor has requested.

The best course of action to take on this matter is to proceed forward as soon as possible on legislation to constructively increase the Federal minimum wage. Senators DOMINICK, BEALL, and myself offered legislation earlier this year which would have established a $2.30 minimum with reasonably adjusted steps, strengthened the child labor laws, mandated a review of existing exemptions, and created a special youth differential to decrease youth unemployment. Extensive hearings were held on our proposal and others to increase the minimum wage. Extensive debate has been conducted on our proposal. The time has come to move on this issue.

I, therefore, intend to join with Senator DOMINICK at the appropriate time and ask for immediate consideration of our bill—under Senate rule XIV—to increase the Federal minimum wage. Leadership of the Labor and Public Welfare Committee, and of the Senate, have been so advised of our intentions, and if objection is made to immediate consideration of this important issue, I feel it is incumbent on those objecting to present their own proposal on this subject and begin to move on legislative compromises to increase the minimum wage.

Of course, realistically, I am sure the Senator from Colorado and I recognize that it is unlikely the bill will be called up on the calendar. Of course, as we have alread pointed out, there are undoubtedly a number of other measures that are going to be considered before the end of the year and, where appropriate, we intend to try to bring up this issue, by way of amendment, in the exact terms of the bill introduced yesterday by the Senator from Colorado (Mr. DOMINICK) as S. 2727.

I would also call attention to the fact that at page 37697 of the CONGRESSIONAL RECORD for yesterday, which is available today, there is set out the details of that bill and a summary of the bill itself. I do not think it is necessary to review at this time the exact provision.

It provides an area of coverage for public employees under the minimum wage. It provides for application of tip credit. It provides for an increase in the minimum wage rate in five steps over a 4-year period, up to $2.30, starting at $1.80, and increasing to $2, $2.10, $2.20, and up to a maximum of $2.30.

For agricultural employees it provides an increase up to $2 an hour over the same period, with the differential being maintained.

It also provides—and we think this is extremely important—a youth differential at an 85 percent rate, and also provides for full-time students. For those who are not students, it would protect them in that the lower rate would apply only to the first 6 months of this employment.

I believe this issue is one of the early business of the Senate. I believe it should be acted upon before we go home this year. We have waited too long to act on minimum wage legislation. We have allowed ourselves to become bogged down by what are political aspects, losing a view of legislation that is of real importance to the United States—that of bringing the minimum wage legislation up to the current cost-of-living situation and the changes that have occurred in the economy of the United States since the last enactment of such legislation.

I yield back the remainder of my time.

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

FAIR LABOR STANDARDS ACT AMENDMENTS OF 1973

Mr. DOMINICK. Mr. President, I have been listening with care to my friend, the Senator from New Mexico, talk about the detail which I thought was extremely interesting because we brought out a lot of factors not recognized in the public media.

I have also been listening to my friend, the Senator from Ohio, who has been, of course, so closely associated with the Senator from Maryland (Mr. BEALL) and me with regard to minimum wage legislation. I think he gave us a fine definition of the problem we faced.

Mr. President, yesterday, on behalf of myself, Mr. TAFT and Mr. BEALL, I introduced a bill, S. 2727, to amend the Fair Labor Standards Act to provide for increased minimum wage rates, and for other purposes. I asked unanimous consent that it be placed on the calendar for immediate consideration. That procedure was objected to, quite properly, by the Senator from New Jersey (Mr. WILLIAMS). It is my hope that after the second reading of the bill today, it will be placed on the calendar, and that there will be no objection to its consideration in the near future. If there is, I intend to offer it as a floor amendment to another bill which is before the Senate for debate—possibly the daylight saving bill, which is scheduled to be called up next week.

It was for that reason that I objected to the proposed time limitation on the daylight savings bill, proposed last night, because under the standard unanimous-consent request for time limitations so-called nongermane amendments would not have been allowed. Consequently, in order to preserve the possibility of offering this proposal as an amendment to the bill, I had to object. I told the Senator from Montana at that point why I was doing it.

This bill is substantially the same as one we offered as a substitute for the minimum wage bill reported by the Labor and Public Welfare Committee earlier this year. It provides for increasing the minimum wage for all covered nonfarm workers to $2.30 an hour over a 4-year period. The rate for covered farmworkers would be increased from its present level of $1.30 an hour to $2 an hour over a 3-year period.

To avoid worsening the high teenage unemployment rate—14 percent for white teenagers; 31 percent for nonwhites—the bill provides for a youth differential rate of 85 percent of the new rates. I call this Job Opportunities for Youth, for which JOY is an acronym. And I think that we ought to look at it that way if we are to get young people into the working scales so that they can handle themselves and take care of their responsibilities which would bring them into a production status as rapidly as possible.

This youth differential would apply to youths under 18 only during their first 6 months on a job, and to full-time students working in part-time jobs. Employers could use the youth differential rate only in accordance with Department of Labor regulations insuring that adult workers would not be displaced. Thereby we get around the universal problem we have faced.

The bill provides for extending minimum wage coverage to the remaining Federal, State, and local government employees not covered by the 1966 amendments. No exemptions would be repealed, but the Labor Department would be directed to undertake a comprehensive study of the 36 or more existing minimum wage and overtime exemptions, and submit to Congress a report containing recommendations as to whether each should be retained, repealed, or modified.

We introduced this bill because all of us strongly support a substantial increase in the minimum wage this year. I thought the substitute bill Senator Taft and I offered earlier was a realistic and substantial compromise, and I am strengthened in that belief by subsequent events—particularly the House's action in sustaining the President's veto.

I endorse 100 percent the reasons set out by the President as the basis for his veto. By contributing to inflation and unemployment, the vetoed bill would have hurt the disadvantaged—the very people minimum wage legislation is supposed to help. I ask unanimous consent that the veto message be printed in the RECORD at this point.

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

To the House of Representatives:

I am returning today, without my approval H.R. 7935, a bill which would make major changes in the Fair Standards Act.

This bill flows from the best of intentions. Its stated purpose is to benefit the working man and woman by raising the minimum wage. The minimum wage for most workers has not been adjusted for five years and in the interim, as sponsors of this bill recognize, rising prices have seriously eroded the purchasing power of those who are still paid at the lowest end of the wage scale.

There can be no doubt about the need for a higher minimum wage. Both fairness and decency require that we act now—this year—to raise the minimum wage rate. We cannot allow millions of America's low-income families to become the prime casualties of inflation.

Yet in carrying out our good intentions, we must also be sure that we do not penalize the very people who need help most. The legislation which my Administration has actively and consistently supported would ultimately raise the minimum wage to higher levels than the bill that I am today vetoing, but would do so in stages over a longer period of time and thereby protect employment opportunities for low wage earners and the unemployed.

H.R. 7935, on the other hand, would unfortunately do far more harm than good. It would cause unemployment. It is inflationary. And it hurts those who can least afford it. For all of these reasons, I am compelled to return it without my approval.

ADVERSE EFFECT ON EMPLOYMENT

H.R. 7935 would raise the wage rate to $2.00 for most non-farm workers on November 1 and 8 months later, would increase it to $2.20. Thus in less than a year, employers would be faced with a 37.5 percent increase in the minimum wage date.

No one knows precisely what impact such sharp and dramatic increases would have upon employment, but my economic advisors inform me that there would probably be a significant decrease in employment opportunities for those affected. When faced with the decision to increase their pay rates by more than a third within a year or to lay off their workers, many employers will be forced to cut back jobs and hours. And the worker will be the first victim.

The solution to this problem is to raise the minimum wage floor more gradually, permitting employers to absorb the higher labor costs over time and minimizing the adverse effects of cutting back on employment. This is why I favor legislation which would raise the floor to a higher level than H.R. 7935 but would do so over a longer period of time. The bill supported by the Administration would raise the minimum wage for most non-farm workers from $1.60 to $1.90, effective immediately, and then over the next three years, would raise it to $2.30. I believe this is a much more prudent and helpful approach.

INCREASING INFLATION

Sharp increases in the minimum wage rate are also inflationary. Frequently workers paid more than the minimum gauge their wages relative to it. That is especially true of those workers who are paid by the hour. An increase in the minimum therefore increases their demands for higher wages—in order to maintain their place in the structure of wages. And when the increase is as sharp as it is in H.R. 7935, the result is sure to be a fresh surge of inflation.

Once again, prudence dictates a more gradual increase in the wage rate, so that the economy can more easily absorb the impact.

HURTING THE DISADVANTAGED

Changes in the minimum wage law as required by H.R. 7935 would also hurt those who need help most. The ones who would be the first to lose their jobs because of a sharp increase in the minimum wage rate would frequently be those who traditionally have had the most trouble in finding new employment—the young, members of racial and ethnic minority groups, the elderly, and women who need work to support their families.

Three groups would be especially hard hit by special provisions in this bill:

Youth: One major reason for low earnings among the young is that their employment has a considerable element of on-the-job training. Low earnings can be accepted during the training period in expectation of substantially higher earnings after the training is completed. That is why the Administration has urged the Congress to establish a modest short-term differential in minimum wages for teenagers, coupled with protections against using teenagers to substitute for adults in jobs. H.R. 7935, however, includes no meaningful youth differential of this kind. It does provide marginal improvement in the special wage for students working part-time, but these are the young people whose continuing education is improving their employability anyway; the bill makes no provision at all for the millions of nonstudent teenagers who need jobs most.

Unemployment rates for the young are already far too high, recently averaging three to four times the overall national unemployment rate. H.R. 7935 would only drive that rate higher, especially for young people from minority groups or disadvantaged backgrounds. It thus would cut their current income, delay—or even prevent—their start toward economic improvement, and create greater demoralization for the age group which should be most enthusiastically involved in America's world of work.

Domestic household workers: H.R. 7935 would extend minimum wage coverage to domestic household workers for the first time. This would be a backward step. H.R. 7935 abruptly requires that they be paid the same wages as workers who have been covered for several years. The likely effect would be a substantial decrease in the employment and hours of work of current household workers. This view is generally supported by several recent economic laws in a consistent and equitable manner.

Extension of Federal minimum wage and overtime standards to State and local government employees is an unwarranted interference with State prerogatives and has been opposed by the Advisory Commission on Intergovernmental Relations.

NEED FOR BALANCE AND MODERATION

In sum, while I support the objective of increasing the minimum wage, I cannot agree to doing so in a manner which would substantially curtail employment of the least experienced and least skilled of our people and which would weaken our efforts to achieve full employment and price stability. It is to forestall these unacceptable effects that I am vetoing H.R. 7935.

I call upon the Congress to enact in its place a moderate and balanced set of amendments to the Fair Labor Standards Act which would be consistent with the Nation's economic stabilization objectives and which would protect employment opportunities for low wage earners and the unemployed and especially nonstudent teenagers who have the most severe unemployment problems. To the millions of working Americans who would benefit from sound and carefully drawn legislation to raise the minimum wage, I pledge the Administration's cooperation with the House and Senate in moving such a measure speedily onto the statute books.

RICHARD NIXON.

THE WHITE HOUSE, *September 6, 1973.*

Mr. DOMINICK. Mr. President, the message concludes by pledging the administration's full support for a minimum wage bill which is "moderate and balanced." Although the bill I introduced yesterday has not been endorsed by the administration, I believe it is moderate and balanced, and will therefore have the administration's support. In other words, it would not have been vetoed.

It provides for a substantial increase in minimum wage rates—from $1.60 to $1.80 immediately for most workers, and ultimately to $2.30. The important point is that these increases would be stretched out over a 4-year period in order to minimize the inflationary and unemployment effects. The vetoed bill would have increased the minimum wage to $2 immediately, and to $2.20 on July 1 next year, forcing the economy to absorb this 37.5 percent increase in 8 months. The longer a minimum wage adjustment is postponed, the greater will be the pressure for large increases over a short period of time, thus maximizing the inflationary and unemployment effects.

Again, I believe this bill represents a good compromise in its present form. But I am not approaching this on an all or none basis. I am willing to consider changes in order to reach a compromise which is satisfactory to everyone. I am afraid, however, that some of the other proponents of a minimum wage increase do not approach it with the same spirit of compromise. Shortly after the Pres-

ident's veto was sustained, Senator TAFT and I attempted to initiate discussions regarding the possibility of a compromise. The response was negative. We were told that such discussions would "serve no useful purpose at this time."

It would appear that some would rather have a campaign issue next year than a minimum wage increase this year. The only way a minimum wage increase can be achieved during the 93d Congress is through a compromise bill. Preserving the status quo for political reasons is, of course, one of the options they are free to pursue. It should be pointed out, however, that the only ones hurt by that approach are the lowest paid workers. Moreover, this no-compromise approach casts doubt on the sincerity of the rhetoric heard during floor debate earlier this year about the "urgent need" for a minimum wage increase to "improve the lot of the working poor," whose purchasing power has been eroded by inflation since the last increase more than 5 years ago.

I am confident that most of my colleagues do not want to postpone a minimum wage increase for another year, and therefore will not object to the early consideration of this bill. To refer this bill to committee again would be a useless exercise. The committee and the full Senate have acted on two almost identical minimum wage bills over the past 18 months. We all know the issues. Going back through the committee process again will not resolve the impasse. I hope my colleagues will help resolve it by acting on this bill during this session of the 93d Congress.

Mr. President, I ask unanimous consent that the text of S. 2727 be printed at the conclusion of my remarks, to be followed by a section-by-section analysis, a chart prepared by the Department of Labor showing its estimated cost impact, and a chart comparing the new minimum wage rates it proposes with those of the other major proposals this year and during the 92d Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. DOMINICK. Mr. President, I just want to say that in going over this chart on the wage rate, the one thing this bill does which no other bill does is to retain the parity of wages between those who were covered prior to 1966 and those who were covered after 1966. All the other bills, including the bill that was vetoed, all of a sudden changed this ratio so that a person who was in the wage scale at the low minimum, was covered by the minimum wage requirements prior to 1966 and then became even with those covered by the 1966 amendments is suddenly finding himself in a superior position again.

That does not, to me, make any sense whatsoever. So Senator TAFT and I have kept them together without any change whatsoever, which I think is a far more equitable method of treating this particular situation.

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

EXHIBIT 1

S. 2727

A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes

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

DEFINITIONS AND APPLICABILITY TO GOVERNMENT EMPLOYEES

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (d)) is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States, any State or political subdivision of a State, and any agency or instrumentality thereof or interstate governmental agency, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended by adding at the end thereof the following: "In the case of any individual employed by the United States, 'employee' means any individual employed (i) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (ii) in executive agencies as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (iii) in the United States Postal Service and the Postal Rate Commission, (iv) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (v) in the Library of Congress. In the case of any individual employed by a State, or the political subdivision of any State or an interstate governmental agency the term 'employee' shall include any employee of that State, political subdivision, or agency but the term shall not include any individual elected to public office in any State or political subdivision of any State by the qualified voters thereof or any person chosen by such officer to be on such officers' personal staff, or an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government or political subdivision or applicable to an interstate governmental agency."

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d) The last sentence of section 3(m) is amended to read as follows: "In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that the amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply with respect to any tipped employee unless (1) such employee has been informed by the employer of the provisions of this section, and (2) all tips received by such employee have been retained by the employee, except that nothing herein shall prohibit the pooling of tips among employees who customarily and regularly receive tips."

(e) (1) The first sentence of section 3(r) of such Act is amended by inserting after the word "whether", the words "public or private or conducted for profit or not for profit, or whether".

(2) The second sentence of such subsection is amended to read as follows: "For purposes of this subsection, the activities performed by any person in connection with the activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose.".

(f) The first sentence of section 3(s) of such Act is amended by inserting after the words "means an enterprise", the parenthetical clause "(whether public or private or operated for profit or not for profit and including activities of the Government of the United States or of any State or political subdivision of any State)".

(g) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(f) The Secretary is authorized to enter into an agreement with the Librarian of Congress with respect to any individual employed in the Library of Congress, to provide for the carrying out of his functions under this Act with respect to such individuals. Notwithstanding any other provision of this Act, or any other law, the Civil Service Commission is responsible for administering the provisions of this Act with respect to any individual employed by the United States (other than an individual employed in the United States Postal Service and Postal Rate Commission). Nothing in this subsection shall be construed to affect the right of an employee to bring an action for unpaid minimum wages, or unpaid overtime compensation, and liquidated damages under section 16(b) of this Act.".

(h) Section 13(b) of such Act is amended by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon and the word "or" and by adding at the end thereof the following new paragraph:

"(20) any employee employed by the United States (A) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (B) in executive agencies as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (C) in the United States Postal Service and the Postal Rate Commission, (D) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (E) in the Library of Congress; and any employee employed by any State or a political subdivision of any State and any agency or instrumentality thereof or interstate governmental agency."

INCREASE IN MINIMUM WAGE

SEC. 3. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(1) (A) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973,

"(B) not less than $2 an hour during the second year from the effective date of such amendments,

"(C) not less than $2.10 an hour during the third year from the effective date of such amendments,

"(D) not less than $2.20 an hour during the fourth year from the effective date of such amendments, and

"(E) not less than $2.30 an hour thereafter."

(b) Paragraph (5) of section (6)(a) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.70 an hour during the second year from the effective date of such amendments, not less than $1.90 an hour during the third year from the effective date

of such amendments, and not less than $2 an hour thereafter."

(c)(1) Section 6(b) of such Act is repealed.

(2) Subsections (c), (d), and (e) of section 6 of such Act are redesignated as subsections (b), (c), and (d), respectively.

EMPLOYEES IN THE CANAL ZONE

SEC. 4. Section 6(a) of the Fair Labor Standards Act of 1938 is amended by striking out the period at the end of paragraph (5) of such section and inserting in lieu thereof a semicolon and the word "or," and by adding at the end thereof the following new paragraph:

"(6) if such employee is employed in the Canal Zone not less than $1.60 an hour."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. Paragraphs (A) and (B) of section 6(b)(2) of the Fair Labor Standards Act of 1938 (as redesignated by section 3(c)(2) of this Act) are amended to read as follows:

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1973, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B)(i) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A) increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).

"(ii) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by subparagraph (i) of this paragraph increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

PROOF OF AGE REQUIREMENT

SEC. 6. Section 12 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(d) In order to carry out the objectives of this section, the Secretary may by regulations require employers to obtain from any employee proof of age."

CHILD LABOR IN AGRICULTURE

SEC. 7. (a) Section 13(c)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 (relating to child labor) shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parents, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or such person is employed on the same farm.".

(b) Section 13(d) of such Act is amended to read as follows:

"(d) The provisions of sections 6, 7, and 12 shall not apply with respect to any employee engaged in the delivery of newspapers to the consumer, and the provisions of section 12 shall not apply with respect to any such employee when engaged in the delivery to households or consumers of shopping news (including shopping guides, handbills, or other type of advertising material) published by any weekly, semiweekly, or daily newspaper."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTH: SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER EIGHTEEN AND STUDENTS

SEC. 8. Section 14(b) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(b)(1) Subject to paragraph (2) and to such standards and requirements as may be required by the Secretary under paragraph (4), any employer may, in compliance with applicable child labor laws, employ, at the special minimum wage rate prescribed in paragraph (3), any employee—

"(A) to whom the minimum wage rate required by section 6 would apply in such employment but for this subsection, and

"(B) who is under the age of eighteen or is a full-time student.

"(2) No employer may employ, at the special minimum wage rate authorized by this subsection—

"(A) for a period in excess of one hundred and eighty days any employee who is under the age of eighteen and is not a full-time student; or

"(B) for longer than twenty hours per week any employee who is a full-time student, except in any case in which any such student (i) is employed by the educational institution at which he is enrolled, or (ii) is employed during a school vacation in a retail or service establishment or in agriculture.

"(3) The special minimum wage rate authorized by this subsection is a wage rate which is not less than the higher of (A) 85 per centum of the otherwise applicable minimum wage rate prescribed by section 6, or (B) $1.30 an hour in the case of employment in agriculture or $1.60 an hour in the case of other employment, except that a such special minimum wage rate for expenses in Puerto Rico, the Virgin Islands, and American Samoa shall not be less than 85 per centum of the industry wage order rate otherwise applicable to such employees, but in no case shall such special minimum wage rate be less than that provided for under the most recent wage order issued prior to the effective date of the Fair Labor Standards Act of 1973.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

"(5) For purposes of sections 16(b) and 16(c)—

"(A) any employer who employs any employee under this subsection at a wage rate which is less than the minimum wage rate prescribed by paragraph (3) shall be considered to have violated the provisions of section 6 in his employment of the employee, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of the otherwise applicable minimum wage rate under section 6; and

"(B) any employer who employs any employee under this subsection for a period in excess of the period prescribed by paragraph (2) shall be considered to have violated the provisions of section 6 in his employment of the employee during the period in excess of the authorized period."

CIVIL PENALTY FOR CERTAIN LABOR VIOLATIONS

SEC. 9. Section 16 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the people charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be—

"(1) deducted from any sums owing by the United States to the person charged; or

"(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

"(3) ordered by the court, in an action brought under section 17 to restrain violations of section 15(a)(4), to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of such penalty shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary. Sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 2 of an Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes' (48 Stat. 582)."

PENALTIES

SEC. 10. (a) The first three sentences of section 16(c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows:

"The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under sections 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages. The right provided by subsection (b) to bring an action by or on behalf of any employee and of any employee to become a party plaintiff to any such action shall terminate upon the filing of a complaint by the Secretary of Labor in an action under this subsection in which a recovery is sought of unpaid wages or unpaid overtime compensation under sections 6 and 7 or other damages provided by this subsection owing to such employee by an employer liable under the provision of subsection (b), unless such action is dismissed without prejudice on motion of the Secretary."

(b) Section 11 of the Portal-to-Portal Pay Act of 1947 is amended by deleting "(b)" after "section 16".

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. 11. (a)(1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, and any interstate agency, but such term does not include the United States, or a corporation wholly owned by the Government of the United States.".

(2) Section 11(c) of such Act is amended by striking out ", or any agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance".

(3) Section 11(f) of such Act is amended to read as follows:

"(f) The term 'employee' means an individual employed by any employer except that the term 'employee' shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy-making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision.".

(4) Section 16 of such Act is amended by striking figure "$3,000,000", and inserting in lieu thereof, $5,000,000".

(b)(1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, a section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15 (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from non-appropriated funds), in the United States Postal Service and the Postal Rates Commission, in those units in the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriated remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and (appropriate to carry out its responsibilities under this section). The Civil Service Commission shall—

(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit;

(2) "consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age; and

(3) provide for the acceptance and processing of complaints of discrimination in Federal employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions of the Civil Service Commission which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age in a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any Federal district court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law.".

EXEMPTION REVIEW

SEC. 12. The Secretary of Labor is hereby instructed to commence immediately a comprehensive review of the exemptions under section 13 of the Fair Labor Standards Act of 1938 and submit to the Congress not later than three years after the date of enactment of this Act a report containing: (1) an analysis of the reasons why each exemption was established; (2) an evaluation of the need for each exemption in light of current economic conditions, including an analysis of the economic impact its removal would have on the affected industry; and (3) recommendations with regard to whether each exemption should be continued, removed, or modified.

SEC. 13. (a) The Secretary shall contract for a study to determine the extent, if any, of the impact on employment of the increase in minimum wages prescribed pursuant to the amendment made to the Fair Labor Standards Act of 1938 by each of sections 3 and 5 of this Act, and to develop statistical information and techniques designed to predict the probable impact, if any, on employment of future increases in minimum wages. Each such study shall contain statistical information with respect to such impact on categories of employment and unemployment including but not limited to age, sex, occupation, education, ethnic origin, size, and business of employer, and geographic area, including Puerto Rico, the Virgin Islands, and the Panama Canal Zone.

(b) The Secretary shall prepare and furnish the Congress on an annual basis, beginning nine months after the effective date of the Fair Labor Standards amendments of 1973, with reports on the interim findings of each such study, and with a final report on the findings of each such study within twenty-one months after the highest minimum wage rate prescribed by each of said sections shall have become effective.

(c) Ninety days prior to the effective date of each increase in minimum wages prescribed pursuant to the amendments made to the Fair Labor Standards Act of 1938 by sections 3 and 5 of this Act, the Secretary shall provide the Congress with an employment impact statement establishing category of employment of each such prospective increase, together with a summary of the basis for each statement.

TECHNICAL AMENDMENTS

SEC. 14. (a) Section 6(c)(2)(C) of the Fair Labor Standards Act of 1938 is amended by substituting "1973" for "1966".

(b)(1) Section 6(c)(3) of such Act is repealed.

(2) Section 6(c)(4) of such Act is redesignated as 6c(3).

(c)(1) Section 7(a)(1) of such Act is redesignated as 7(a).

(2) Section 7(a)(2) of such Act is repealed.

(d) Section 14(c) of such Act is repealed and section 14(d) is redesignated as 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7(a)".

EFFECTIVE DATE

SEC. 15. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

SECTION-BY-SECTION ANALYSIS OF S. 2727

SECTION 2

Amends section 3(d) and 3(e) of the Fair Labor Standards Act to include under the definitions of "employer" and "employee" the United States and any state or political subdiivsion of a state. This would extend minimum wage coverage to an estimated 5 million federal, state and local government employees (1.7 million federal, 3.3 million state and local government). Military personnel, professional, executive and administrative personnel, employees in non-competitive positions, and volunteer-type employees, such as Peace Corps and Vista, would not be included in the extension of coverage, nor would elected officials or their personal staff. (Conforms with S. 1861, except that minimum wage coverage only—not overtime—is extended to such employees.)

Also amends section 3(m), under which tips, up to 50 percent of the applicable minimum wage rate, may be included for purposes of computing wages paid employees. New requirement added, that in order for employer to qualify for tip credit, employees must be informed of the law, and must actually retain all tips received. (Conforms with section 2(d) of S. 1661.)

SECTION 3

Amends section 6(a)(1) of the Fair Labor Standards Act to raise the minimum wage for non-agricultural employees to $2.30 an hour in five steps over a four-year period. The minimum wage would be raised to $1.80 an hour on the effective date of these amendments (60 days after enactment); to $2.00 an hour one year later; to $2.10 two years after the effective date; to $2.20 three years after the effective date, and to $2.30 four years after the effective date. These increases would apply equally to all non-agricultural

employees within the coverage of the Act, regardless of when they were first covered.

Amends section 6(a)(5) of the Act to raise the minimum wage for agricultural employees to $1.50 an hour during the first year after the effective date of these amendments, $1.70 an hour during the second year, $1.90 an hour during the third year, and $2.00 an hour thereafter.

SECTION 4

Amends section 6(a) of the Fair Labor Standards Act to retain the present minimum wage of $1.60 an hour for employees in the Canal Zone.

SECTION 5

Amends section 6(c) of the Fair Labor Standards Act to raise the minimum wage in Puerto Rico and the Virgin Islands by three 12½ percent increases over the most recent wage order rate, the first increase to be effective either 60 days after enactment of the bill or one year after the effective date of the most recent wage order, whichever is later. The second increase would be effective one year after the first; the third increase would be effective one year after the second.

SECTION 6

Amends section 12 of the Fair Labor Standards Act to authorize the Secretary of Labor to require employers to obtain proof of age from any employee. This would facilitate enforcement of the child labor provisions of the Act. (Conforms with section 5 of S. 1861.)

SECTION 7

Amends section 13(c)(1) of the Fair Labor Standards Act, which relates to child labor in agriculture, to prohibit employment of children under 12 except on farms owned or operated by parents; and to prohibit employment of children aged 12 and 13 except with written consent of their parents, or on farms where their parents are employed. (Conforms with section 6(c) of S. 1861.)

Amends section 13(d) of the Act to extend the existing child labor exemption for newsboys delivering daily newspapers to newsboys delivering advertising materials published by weekly and semi-weekly newspapers. Does not create a new minimum wage or overtime exemption.

SECTION 8

Amends section 14(b) of the Fair Labor Standards Act to establish a special minimum wage rate for youth under 18 and full-time students of 85 percent of the applicable minimum wage of $1.60 an hour ($1.30 an hour for agricultural employment), whichever is higher. The special minimum wage for the same employees in Puerto Rico, the Virgin Islands, and American Samoa would be 85 percent of the industry wage order rate applicable to them, but not less than the rate in effect immediately prior to the effective date of the Fair Labor Standards Amendments of 1973.

Non-students under 18 would qualify for the "Youth differential" rate only during their first 6 months on a job. Full-time students would qualify for the differential rate (a) while employed at the educational institution they are attending; or (b) while employed part-time (not in excess of 20 hours per week) at any job, except that they could work full-time during school vacations at jobs in retail-service industries or agriculture.

The existing requirement in the Act that employers receive Labor Department certification prior to employment of youth at the special minimum rate would be removed. The Secretary of Labor would be required to issue regulations insuring against displacement of adult workers. Employers violating the terms of the youth differential provision would be subject to existing civil and criminal penalty provisions of the Act.

SECTION 9

Amends section 16 of the Fair Labor Standards Act to provide for a civil penalty of up to $1,000 for each violation of the child labor provisions of section 12 of the Act. (Conforms with section 9 of S. 1861.)

SECTION 10

Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of law that have not been finally settled by the courts. (Conforms with section 8(b) of S. 1861.)

SECTION 11

Amends the Age Discrimination in Employment Act of 1967 (P.L. 90–202) to extend its coverage to federal, state and local government employees. (Conforms with section 12 of S. 1861.)

SECTION 12

Requires the Secretary of Labor to undertake a comprehensive review of the minimum wage and overtime exemptions under section 13 of the Fair Labor Standards Act and to submit to Congress within three years a report containing recommendations as to whether each exemption should be continued, removed or modified.

SECTION 13

Directs the Secretary of Labor to contract for a study estimating the impact which the minimum wage increases provided for in this bill will have on employment among various categories of workers. The study will also develop the methodology necessary to predict the employment effects of future minimum wage increases.

SECTION 14

Technical amendments.

SECTION 15

Provides that the amendments made by this Act would become effective sixty days after enactment, and authorizes Secretary of Labor to promulgate regulations necessary to carry out such amendments.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 2727 (DOMINICK-TAFT BILL) AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES ON JAN. 1, 1974[1]

Coverage status and proposed minimum wage rate	Employees paid less than proposed rate		Annual wage bill increase		Total number of employees (thousands)	Projected annual wage bill (millions)
	Number (thousands)	Percent	Amount (millions)	Percent		
Total, all nonsupervisory employees subject to the minimum wage	1,965	3.8	$539	0.1	51,980	$383,890
Employees presently subject to the minimum wage	1,894	4.0	489	.1	46,950	341,549
Employees subject to the minimum wage prior to 1966 amendments to $1.80	636	1.8	157	.1	35,159	276,531
Employees subject to the minimum wage as a result of 1966 amendments	1,258	10.7	332	.5	11,791	65,018
Federal employees—wage board and nonappropriated fund to $1.80	30	4.7	7	.1	636	5,462
State and local government to $1.80	286	10.2	70	.5	2,817	14,896
Other private nonfarm employees to $1.80	878	11.2	241	.6	7,853	43,058
Farmworkers to $1.50	64	13.2	14	.9	485	1,602
Employees subject to the minimum wage as a result of 1973 amendments	71	1.4	50	.1	5,030	42,341
Federal employees to $1.80					1,697	15,625
State and local government to $1.80	71	2.1	50	.2	3,333	26,716

[1] Estimates are based on employment in September 1972 and earnings levels projected to Jan. 1, 1974, assuming an annual increase of 5 percent. For tipped employees, earnings include cash wages plus an allowance of 50 percent of the applicable minimum wage for tips. Estimates exclude changes proposed for employees in Puerto Rico and the Virgin Islands.

Source: Employment Standards Administration, Nov. 15, 1973.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 2727 (DOMINICK-TAFT BILL) AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES ON JAN. 1, 1974[1]

Coverage status and proposed minimum wage rate	Employees paid less than proposed rate		Annual wage bill increase		Total number of employees (thousands)	Projected annual wage bill (millions)
	Number (thousands)	Percent	Amount (millions)	Percent		
Total, all nonsupervisory employees subject to the minimum wage	2,890	5.6	$920	0.2	51,980	$403,333
Employees presently subject to the minimum wage	2,787	5.9	886	.2	46,950	358,839
Employees subject to the minimum wage prior to 1966 amendments to $2	1,027	2.9	324	.1	35,159	390,405
Employees subject to the minimum wage as a result of 1966 amendments	1,760	14.9	562	.8	11,791	68,434
Federal employees—wage board and nonappropriated fund to $2	40	6.3	12	.2	636	5,739
State and local government to $2	394	14.0	116	.7	2,817	15,674
Other private nonfarm employees to $2	1,235	15.7	411	.9	7,853	45,331
Farmworkers to $1.70	91	18.8	23	1.4	485	1,690
Employees subject to the minimum wage as a result of 1973 amendments	103	2.0	34	.1	5,030	44,494
Federal employees to $2					1,697	16,406
State and local government to $2	103	3.1	34	.1	3,333	28,088

[1] Estimates are based on employment in September 1972 and earnings levels projected to Jan. 1, 1975, assuming an annual increase of 5 percent. For tipped employees, earnings include cash wages plus an allowance of 50 percent of the applicable wage for tips. Estimates exclude changes proposed for employees in Puerto Rico and the Virgin Islands.

Source: Employment Standards Administration, Nov. 15, 1973.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 2727 (DOMINICK-TAFT BILL) AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES ON JAN. 1, 1976 [1]

Coverage status and proposed minimum wage rate	Employees paid less than proposed rate: Number (thousands)	Employees paid less than proposed rate: Percent	Annual wage bill increase: Amount (millions)	Annual wage bill increase: Percent	Total number of employees (thousands)	Projected annual wage bill (millions)
Total, all nonsupervisory employees subject to the minimum wage	2,917	5.6	$574	0.1	51,980	$423,975
Employees presently subject to the minimum wage	2,814	6.0	553	.1	46,950	377,240
Employees subject to the minimum wage prior to 1966 amendments to $2.10	1,027	2.9	205	.1	35,159	305,075
Employees subject to the minimum wage as a result of 1966 amendments	1,787	15.2	348	.5	11,791	72,165
Federal employees—wage board and nonappropriated fund to $2.10	40	6.3	7	.1	636	6,033
State and local government to $2.10	394	14.0	67	.4	2,817	16,523
Other private nonfarm employees to $2.10	1,235	15.7	243	.5	7,853	47,821
Farmworkers to $1.90	118	24.3	31	1.7	485	1,788
Employees subject to the minimum wage as a result of 1973 amendments	103	2.0	21	(2)	5,030	46,735
Federal employees to $2.10					1,697	17,227
State and local government to $2.10	103	3.1	21	.1	3,333	29,508

[1] Estimates are based on employment in September 1972 and earnings levels projected to Jan. 1, 1976, assuming an annual increase of 5 percent. For tipped employees, earnings include cash wages plus an allowance of 50 percent of the applicable minimum wage for tips. Estimates exclude changes proposed for employees in Puerto Rico and the Virgin Islands.

[2] Less than 0.05 percent.

Source: Employment Standards Administration, Nov. 15, 1973.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 2727 (DOMINICK-TAFT BILL) AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES ON JAN. 1, 1974 [1]

Coverage status and proposed minimum wage rate	Employees paid less than proposed rate: Number (thousands)	Employees paid less than proposed rate: Percent	Annual wage bill increase: Amount (millions)	Annual wage bill increase: Percent	Total number of employees (thousands)	Projected annual wage bill (millions)
Total, all nonsupervisory employees subject to the minimum wage	2,918	5.6	$561	0.1	51,980	$445,227
Employees presently subject to the minimum wage	2,815	6.0	540	.1	46,950	396,156
Employees subject to the minimum wage prior to 1966 amendments to $2.20	1,027	2.9	205	.1	35,159	320,337
Employees subject to the minimum wage as a result of 1966 amendments	1,788	15.2	335	.4	11,791	75,819
Federal employees—wage board and nonappropriated fund to $2.20	40	6.3	7	.1	636	6,335
State and local government to $2.20	394	14.0	67	.4	2,817	17,355
Other private nonfarm employees to $2.20	1,235	15.7	243	.5	7,853	50,235
Farmworkers to $2	119	24.5	18	1.0	485	1,894
Employees subject to the minimum wage as a result of 1973 amendments	103	2.0	21	(2)	5,030	49,071
Federal employees to $2.20					1,697	18,088
State and local government to $2.20	103	3.1	21	.1	3,333	30,983

[1] Estimates are based on employment in September 1972 and earnings levels projected to Jan. 1, 1977, assuming an annual increase of 5 percent. For tipped employees, earnings include cash wages plus an allowance of 50 percent of the applicable minimum wage for tips. Estimates exclude changes proposed for employees in Puerto Rico and the Virgin Islands.

[2] Less than 0.05 percent.

Source: Employment Standards Administration, Nov. 15, 1973.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 2727 (DOMINICK-TAFT BILL) AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES ON JAN. 1, 1978 [1]

Coverage status and proposed minimum wage rate	Employees paid less than proposed rate: Number (thousands)	Employees paid less than proposed rate: Percent	Annual wage bill increase: Amount (millions)	Annual wage bill increase: Percent	Total number of employees (thousands)	Projected annual wage bill (millions)
Total, all nonsupervisory employees subject to the minimum wage	2,799	5.4	$543	0.1	51,980	$467,489
Employees presently subject to the minimum wage	2,696	5.7	522	.1	46,950	415,966
Employees subject to the minimum wage prior to 1966 amendments to $2.30	1,027	2.9	205	.1	35,159	336,349
Employees subject to the minimum wage as a result of 1966 amendments	1,669	14.2	317	.4	11,791	79,617
Federal employees—wage board and nonappropriated fund to $2.30	40	6.3	7	.1	636	6,652
State and local government to $2.30	394	14.0	67	.4	2,817	18,223
Other private nonfarm employees to $2.30	1,135	15.7	243	.5	7,853	52,750
Farmworkers at $2 since Jan. 1, 1977					485	1,992
Employees subject to the minimum wage as a result of 1973 amendments	103	2.0	21	(2)	5,030	51,523
Federal employees to $2.30					1,697	18,992
State and local government to $2.30	103	3.1	21	.1	3,333	32,531

[1] Estimates are based on employment in September 1972 and earnings levels projected to January 1, 1978, assuming an annual increase of 5 percent. For tipped employees, earnings include cash wages plus an allowance of 50 percent of the applicable minimum wage for tips. Estimates exclude changes proposed for employees in Puerto Rico and the Virgin Islands.

[2] Less than 0.05 percent.

Source: Employment Standards Administration, Nov. 15, 1973.

MINIMUM WAGE PROPOSALS

WAGE RATES (92D CONGRESS)

Erlenborn-Quie (H.R. 7130):
- Nonagriculture pre 1966: $1.80; $2.00.
- 1966: $1.70; $1.80; $2.00 (2 yrs later).
- Agriculture: $1.50; $1.70.

Williams-Javits (S. 1861):
- Nonagriculture pre 1966: $2.00; $2.20 (2 yrs later).
- 1966: $1.80; $2.00; $2.20 (2 yrs later).
- Agriculture: $1.60; $1.80; $2.00; $2.20.

Dominick-Taft (A.M. No. 1204):
- Nonagriculture pre 1966: $1.80; $2.00.
- 1966: $1.70; $1.80; $2.00.
- Agriculture: $1.50; $1.70.

WAGE RATES (93D CONGRESS)

	1973	1974	1975	1976	1977
Administration:					
Nonagriculture pre:					
1966	$1.90	$2.10	$2.20	$2.30	------
1966	1.80	2.00	2.10	2.20	$2.30
Agriculture	1.50	1.70	1.85	2.00	------
Vetoed bill (H.R. 7935):					
Nonagriculture pre:					
1966	2.00	2.20	------	------	------
1966	1.80	2.00	2.20	------	------
Agriculture	1.60	1.80	2.00	2.20	------
Dominick-Taft (S. 2727):					
Nonagriculture pre:					
1966	1.80	2.00	2.10	2.20	2.30
1966	1.80	2.00	2.10	2.20	2.30
Agriculture	1.50	1.70	1.90	2.00	------

WAGE RATES (92D CONGRESS)

	1973	1974	1975	1976	1977
Erlenborn (H.R. 7130):					
Nonagriculture pre 1966	$1.80; $2.00.				
1966	$1.70; $1.80; $2.00 (2 yr later).				
Agriculture	$1.50; $1.70.				
Williams-Javits (S. 1861):					
Nonagriculture pre 1966	$2.00; $2.00 (2 yr later).				
1966	$1.80; $2.00; $2.20 (2 yr later).				
Agriculture	$1.60; $1.80; $2.00; $2.20.				
Dominick-Taft (AM. No. 1204):					
Nonagriculture pre 1966	$1.80; $2.00.				
1966	$1.70; $1.80; $2.00.				
Agriculture	$1.50; $1.70.				

WAGE RATES (93D CONGRESS)

	1973	1974	1975	1976	1977
Administration:					
Nonagriculture pre:					
1966	$1.90	$2.10	$2.20	$2.30	------
1966	1.80	2.00	2.10	2.20	$2.30
Agriculture	1.50	1.70	1.85	2.00	------
Vetoed bill (H.R. 7935):					
Nonagriculture pre:					
1966	$2.00	$2.20	------	------	------
1966	1.80	2.00	$2.20	------	------
Agriculture	1.60	1.80	2.00	$2.20	------
Dominick-Taft (S. 2727):					
Nonagriculture pre:					
1966	1.80	2.00	2.10	2.20	$2.30
1966	1.80	2.00	2.10	2.20	2.30
Agriculture	1.50	1.70	1.90	2.00	------

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

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

The ACTING PRESIDENT pro tempore. On whose time?

Mr. TOWER. Mr. President, I withdraw that.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. On whose time?

Mr. HOLLINGS. 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.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

FAIR LABOR STANDARDS ACT AMENDMENTS OF 1973

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate S. 2727, for its second reading.

The bill was read the second time, as follows:

A bill (S. 2727) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

Mr. DOMINICK. Mr. President, I object to any further consideration of the bill.

The ACTING PRESIDENT pro tempore. Under rule XIV, paragraph 4, the bill will be placed on the calendar.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. HOLLINGS. 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. MANSFIELD. 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.

Is there further morning business?

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive N (93d Cong., 1st sess.) and Executive Q (93d Cong., 1st sess.).

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

PROTOCOL AMENDING THE 1928 CONVENTION ON INTERNATIONAL EXPOSITIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive N, 93d Congress, first session.

There being no objection, the Senate, as in committee of the whole, proceeded to consider Executive N, 93d Congress, first session, the protocol amending the 1928 Convention on International Expositions, which was read the second time, as follows:

[Translation]

PROTOCOL AMENDING THE CONVENTION SIGNED AT PARIS ON NOVEMBER 22, 1928, CONCERNING INTERNATIONAL EXPOSITIONS

The Parties to this Convention,

Considering that the rules and procedures established by the Convention concerning international expositions, which was signed at Paris on November 22, 1928, as amended and supplemented by the Protocols of May 10, 1948 and November 16, 1966, have proved useful and necessary for the organizers of such expositions and for the participating States;

Desiring to adapt to the conditions of modern endeavor the aforesaid rules and procedures, as well as those concerning the organization responsible for their application, and to bring together those provisions in a single instrument replacing the 1928 Convention;

Have agreed as follows:

ARTICLE I

The purpose of this Protocol is:

(a) To amend the rules and procedures relating to international expositions;

(b) To amend the provisions concerning the activities of the International Expositions Bureau.

AMENDMENT—ARTICLE II

The 1928 Convention is again amended by this Protocol in accordance with the objectives set forth in Article I. The text of the Convention thus amended is contained in the Appendix to this Protocol of which it constitutes an integral part.

ARTICLE III

(1) This Protocol shall be open for signature by the Parties to the 1928 Convention, at Paris, from November 30, 1972, to November 30, 1973, and shall remain open thereafter for accession by those Parties.

(2) The Parties to the 1928 Convention may become Parties to this Protocol by:

(a) Signature without reservation of ratification, acceptance, or approval;

(b) Signature with reservation of ratification, acceptance, or approval, followed by ratification, acceptance, or approval;

(c) Accession.

(3) Instruments of ratifiation, acceptance, approval, or accession shall be deposited with the Government of the French Republic.

ARTICLE IV

This Protocol shall enter into force on the date on which 29 States have become Parties hereto as provided in Article III.

ARTICLE V

The provisions of this Protocol shall not apply to the registration of an exposition for which a date has already been approved by the International Expositions Bureau up to and including the meeting of the Administrative Council immediately preceding the entry into force of this Protocol, in accordance with Article IV hereinabove.

ARTICLE VI

The Government of the French Republic shall notify the Governments of the Contracting Parties and the International Expositions Bureau of:

(a) Signatures, ratifications, approvals, acceptances, and accessions in accordance with Article III;

(b) The date on which this Protocol shall enter into force in accordance with Article IV.

ARTICLE VII

Upon the entry into force of this Protocol, the Government of the French Republic shall have it registered with the United Nations Secretariat, pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized for that purpose, have signed this Protocol.

DONE at Paris, November 30, 1972, in the French language in a single original that shall be kept in the archives of the Government of the French Republic, which shall issue certified copies to the Governments of all the Parties to the 1928 Convention.

APPENDIX

Convention concerning International Expositions, signed at Paris on November 22, 1928, amended and supplemented by the Protocols of May 10, 1948, November 16, 1966, and November 30, 1972.

SECTION I

Definitions and purposes

Article 1

(1) An exposition is an event which, whatever its title, has as its principal purpose the education of the public by taking stock of the means available to man for meeting the needs of civilization and demonstrating the progress achieved in one or more branches of human endeavor or the prospects for the future.

(2) An exposition is international when more than one State participates therein.

(3) The participants in an international exposition are, on the one hand, exhibitors of States officially represented grouped in national sections and, on the other hand, international organizations or exhibitors who are nationals of States not officially represented, and, lastly, those who are authorized under the regulations of the exposition to engage in another activity, in particular concessionaires.

Article 2

This Convention shall apply to all international expositions except:

(a) Expositions having a duration of less than three weeks;

(b) Fine arts expositions;
(c) Essentially commercial expositions.

Article 3

(1) Regardless of the title that may be given to an exposition by its organizers, this Convention makes a distinction between universal expositions and specialized expositions.

(2) An exposition is universal when it takes stock of the means employed and the progress achieved or to be achieved in several branches of human endeavor, as defined in the classification provided for in Article 30(2)(a) of this Convention.

(3) An exposition is specialized when it is devoted to only one branch of human endeavor, as that branch is defined in the classification.

SECTION II

Duration and frequency of expositions

Article 4

(1) The duration of an exposition shall not exceed six months.

(2) The opening and closing dates of an exposition shall be fixed at the time of its registration and may not be changed except in case of *force majeure* and with the consent of the International Expositions Bureau (hereinafter called the Bureau) referred to in Section V of this Convention. Nevertheless, the total duration of the exposition shall not exceed six months.

Article 5

(1) The frequency of the expositions to which this Convention applies shall be regulated as follows:

(a) In the same State, a minimum interval of 20 years must elapse between two universal expositions; a minimum interval of five years must elapse between a universal exposition and a specialized exposition;

(b) In different States, a minimum interval of 10 years must elapse between two universal expositions;

(c) In the same State, a minimum interval of 10 years must elapse between specialized expositions of the same kind; a minimum interval of five years must elapse between two specialized compositions of a different kind;

(d) In different States, a minimum interval of five years must elapse between two specialized expositions of the same kind; a minimum interval of two years must elpase between two specialized expositions of a different kind.

(2) Notwithstanding the provisions of paragraph (1) above, the Bureau may, in exceptional circumstances and under the conditions set forth in Article 28(3)(f), shorten the aforementioned intervals for the benefit of specialized expositions, on the one hand, and to a minimum of seven years for the benefit of universal expositions held in different States, on the other hand.

(3) The intervals that must be elapse between registered expositions shall run from the opening date of the expositions.

SECTION III

Registration

Article 6

(1) The Government of a Contracting Party in whose territory it is proposed to hold an exposition (hereinafter called the inviting Government) must send the Bureau an application for its registration, stating the legislative, regulatory, or financial measures that it plans to take in connection with the exposition. The Government of a non-Contracting State desiring to obtain registration of an exposition may also apply to the Bureau, provided that it undertakes to comply, for the exposition, with the provisions of Sections I, II, III, and IV of this Convention and the regulations issued for their implementation.

(2) Application for registration must be made by the Government responsible for the international relations of the place where the proposed exposition is to be held (hereinafter called the inviting Government), even if that Government is not the organizer of the exposition.

(3) The Bureau shall establish in its mandatory regulations the maximum time limit for setting the date of an exposition and the minimum time limit for filing an application for registration; it shall stipulate the documents that must accompany an application. It may also fix by mandatory regulations the amount of the contributions required to cover the cost of examining the application.

(4) Registration shall be granted only if the exposition meets the conditions laid down in this Convention and the regulations issued by the Bureau.

Article 7

(1) When two or more States are competing for registration of an exposition and do not succeed in agreeing among themselves, they shall refer the matter to the General Assembly of the Bureau, which shall decide taking into account the considerations submitted and particularly special reasons of a historic or moral nature, the period that has elapsed since the last exposition, and the number of events already held by the competing States.

(2) Except in exceptional circumstances, the Bureau shall give preference to an exposition to be held in the territory of a Contracting Party.

Article 8

Except as provided for in Article 4(2), a State that has obtained registration of an exposition shall forfeit the rights inherent in such registration if it changes the date by which it stated it would abide. If it intends to organize the exposition at another date, it must file a new application and, if applicable, comply with the procedure established in Article 7, which any competition entails.

Article 9

(1) The Contracting Parties shall withhold their participation and sponsorship, as well as any subsidies, from any exposition that has not been registered.

(2) The Contracting Parties are entirely free not to participate in a registered exposition.

(3) Each Contracting Party will take whatever measures appear to be most appropriate under its own laws to proceed against the promoters of fictitious expositions or expositions to which participants may be fraudulently attracted by misleading promises, announcements, or advertising.

SECTION IV

Obligations of organizers of registered expositions and of participating States

Article 10

(1) The inviting Government shall ensure compliance with the provisions of this Convention and the regulations issued for its implementation.

(2) If that Government itself does not organize the exposition, the juristic person organizing it must be officially recognized for that purpose by the Government, which shall guarantee the fulfillment of the obligations of the juristic person.

Article 11

(1) All invitations to participate in an exposition, whether addressed to Contracting Parties or to non-member States, must be sent through the diplomatic channel by only the Government of the inviting State to only the Government of the invited State, on its own behalf and on behalf of the other natural or juristic persons under its jurisdiction. The replies shall be sent via the same channel to the inviting Government, as well as the expression of desire to participate by uninvited natural or juristic persons. Invitations shall be issued bearing in mind the time limits stipulated by the Bureau. Invitations to international organizations shall be sent direct to them.

(2) No Contracting Party may organize or sponsor participating in an international exposition if the aforesaid invitations have not been sent in accordance with the provisions of this Convention.

(3) The Contracting Parties undertake not to issue or accept any invitation to participate in an exposition, whether or not it is to be held in the territory of a Contracting Party or that of a non-member State, if the invitation does not refer to the registration granted in accordance with the provisions of this Convention.

(4) Any Contracting Party may require the organizers to refrain from sending it invitations other than the one intended for it. It may also refrain from forwarding invitations or the expression of desire to participate by uninvited natural or juristic persons.

Article 12

The inviting Government shall appoint a Commissioner General of the exposition to represent it for all purposes of this Convention and in all matters concerning the exposition.

Article 13

The Government of any State participating in an exposition shall appoint a Section Commissioner General to serve as its representative to the inviting Government. The Section Commissioner General alone shall be responsible for the organization of his national display. He shall inform the Commissioner General of the exposition of the composition of that display and see that the rights and obligations of exhibitors are respected.

Article 14

(1) In the event that universal expositions include national pavilions, all the participating Governments shall build their pavilions at their own expense. Nonetheless, with the prior approval of the Bureau, the organizers of universal expositions may, as an exception, construct sites for rental to Governments that are not able to build national pavilions.

(2) In the case of specialized expositions, the construction of the buildings shall be incumbent on the organizers.

Article 15

In a universal exposition, no rent or fixed fee may be charged by the inviting Government, the local authorities, or the exposition organizers for space allotted to participating Governments (except for rental for sites built under the exception provided for in Art. 14(1)). If a real-property tax is payable under the law of the inviting State, it shall be borne by the organizers. Payment may be made only for services actually rendered in application of the regulations approved by the Bureau.

Article 16

The customs regime of expositions is fixed in the Annex to this Convention, of which the Annex is an integral part.

Article 17

Only those sections in an exposition that are established under the authority of Commissioners General appointed as provided in Article 13 by the Governments of the participating States shall be considered national sections and may therefore be designated as such. A national section shall comprise all the exhibitors of the State concerned, but not the concessionaires.

Article 18

(1) In an exposition no geographical designation relating to a Contracting Party may be used to designate a participant or group of participants except with the authorization of the Section Commissioner General representing the Government of the aforesaid Party.

(2) If a Contracting Party does not participate in an exposition, the Commissioner General of that exposition shall ensure compliance with the protection referred to in the preceding paragraph insofar as that Contracting Party is concerned.

Article 19

(1) Products displayed in the national section of a participating State must bear a close relationship to that State (for example, articles originating in its territory or products created by its nationals).

(2) However, with the consent of the Commissioners General of the other States involved, other articles or products may be included provided that they only serve to supplement the display.

(3) In the event of a dispute between participating States in the cases provided for in paragraphs (1) and (2), it shall be arbitrated by the Section Commissioners General acting as a body, by decision of the majority of Commissioners present. The decision shall be final.

Article 20

(1) Except as otherwise provided in the laws of the inviting State, no monopolies of any kind whatsoever shall be granted unless, in the case of public utilities, permission is granted by the Bureau at the time of registration. In that case, the organizers must undertake to:

(a) Indicate the existence of the monopoly or monopolies in the general exposition regulations and the participation contract;

(b) Ensure that participants are allowed to use the monopoly utilities under the conditions customarily applied in the State;

(c) In no case, to limit the powers of the Commissioners General in their respective sections.

(2) The Commissioner General of the exposition shall take all steps to ensure that the rates charged the participating States are no higher than those charged the exposition organizers and in any event that they are no higher than the normal rates for the locality.

Article 21

The Commissioner General of the exposition shall take all possible steps to ensure the efficient operation of the public utility services inside the exposition.

Article 22

The inviting Government shall endeavor to facilitate the organization of the participation of States and their nationals, particularly with respect to transportation rates and conditions for the admission of persons and goods.

Article 23

(1) The general regulations of an exposition must indicate whether, independently of the certificates of participation which may be accorded, awards will or will not be granted to participants. In cases where awards are provided for, they may be limited to certain categories.

(2) Before the opening of an exposition, any participant may declare that it does not wish to receive awards.

Article 24

The International Expositions Bureau referred to in the next Section may establish regulations setting the general conditions for the composition and operation of juries and determining the method of granting awards.

SECTION V

Institutional provisions

Article 25

(1) An international organization, called the International Expositions Bureau is hereby created for the purpose of ensuring and providing for the application of this Convention. Its members shall be the Governments of the Contracting Parties. The headquarters of the Bureau shall be at Paris.

(2) The Bureau shall have legal personality, in particular the ability to conclude contracts, to buy and sell movable and real property, as well as to be a party to legal proceedings.

(3) The Bureau shall be competent to conclude agreements, in particular in the matter of privileges and immunities with States and international organizations for the performance of the duties assigned to it under this Convention.

(4) The Bureau shall consist of a general assembly, a president, an executive committee, specialized committees, as many vice presidents as there are committees, and a secretariat placed under the authority of a secretary general.

Article 26

The General Assembly of the Bureau shall be composed of delegates appointed by the Governments of the Contracting Parties, each Party having the right to appoint one to three delegates.

Article 27

The General Assembly shall hold regular sessions and may also hold special sessions. It shall rule on all questions that this Convention places under the jurisdiction of the Bureau, of which it is the highest authority, and, in particular:

(a) It shall discuss, adopt, and publish regulations governing the registration, classification, and organization of international expositions and the operation of the Bureau.

Within the limits of the provisions of this Convention, it may establish mandatory regulations. It may also establish model regulations that shall serve as guidelines for the organization of expositions;

(b) It shall prepare the budget, and audit and approve the accounts of the Bureau;

(c) It shall approve the reports of the Secretary General;

(d) It shall establish any committees that it considers appropriate, choose the members of the Executive Committee and the other committees, and establish the length of their term of office;

(e) It shall approve any draft international agreement referred to in Article 25(3) of this Convention;

(f) It shall adopt the draft amendments referred to in Article 33;

(g) It shall appoint the Secretary General

Article 28

(1) The Government of each Contracting Party, whatever the number of its delegates, shall have one vote in the General Assembly. However, its voting right shall be suspended if the total amount of contributions owed by it under Article 32 hereof exceeds the total amount of its contributions for the current year and the preceding year.

(2) The General Assembly shall be considered to have a quorum when the number of delegations present at the meeting and entitled to vote is at least two-thirds the number of Contracting Parties entitled to vote. If that quorum is not reached, the General Assembly shall be reconvened to consider the same agenda no less than one month later. In such case, the required quorum shall be lowered to one-half the number of Contracting Parties entitled to vote.

(3) Decisions shall require a majority of the delegations present and voting. However, in the following cases a two-thirds majority shall be required:

(a) Adoption of draft amendments to this Convention;

(b) Establishment and amendment of the regulations;

(c) Adoption of the budget and approval of the amount of the annual contributions of the Contracting Parties;

(d) Authorization to change the opening or closing dates of an exposition as provided in Article 4 hereinabove;

(e) Registration of an exposition in the territory of a non-member State in the event of competition with an exposition in the territory of a Contracting Party;

(f) Reduction of the intervals specified in Article 5 of this Convention;

(g) Acceptance of reservations relating to an amendment presented by a Contracting Party, such amendment to be adopted, in accordance with Article 33, by a four-fifths majority or unanimously, as the case may be;

(h) Approval of any draft international agreement;

(i) Appointment of the Secretary General.

Article 29

(1) The President shall be elected by the General Assembly by secret ballot for a term of two years from among the delegates of the Governments of the Contracting Parties, but he shall no longer represent the State of which he is a national during his term of office. He may be re-elected.

(2) The President shall call and chair the meetings of the General Assembly and shall ensure the proper operation of the Bureau. In his absence, his duties shall be performed by the Vice President who is serving as chairman of the Executive Committee or, in the latter's absence, by one of the other Vice Presidents, in the order of their election.

(3) The Vice Presidents shall be elected from among the delegates of the Governments of the Contracting Parties by the General Assembly, which shall determine the nature and term of their service and, in particular, specify the committee to be headed by them.

Article 30

(1) The Executive Committee shall be composed of the delegates of the Governments of 12 Contracting Parties, each Government having one delegate.

(2) The Executive Committee shall:

(a) Prepare and keep up to date a classification of the human endeavors that may be included in an exposition;

(b) Consider all applications for the registration of an exposition and submit them, with its opinion, to the General Assembly for approval;

(c) Perform the tasks assigned to it by the General Assembly;

(d) It may request the opinion of the other committees.

Article 31

(1) The Secretary General, chosen in accordance with Article 28 of this Convention, must be a national of one of the Contracting Parties.

(2) The Secretary General shall be responsible for managing the day-to-day affairs of the Bureau in accordance with the instructions of the General Assembly and the Executive Committee. He shall prepare the draft budget, submit the accounts, and report to the General Assembly on his activities. He shall represent the Bureau, in particular in legal matters.

(3) The General Assembly shall determine the other duties and obligations of the Secretary General, as well as his status.

Article 32

The annual budget of the Bureau shall be fixed by the General Assembly as provided in Article 28(3). It shall take into account the financial reserves of the Bureau and receipts of all kinds as well as the debit and credit balances shown in previous years. The expenditures of the Bureau shall be covered by those sources and by the contributions of the Contracting Parties in accordance with the number of shares assigned to each of them pursuant to the decisions of the General Assembly.

Article 33

(1) Any Contracting Party may propose a draft amendment to this Convention. The text of the aforesaid draft and the reasons for it shall be addressed to the Secretary General who shall communicate them, as soon as possible, to the other Contracting Parties.

(2) The proposed draft amendment shall be included on the agenda of the regular session or a special session of the General Assembly that shall be held at least three months after the date of its transmittal by the Secretary General.

(3) Any draft amendment adopted by the General Assembly under the conditions prescribed in the preceding paragraph and in Article 28 shall be submitted by the Government of the French Republic to all the Contracting Parties for acceptance. It shall enter into force for all the Contracting Parties on the date on which four-fifths of them have notified the Government of the French Republic of their acceptance. However, notwithstanding the foregoing provisions, no draft amendment to this paragraph, to Article 16 relating to the customs regime, or to the Annex provided for in that Article, shall enter into force until the date on which all the Contracting Parties have notified the Government of the French Republic of their acceptance.

(4) Any Contracting Party that wishes to express a reservation regarding its acceptance of an amendment shall inform the Bureau of the terms of the proposed reservation. The General Assembly shall rule on the admissibility of such reservation. The General Assembly must allow reservations designed to safeguard established positions in the field of expositions and reject those that would result in the creation of privileged positions. If the reservation is accepted, the Party that presented it shall be listed among those counted as having agreed to the amendment for purposes of calculating the aforementioned four-fifths majority. If the reservation is rejected, the Party that presented it shall choose between refusing the amendment or accepting it without reservation.

(5) Once an amendment enters into force under the conditions set forth in the third paragraph of this Article, any Contracting Party that refused to accept it may, if it deems appropriate, invoke the provisions of Article 37 below.

Article 34

(1) Any dispute between two or more Contracting Parties with respect to the implementation or interpretation of this Convention that cannot be settled by the authorities vested with decision-making powers under this Convention shall be the subject of negotiations between the parties to the dispute.

(2) If those negotiations do not produce an agreement within a short period of time, one of the parties shall refer the matter to the President of the Bureau and ask him to appoint a conciliator. If the conciliator cannot reach an agreement between the parties to the dispute regarding a solution thereto, he shall so find and define in his report to the President the nature and extent of the dispute.

(3) When a disagreement has thus been found to exist, the dispute shall be put to arbitration. For this purpose, one of the parties shall submit a request for arbitration to the Secretary General of the Bureau, naming the arbitrator it has chosen, within two months following the transmittal of the report to the parties to the dispute. The other party or parties to the dispute shall each appoint their respective arbitrator within two months. Failing that, one of the parties shall ask the President of the International Court of Justice to appoint an arbitrator or arbitrators.

When several parties make common cause, they shall count as only one party for purposes of applying the provisions of the preceding paragraph. In case of doubt, the Secretary General shall decide.

The arbitrators in turn shall designate an umpire. If the arbitrators cannot agree on a choice within two months, the President of the International Court of Justice shall do so at the request of one of the parties.

(4) The arbitration panel shall rule by a majority of its members, and the umpire shall cast the deciding vote in case of a tie. The arbitration award shall be binding on all the parties to the dispute and shall be final and unappealable.

(5) At the time it signs or ratifies this Convention or accedes to it, any State may declare that it does not consider itself bound by the provisions of paragraphs (3) and (4) above. The other Contracting Parties shall not be bound by those provisions in respect of any State that has formulated such a reservation.

(6) Any Contracting Party that formulated a reservation in accordance with the provisions of the preceding paragraph may at any time cancel that reservation by notification addressed to the depositary Government.

Article 35

This Convention shall be open for accession by any State, whether or not a member of the United Nations, that is a party to the Statute of the International Court of Justice or a member of a specialized agency of the United Nations or a member of the International Atomic Energy Agency, and by any other State whose request for accession is approved by a two-thirds majority of the Contracting Parties entitled to vote in the General Assembly of the Bureau. Instruments of accession shall be deposited with the Government of the French Republic and shall take effect on the date of their deposit.

Article 36

The Government of the French Republic shall notify the Governments of the State Parties to this Convention, as well as the International Expositions Bureau, of:

(a) The entry into force of amendments, pursuant to Article 33;

(b) Accessions, pursuant to Article 35;

(c) Denunciations, pursuant to Article 37;

(d) Reservations expressed under the terms of Article 34(5);

(e) The expiration of the Convention, if applicable.

Article 37

(1) Any Contracting Party may denounce this Convention by written notice to the Government of the French Republic.

(2) Such denunciation shall take effect one year after the date of receipt of the notification.

(3) This Convention shall expire if, by reason of denunciations, the number of Contracting Parties is reduced to less than seven.

Subject to any agreement that may be concluded between the Contracting Parties concerning the dissolution of the Bureau, the Secretary General shall be entrusted with liquidation matters. The assets shall be divided among the Contracting Parties in proportion to the contributions paid by them since they became Parties to this Convention. If there are liabilities, they shall be assumed by the aforesaid Parties in proportion to the contributions fixed for the fiscal year then in progress.

Done at Paris, November 30, 1972.

ANNEX

To the Convention signed at Paris on November 22, 1928, concerning International Expositions, as amended and supplemented by the Protocols of May 10, 1948, November 16, 1966, and November 30, 1972.

Customs Regime

For the importation of goods by participants in international expositions.

Article 1—Definitions

For purposes of this Annex:

(a) The term "import duties" means customs duties and all other duties and taxes payable on, or in connection with, importation and shall include all internal taxes and excise duties chargeable on imported goods, but shall not include fees and charges which are limited in amount to the approximate cost of services rendered and do not represent indirect protection to domestic products or a taxation of imports for fiscal purposes.

(b) The term "temporary admission" means temporary importation free of import duties and free of import prohibitions or restrictions, subject to re-exportation.

Article 2

Temporary admission shall be granted to:

(a) Goods intended for display or demonstration at an exposition;

(b) Goods intended for use in connection with the display of foreign products, including:

(i) Goods necessary for the purpose of demonstrating foreign machinery or apparatus to be displayed.

(ii) Construction material, even in a raw state, decoration material and furnishings, and electrical fittings for foreign pavilions and stands at an exposition, as well as for the premises assigned to the Section Commissioner General of a participating foreign country;

(iii) Construction tools and equipment and transport needed for the works at the exposition;

(iv) Advertising and demonstration material which is obviously publicity material for the foreign goods displayed at the exposition, for example, sound recordings, films and lantern slides, as well as apparatus for use therewith;

(c) Equipment including interpretation apparatus, sound recording apparatus, and film of an educational, scientific, or cultural character intended for use at the exposition.

Article 3

The facilities referred to in Article 2 of this Annex shall be granted provided that:

(a) The goods can be identified when they are re-exported;

(b) The Section Commissioner General of the participating country guarantees, without a deposit of funds, payment of the import duties on any goods that are not re-exported after the close of the exposition within the period of time stipulated; other guarantees provided for in the legislation of the inviting country may be accepted at the request of exhibitors (for example, the A.T.A. carnet established under the Convention of December 6, 1961 of the Customs Cooperation Council);

(c) The customs authorities of the country of temporary importation believe that the conditions stipulated by this Annex have been met.

Article 4

Unless the national laws and regulations of the country of temporary importation so permit, goods granted temporary admission shall not, whilst they are the subject of the facilities granted under this Annex, be loaned, or used in any way for hire or reward, or be removed from the place of the exposition. They shall be re-exported as promptly as possible and at the latest within three months of the closing of the exposition. For valid reasons the customs authorities may extend that period within the limits laid down by the laws and regulations of the country of temporary importation.

Article 5

(a) Notwithstanding the requirement of re-exportation laid down in Article 4, the re-exportation of badly damaged goods, goods of little value and perishable goods, shall not be required provided that the goods:

(i) Are subjected to the import duties to which they are liable; or

(ii) Are abandoned free of all expense to the Exchequer of the country into which they were temporarily imported; or

(iii) Are destroyed, under official supervision, without expense to the Exchequer of the country into which they were temporarily imported; as the customs authorities may require.

However, the obligation of re-exportation shall not apply to any goods whose destruction, required by the Section Commissioner General concerned, is effected under official supervision without expense to the Exche-

quer of the country into which they were temporarily imported;

(b) Goods granted temporary admission may be disposed of otherwise than by re-exportation, and in particular may be taken into home use, subject to compliance with the conditions and formalities applicable under the laws and regulations of the country of temporary importation in respect of such goods imported directly from abroad.

Article 6

Products obtained incidentally in the course of the exposition from goods imported temporarily in connection with the demonstration of machinery or apparatus exhibited shall be subject to the provisions of Articles 4 and 5 of this Annex as though they had been granted temporary admission, subject to the provisions of Article 1 hereinbelow.

Article 7

Import duties shall not be levied and import prohibitions and restrictions shall be waived, and where temporary admission has been granted re-exportation shall not be required, in the following cases, provided that the aggregate value and quantity of the goods are, in the opinion of the customs authorities of the country of importation, reasonable having regard to the nature of the exposition, the number of visitors to it and the extent of the exhibitor's participation therein:

(a) Small samples (other than alcoholic beverages, tobacco, and fuels) which are representative of the foreign goods displayed at the exposition, including such samples of foods and beverages, either imported in the form of such samples or produced from imported bulk materials at the exposition, provided that:

(i) They are supplied free of charge from abroad and are used solely for distribution free of charge to the visiting public at the exposition for individual use or consumption by the persons to whom they are distributed;

(ii) They are identifiable as advertising samples and are individually of little value;

(iii) They are unsuitable for commercial purposes and are, where appropriate, packed in quantities appreciably smaller than the smallest retail package;

(iv) Samples of foods and beverages which are not distributed in packs as provided for in (ii) above are consumed at the exposition.

(b) Imported samples that are used or consumed by the members of the exposition juries to appraise and judge the articles exhibited, subject to the production of a certificate by the Section Commission General indicating the nature and quantity of the articles consumed during such appraisal and judging.

(c) Goods imported solely for demonstration or for the purpose of demonstrating a foreign machine or apparatus displayed at the exposition and consumed or destroyed in the course of such demonstration.

(d) Printed matter, catalogues, trade notices, price lists, advertising posters, calendars, whether or not illustrated, and unframed photographs, which are obviously publicity material for the foreign goods displayed at the exposition, provided that they are supplied free of charge from abroad and are used solely for distribution free of charge to the visting public at the exposition.

Article 8

Import duties shall not be levied and import prohibitions and restrictions shall be waived, and where temporary admission has been granted re-exportation shall not be required, in respect of the following goods:

(a) Products that are imported and used up in the construction, furnishing, decoration, enhancement, and environment of foreign displays at the exposition, such as paint, varnish, wallpaper, spray liquids, articles for fireworks, seeds or seedlings, etc.;

(b) Catalogues, brochures, posters, and other official printed matter, whether or not illustrated, published by the countries participating in the exposition;

(c) Plans, designs, records, files, forms, and other documents intended for use as such at the exposition.

Article 9

(a) Customs examination and clearance on the importation and reexportation of goods which are to be, or have been displayed or used at an exposition shall, whenever possible and appropriate, be effected at that exposition.

(b) Each Contracting Party shall endeavor, wherever it deems it appropriate in view of the importance and size of the exposition, to establish a customs office for a reasonable period within the premises of the exposition held within its territory.

(c) Goods granted temporary admission may be re-exported in one or several consignments and through any customs office open for such operations, and such re-exportation shall not be confined to the customs office of importation, except in cases where, with a view to benefiting from a simplified procedure, the importer undertakes to re-export his goods through the customs office of importation.

Article 10

The foregoing provisions shall not preclude the application of:

(a) Greater facilities that certain Contracting Parties grant or may grant either through unilateral provisions or under bilateral or multilateral agreements.

(b) National or conventional regulations not of a customs nature concerning the organization of the exposition;

(c) Prohibitions or restrictions imposed under national laws and regulations on grounds of public morality or order, public security, public hygiene or health, or for veterinary or phytopathological considerations, or relating to the protection of patents, trade marks, and copyrights.

Article 11

For purposes of this Annex, the territories of the Contracting Parties that form a customs or economic union may be considered as a single territory.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pertinent parts of the committee report on the protocol amending the 1928 Convention on International Expositions be printed in the RECORD at this point.

There being no objection, the excerpt from the report (Executive 93–24) was ordered to be printed in the RECORD, as follows:

PURPOSE

The Protocol revises and modernizes the 1928 Convention on International Expositions, which is aimed at providing an orderly and equitable method of regulating the frequency of international expositions around the world. In 1968 when the Senate approved the 1928 Convention, the Committee noted that the Convention was wordy and that its revision and modernization was underway. The most important features of the new convention as embodied in the Protocol are the reduction in the frequency of international expositions and the simplification of categories.

PROVISIONS

Section I of the Appendix to the Protocol, which is the text of the revised convention, contains definitions. It specifically excludes fine arts and commercial exhibitions and all expositions of less than three weeks' duration. Expositions to which the convention applies are classed as "universal" if they relate to several branches of human endeavor and "specialized" if they related to only one branch.

Section II limits the duration of all expositions to 6 months and the elapsed time between them as follows:

BUREAU OF INTERNATIONAL EXPOSITIONS REGULATIONS' 1972

Nature of the exhibition	Interval that should separate 2 exhibitions [1]	
	When organized in different countries	When organized in the same country
Universal	10(6) yr	20(15) yr.[2]
Specialized:		
Same kind	5(4) yr	10(10) yr.
Different kind	2(2) yr	5(10) yr.

[1] Existing limits in parentheses.
[2] An interval of 5 yr must pass between a universal and a specialized exposition in the same country.

Section III provides for the registration of international expositions and prohibits the contracting parties from participating in or supporting any exposition that has not been registered. On the other hand, the convention does not obligate the parties to participate in any or all registered expositions.

Section IV deals with the obligations of organizers of registered expositions and of participating states and Section V with institutional provisions. The latter continues in existence the Bureau of International Expositions (BIE) as the administrative agency for the convention. It does not give the BIE the authority to register or not to register expositions. Such decisions are made by the General Assembly made up of the contracting parties to the treaty, presently 36.

Annexed to the Convention is a Customs Regime for the importation of goods by participants in International Expositions.

A detailed explanation of the revised convention is contained in the letter of submittal by Secretary of State William P. Rogers, which is printed as Appendix I to this report.

RESERVATION

The State Department recommends that approval of this Protocol be subject to the following reservation:

Subject to the reservation with respect to paragraph (2) of Article 10 of the Convention appended to the Protocol that the obligation of the United States thereunder will be to guarantee fulfillment of its own obligations and, with respect to juristic persons officially recognized by it for the purpose of organizing expositions to make every reasonable effort to ensure the fulfillment by them of their obligations.

According to the Department, the "reservation reflects the situation prevailing in the States where most expositions are organized primarily by private enterprise, as distinguished from the government sponsored expositions held in most other countries."

COSTS

The cost of U.S. membership in the BIE for fiscal years 1973 and 1974 has been $7,800 annually and amounts to 12.05% of the BIE budget. Approval of the Protocol will make no significant changes in the U.S. assessment in the foreseeable future.

COMMITTEE ACTION AND RECOMMENDATION

The Protocol was submitted to the Senate and referred to Committee on Foreign Relations on July 19, 1973. At a public hearing on October 9, the Committee heard J. William Nelson, Director, U.S. Expositions Staff, Department of Commerce, who was accompanied by William W. Phillips. During further discussion on October 11, and November 1, additional information was requested, which is printed as Appendix II. On November 8, the Committee voted without objection to report the Protocol favorably to the Senate.

The Committee is in agreement with the

objectives of the Protocol. Indeed, the Committee played a role in the United States becoming a party to the earlier convention, over which the Protocol is an improvement and a clarification. The Committee shares the view of the President that by "limiting the frequency of expositions, the new Protocol should reduce the financial demands on participating countries."

The Committee therefore urges the Senate to give its advice and consent to the ratification of the Protocol amending the 1928 Convention concerning International Expositions, with the reservation noted above.

The ACTING PRESIDENT pro tempore. If there be no objection, Executive N, 93d Congress, 1st session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol amending the Convention signed at Paris on November 22, 1928, concerning International Expositions, signed at Paris on November 30, 1972, by the United States and 22 other nations party to the 1928 Convention, subject to the reservation with respect to paragraph (2) of Article 10 of the Convention appended to the Protocol that the obligation of the United States thereunder will be to guarantee fulfillment of its own obligations and, with respect to juristic persons officially recognized by it for the purpose of organizing expositions to make every reasonable effort to ensure the fulfillment by them of their obligations. (Ex. N, 93–1)

PROTOCOL TO THE INTERNATIONAL CIVIL AVIATION CONVENTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive Q, 93d Congress 1st session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive Q, 93d Congress, 1st session, relating to an amendment to article 56 of the Convention on International Civil Aviation, which was read the second time, as follows:

PROTOCOL RELATING TO AN AMENDMENT TO ARTICLE 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

The assembly of the International Civil Aviation Organization *having met* in its Eighteenth Session, at Vienna, on the fifth day of July 1971,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission,

Having considered it proper to increase the membership of that body from twelve to fifteen, and

Having considered it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

(1) *Approved*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention: "In Article 56 of the Convention the expression 'twelve members' shall be replaced by 'fifteen members'."

(2) *Specified*, pursuant to the provisions of the said Article 94(a) of the said Convention, eighty as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force, and

(3) *Resolved* that the Secretary General of the International Civil Aviation Organization shall draw up a Protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:

(a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

(b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.

Consequently, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization;

This Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This Protocol shall come into force, in respect of the States which have ratified it, on the date on which the eightieth instrument of ratification is so deposited;

The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of this Protocol;

The Secretary General shall immediately notify all States parties to the said Convention of the date on which this Protocol comes into force;

With respect to any Contracting State ratifying this Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

In witness whereof, the President and the Secretary General of the Eighteenth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

Done at Vienna on the seventh day of July of the year one thousand nine hundred and seventy-one, in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

Certified to be a true and complete copy.

GERALD F. FITZGERALD,
Legal Bureau, International Civil Aviation Organization.

Dr. KARL FISCHER,
President of the Assembly.
Dr. ASSAD KOTAITE,
Secretary General of the Assembly.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pertinent parts of the committee report on the amendment to the International Civil Aviation Convention be printed in the RECORD at this point.

There being no objection, the excerpt from the report (Executive 93–25) was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the protocol is to increase the size of the Air Navigation Commission of the International Civil Aviation Organization (ICAO) from 12 to 15 members.

BACKGROUND

The Air Navigation Commission is appointed by the ICAO Council from among persons, nominated by member states, who have suitable qualifications and experience in the science and practice of aeronautics. It is a technical advisory body which deals with such matters as air worthiness, navigation aids, pilot licensing, meteorology, and noise and environmental factors.

The size of this commission has not increased since the ICAO convention was signed in 1944. In recent years, the number of nominations has exceeded the available positions. This, together with the facts that the Soviet Union has adhered to the ICAO convention and that wider regional representation was deemed desirable, led to the proposal to increase the size of the Commission.

COMMITTEE ACTION AND RECOMMENDATION

The protocol, dated July 7, 1971, was transmitted to the Senate on September 12, 1973. A public hearing was held on October 9 and the statement of the principal witness, Mr. John S. Meadows, Director, Office of Aviation, Department of State, is appended to the report.

On October 11, the Committee in executive session ordered the protocol favorably reported to the Senate.

While admittedly this is a minor matter, it is an amendment to a convention previously ratified by the Senate and it is therefore entirely proper that the Senate should be involved in approving this modification.

The Committee on Foreign Relations recommends that the Senate advise and consent to the ratification of the protocol.

The ACTING PRESIDENT pro tempore. If there be no objection, Executive Q, 93d Congress, 1st session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Protocol, dated at Vienna July 7, 1971, relating to an amendment to Article 56 of the Conventional on International Civil Aviation (Ex. Q, 93–1).

Mr. MANSFIELD. Mr. President, there will be a rollcall vote on these two treaties on Monday next, as previously announced to the Senate.

Following disposal of those treaties, we will turn to some other business on the calendar.

On Tuesday next, all things going according to Hoyle, the Senate will take up the nomination of Representative GERALD FORD to be Vice President of the United States.

Mr. TOWER. Mr. President, if the distinguished majority leader will yield, I understand that the time has not been fixed for the vote on the two treaties. I should like to suggest to the majority leader that there be no votes prior to 1 p.m.

Mr. MANSFIELD. Well, suppose we set the time at 1: 30?

Mr. TOWER. I would tentatively agree to that, but I have got to consult with the other leadership before I do that.

Mr. MANSFIELD. OK.

LEGISLATIVE SESSION

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. NUNN):

The petition of Victor Sharrow, Crompound, N.Y., praying for a redress of grievances. Referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on Government Operation, with an amendment:

S. 1541. A bill to provide for the reform of congressional procedures with respect to the enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes.

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

H.R. 9575. An act to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes (Rept. No. 93-550).

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary, without amendment, for further action, without recommendation:

S. 2673. A bill 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.

By Mr. PERCY, from the Committee on Government Operations, without amendment:

S. 1106. A bill to amend the Federal Reports Act to avoid undue delays in the collection of information by Government agencies (Rept. No. 93-551).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. CANNON, from the Committee on Rules and Administration:

GERALD R. FORD, of Michigan, to be Vice President of the United States.

Mr. CANNON. Mr. President, the resignation of former Vice President Spiro T. Agnew and the nomination by President Richard M. Nixon of Representative GERALD R. FORD, of Michigan, to fill the vacancy in the office of Vice President, initiated a chain of events unprecedented in the history of the United States.

Section 2 of the 25th amendment to the Constitution provides that—

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

That amendment was certified on February 23, 1967, over 7 years ago.

When the nomination was received by the Senate on October 13, 1973, an inquiry of historic proportions was commenced into the qualifications of Representative FORD to hold the second highest elective office in the Nation.

The committee was fully aware of the implications of this nomination; that among those implications was the very real possibility that the nominee could become the President of the United States.

Further, the committee was cognizant of a duty beyond its obligations to the Senate—a duty owed to the citizens of the United States to answer as fully as possible their questions relative to the qualifications of GERALD FORD to be their Vice President since they were not privileged to vote for or against him at the polls.

The committee assumed this heavy responsibility and acted promptly and prudently to activate a comprehensive investigation into the public and private life of the nominee—public, with respect to the Congressman, his voting record, his campaign finances, his financial disclosures, and all other activities of a public figure; private, with respect to his outside income, his assets, his taxes, and other data bearing upon his fitness for high office.

The committee perceived and appreciated the public need for a symbol of government in whom they could place their confidence and who would help to restore their faith in the Government and its leaders.

Accordingly the investigation which was ordered to begin on October 13, 1973, with the eyes and the ears of the Nation focused upon it, was launched with a note of urgency commensurate with the compelling obligation to perform a thorough, detailed, accurate, and just examination of the nominee's qualifications for the office of Vice President.

Mr. President, today I am filing the report of the Committee on Rules and Administration with the Senate. The Senate will not act today on the confirmation of Representative FORD, and before it does act, I earnestly ask all of my colleagues in this body to study the report and the printed hearings in order to comprehend completely the scope, depth, and complexity of this inquiry.

The committee believes that it has met the mandate of the Senate; that it has exhausted all of the many avenues of inquiry into the nominee's qualifications; and that its report contains sound and sufficient findings for the Senate to exercise its judgment.

Mr. President, I now report the nomination that was referred to the committee; and I ask unanimous consent that the committee have until 12 midnight, Friday, November 23, 1973, to file the report to accompany this nomination.

The PRESIDING OFFICER (Mr. CLARK). Without objection, as in executive session, the request is granted.

Mr. MAGNUSON. As in executive session, from the Committee on Commerce, I report favorably sundry nominations in the National Oceanic and Atmospheric Administration 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:

Kenneth E. Lilly, Jr., and sundry other officers for promotion in the National Oceanic and Atmospheric Administration.

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. TALMADGE (for himself and Mr. BURDICK):

S. 2728. A bill to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MANSFIELD (for Mr. JACKSON and Mr. FANNIN) (by request):

S. 2729. A bill to repeal the laws concerning the development of a Hudson River Basin Compact. Referred to the Committee on Interior and Insular Affairs.

By Mr. EAGLETON (for himself, Mr. MATHIAS, Mr. BARTLETT, Mr. BIBLE, Mr. BROOKE, Mr. DOMENICI, Mr. INOUYE, Mr. STEVENSON, and Mr. TUNNEY):

S. 2730. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970. Referred to the Committee on the District of Columbia.

By Mr. BENTSEN (for himself, Mr. HUMPHREY, Mr. JACKSON, and Mr. TOWER):

S. 2731. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of methanol imported for use as fuel. Referred to the Committee on Finance.

By Mr. TAFT:

S. 2732. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the Reserve Officer Training Corps (ROTC) program at the institutions. Referred to the Committee on Armed Services.

By Mr. HARTKE:

S. 2733. A bill to provide for paper money of the United States to be embossed to indicate the denomination thereon. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PERCY and Mr. BAKER (for themselves and Mr. BROCK, Mr. COOK, and Mr. YOUNG):

S. 2734. A bill to establish an independent Special Prosecution Office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE (for himself and Mr. BURDICK):

S. 2728. A bill to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. TALMADGE. Mr. President, I am today introducing legislation to fill a serious gap in current law. Although we

currently have strong Federal and State laws which control the movement of diseases and insects into this country and in interstate commerce, there is no Federal law to prohibit, regulate and restrict the importation or interstate movement of noxious weeds.

My friends in the Weed Science Society of America estimate that weeds cost us $5 billion each year in this country. They point out that many of these weeds are introduced from other parts of the world, including the recent example of hydrilla in Florida and witchweed in the Carolinas.

No one knows the exact number of weed species that populate the earth. However, it is estimated that there are more than 30,000 which are known to have wide distribution. About 1,800 of these cause serious annual losses to man. Most of our major cultivated crops are subject to infestation by as many as 200 species. Between 20 and 30 cause serious yield reduction in our crops, and must be controlled by cultivation and the use of chemicals each year.

In addition to reducing crop yields and lowering the quality of crops and livestock, weeds are harmful to man in several other respects. They impair human health and reduce the efficiency of labor. Poisonous weeds infect nearly 2 million persons each year with skin poisoning or other skin irritations which cause an annual loss of 333,000 working days. Weeds harbor insect vectors of human, plant, and animal diseases and serve as a reservoir for disease-producing organisms. They also ruin lakes, ponds, waterways, parks, and other recreational areas.

Of course, it is not possible to exterminate the harmful weeds which are already entrenched in this country. Farmers and others who are faced with weed problems will continue to be faced with the annual problem of controlling undesirable weeds. However, we can take positive action to prevent the introduction of new species of noxious weeds into the United States and the spread of these weeds among the several States.

The bill I am introducing today has already been introduced in the House of Representatives by Congressman FREY. It would give the Secretary of Agriculture the needed legal authority to both control the importation and interstate transportation of noxious weeds and to enter into cooperative weed control programs with the States, individuals, and the Governments of Canada and Mexico. Under the legislation the Secretary would be authorized to designate as noxious weeds those weeds which are new to or not widely prevalent or distributed throughout the United States and which may be injurious to crops or other useful plants, livestock, or poultry as well as other interests of agriculture, including irrigation or navigation or public health. The act would authorize the Secretary to promulgate quarantines and to issue regulations requiring inspection of products and articles moving in interstate commerce in such manner as he deems necessary to prevent the spread of noxious weeds in the United States.

In cases of an emergency, the Secretary would have authority to seize, quarantine, treat, destroy, or otherwise dispose of articles which are infested by noxious weeds. The Secretary could also order the owner of such products to treat, destroy, or make other disposal of a product. Also the legislation gives the owner of a product the right to sue the United States and receive just compensation if the owner's property is destroyed in a manner not consistent with the law.

Before a noxious weed can be imported into the country or moved in interstate commerce a permit must be secured from the Secretary of Agriculture.

The Secretary is authorized under the legislation to cooperate with Canada and Mexico in measures to control and impede the spread of noxious weeds from those countries into the United States. Also the Secretary is authorized to cooperate with other Federal agencies, States, territories, farmers associations, and individuals in performing the operations that are authorized under the act.

Mr. President, at a time when we are urging farmers to go all out to maximize agricultural production in order to meet the demands for food and fiber, both at home and abroad, it would behoove us to take steps to prevent the introduction into this country and the dissemination throughout the country of harmful weeds which reduce agricultural production and make production more expensive. I hope that the Congress can take prompt action on this legislation.

By Mr. MANSFIELD (for Mr. JACKSON and Mr. FANNIN) (by request):

S. 2729. A bill to repeal the laws concerning the development of a Hudson River Basin compact. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, in connection with the introduction of S. 2729, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD by him certain material which he asks to have included as a part of his statement.

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

The statement and certain material follows:

STATEMENT BY SENATOR JACKSON

By request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to repeal the laws concerning the development of a Hudson River Basin Compact.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication and other matter accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.,

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to submit this report on the status of negotiations to establish a Federal-Interstate Compact for the Hudson River Basin in accordance with Section 3 of Public Law 89–605 as amended by Public Law 91–242.

Section 3 of Public Law 89–605 granted congressional consent to the States of New York and New Jersey, and if they wished to participate, Connecticut, Massachusetts, and Vermont to negotiate with each other and with the United States concerning a compact to protect and enhance the natural, scenic, historic, and recreational resources of the Hudson River Basin. The law designated the Secretary of the Interior as the representative of the United States in such negotiations and directed him to report to the President of the United States by July 1, 1968, on the progress of the negotiations. Public Law 91–242 amended the earlier Act to require the Secretary to report to the President annually on July 1, on the status of negotiations with the concerned States.

During the past year meetings have been held at the staff level with the States of New York and New Jersey which resulted in the general agreement that the proposed compact concept was not an appropriate vehicle for resolving remaining basin-wide resource concerns. It was agreed that existing Federal, interstate and local agencies appear to be the most appropriate institutional arrangement for the management of the resources of the Hudson River Basin.

The report of July 1972 indicated that since enactment of the Hudson River Basin Compact Act, context for continued negotiations for a Federal-Interstate Compact had substantially changed due to recent developments at the Federal level and reorganization and new legislative authorities at the State levels, namely:

(1) The Federal Government has accepted the responsibility for interstate water standards through P.L. 91–224 (The Federal Water Pollution Control Act, as amended) and has substantially increased its responsibility in the area of air quality control through P.L. 91–604 (The Clean Air Act, as amended). Also, P.L. 91–190 (The National Environmental Policy Act), firmly declares a national policy for encouraging and promoting the widest range of beneficial uses of the environment. Additionally, proposed land use policy legislation and its provisions, if enacted, will have far reaching effects on the resources of the Hudson River Basin and, therefore, must be anticipated and considered.

(2) The authorities of two interstate agencies have been greatly expanded to systematically resolve environmental concern within their jurisdiction:

(a) The Tri-State Regional Commission has expanded authority to implement broad programs for regional resource planning, transportation development and comprehensive studies of resource uses in the New York, New Jersey, Connecticut area, including the Hudson River Basin. The Commission representatives from Federal, State and local Governments review water supply, highway development, law enforcement, health and other resource/social programs. The Commission also has the responsibility for coordination of State and local area planning activities to encourage public and private beneficial long-range uses of area resources.

(b) The Interstate Sanitation Commission, whose jurisdiction includes the Hudson River Basin, has the responsibility to establish the

necessary rules, regulations and orders for water pollution abatement and may resort to the courts for enforcement.

Working with the respective State agencies, the Commission determines the adequacy of sewage treatment costs within its districts. Also, the Commission is the official planning and coordinating agency for air quality control in the tri-state region (New York, New Jersey and Connecticut.)

(3) Each State has undergone reorganization and consolidation to expand the authorities for environmental responsibilities and control within newly created environmental resources agencies.

(a) New York has consolidated several planning and resources agencies into the Department of Environmental Conservation to fulfill its responsibilities for appropriate environmental management. Established in 1970, the Department has broad responsibilities for all environmental quality programs related to water, air, land and wildlife resources. These responsibilities include maintenance of water quality, fishing resources, solid waste control, and air quality standards. Environmental impact analysis activities, hearings and permit procedures at the State level have been consolidated under the jurisdiction of the Department of Environmental Conservation. Also, procedures for the siting of power plants and the approval of electric transmission lines consistent with the environmental standards and criteria have been consolidated under the jurisdiction of the Department.

(b) New Jersey, similarly, has combined their Departments of Health, Conservation, and Economic Development into the Department of Environmental Protection to promote efforts which will prevent damage to the environment and which will stimulate man's welfare. The Department goals are:

1. Achieve the highest air quality attainable;

2. Assure water supply of a quantity and quality sufficient to meet legitimate needs and the achievement of the highest maximum multiple beneficial uses to the public;

3. Dispose of used natural resources and synthetic materials in such a way as to conserve nonrenewable resources and avoid harmful environmental impact;

4. Match land use with available environmental resources by changing the pattern of land use management to make it reflect environmental considerations;

5. Reduce injury and property damage due to flooding and erosion on our flood plains and beachfronts;

6. Manage and protect the renewable resources of the State for the benefit of current and future generations;

1. Achieve the public acquisition of lands most deserving of protection for conservation and recreation; and,

8. Expand outdoor recreation opportunities throughout the State, including the cities, for the enjoyment and welfare of the people.

(4) The States of New York and New Jersey have enacted significant legislation which affects the compatible use of basin resources:

(a) New York State's adoption of a private land-use plan for the Adirondacks in 1973 provides development density controls and a strict project approval mechanism for the Upper Hudson Basin which lies within the Adirondack Park.

The Agricultural Districting Act of 1971 provides for the preservation of viable agricultural areas throughout the State. Several Hudson Valley counties are already extensively proceeding in the program. In 1972, the voters of New York approved a $1.5 billion bond issue to provide for a continued State share in water pollution programs to aid localities in overcoming air pollution from public sources, to aid localities in the purchase of sound freight disposal and recovery systems and to acquire and restore viable wetland areas.

In 1973, the Department of Environmental Conservation was given authority to promulgate and enforce strong State-wide policy and regulations over management of solid waste disposal systems.

New York has brought regulatory authority over discharge of hazardous substances to the environment in addition to water quality regulations. The State regulates the transportation, distribution, storage, sales and use of pesticides. Under the authority granted in 1972, a schedule of additional hazardous substances is now being prepared to regulate a number of substances such as heavy metals and chemicals.

The 1973 legislation authorized the Commission on Environmental Conservation to establish land use control regulations on the use of tidal wetlands and to complete an inventory of wetlands. In addition, New York requires permits for the filling or dredging of tidal or fresh water wetland adjacent or contiguous to navigable waters.

(b) The State of New Jersey has enacted a series of statutes which affect the quality of water standards, land use, and air and noise controls which establishes a formidable program to ensure the quality of the environment, namely:

(1) Water Conservation Funds, Loans for Sewage Treatment Plants (A786—Chapter 26 PL 1970).

(2) Solid Waste Management Act (S745 O Chapter 39 PL 1970).

(3) Penalties for Water Pollution Violations (A794—Chapter 90 PL 1970).

(4) Penalties for Industrial Waste Water Pollution (A795 O Chapter 91 PL 1970).

(5) Appropriations for Purchase of Water Supply Facilities (R519—Chapter 147 PL 1970).

(6) The Wetlands Act (A505 O Chapter 272 PL 1970).

(7) Green Acres Open Space Land Acquisition Program (A155—Chapter 165 PL 1970).

(8) Pesticides Control Act (A1386—Chapter 176 PL 1971).

(9) New Jersey Quality Improvement Act (S928—Chapter 173 PL 1971).

(10) The Clean Ocean Act (A2417—Chapter 177 PL 1971).

(11) Environmental Quality Education Act (A1092—Chapter 279 PL 1971).

(12) Noise Control Act (A2181).

As a result of this positive initiative on the part of the States and the Federal Establishment, it was mutually agreed that in view of these many developments and actions, that a Federal-Interstate Compact was not an appropriate vehicle for the management and resolution of remaining basin-wide resources concerns. Based on the discussions held during the past year, representatives to the negotiations concluded that their assessment of environmental concerns of the Hudson River Basin are largely local zoning problems or interstate in nature and best resolved at the local level; within the individual States, or by agreement among the several States. The representatives of the three parties are convinced that in view of substantial Federal and State actions taken and anticipated it is unnecessary to continue negotiations for a Federal-Interstate Compact.

Therefore, we are recommending discontinuance of negotiations for a Federal-Interstate Compact and suggesting the repeal by Congress of Public Law 89-605 as amended by Public Law 91-242 (Hudson River Basin Compact Act).

Respectfully,

ROG MORTON,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Briefly, Public Law 89-605 granted congressional consent to the States of New York, New Jersey, and if they wished to participate, Connecticut, Massachusetts, and Vermont to negotiate with each other and with the United States concerning a compact to protect and enhance the natural, scenic, historic, and recreational resources of the Hudson River Basin.

Pursuant to Section 3 of Public Law 89-605, as amended, the Secretary of the Interior is required to submit to you annually a report on the status of negotiations and that you transmit this report to Congress with such recommendations as you may deem appropriate.

In accordance with these authorities, the report of July 1972, indicated that the context for continued negotiations had substantially changed due to recent developments at the Federal level and reorganization and legislative authorities at the State levels, namely:

(1) The authorities of two interstate agencies have been greatly expanded: The Tri-State Planning Commission (New York, New Jersey, and Connecticut) has had its authority for comprehensive region-wide planning broadened, and the authority of the Interstate Sanitation Commission has been broadened to include development and enforcement of air quality standards;

(2) The States, New York and New Jersey, have undergone major reorganization and consolidation to expand the authorities for environmental responsibilities and control within newly created environmental resources agencies;

(3) The States, New York and New Jersey, have enacted significant legislation which affects the resources of the basin. For example, New Jersey's Wetlands Act authorizes a vehicle to protect and conserve the unique resource value of the State's wetlands; New York has enacted the Agricultural Districting Law for the protection and preservation of the State's farmlands; the Wild and Scenic Rivers Act to preserve that State's remaining natural free-flowing streams and has established the Adirondack Park Agency with the authority for project review and veto power over environmentally adverse project proposals in its areas of jurisdiction; and

(4) The Federal Government has accepted the responsibility for approval of interstate water standards (P.L. 91-224: The Federal Water Pollution Control Act, as amended); and substantially increased its concern in the area of air quality control (P.L. 91-604 Clean Air Act, as amended). Also, the National Environmental Policy Act of 1969 firmly declares a national policy for encouraging and promoting the widest range of beneficial uses of the environment. Proposed national land use policy legislation and its effect on the resources of the Hudson River Basin must be anticipated and considered.

Subsequent to the 1972 report, several meetings were held to discuss the proposed compact and appropriate alternatives. It was mutually agreed, in view of the many developments including additional laws and organizational changes, that:

(1) A Federal Interstate Compact is not an appropriate vehicle for resolving remaining basin-wide resource concerns;

(2) Existing Federal, interstate and local agencies can resolve remaining resource concerns.

Therefore, we mutually recommend discontinuance of negotiations for a Federal Interstate Compact and suggest repeal by Congress of Public Law 89-605 as amended by Public Law 91-242 (Hudson River Basin Compact Act).

Respectfully,

NELSON A. ROCKEFELLER,
Governor, State of New York.
ROGERS C. B. MORTON,
Secretary of the Interior.
WILLIAM T. CAHILL,
Governor, State of New Jersey.

By Mr. BENTSEN (for himself, Mr. HUMPHREY, Mr. JACKSON, and Mr. TOWER):

S. 2731. A bill to amend the tariff schedules of the United States to provide for the duty-free entry of methanol imported for use as fuel. Referred to the Committee on Finance.

Mr. BENTSEN. Mr. President, this past week the Senate passed legislation to allocate and conserve fuels. Today, I introduce a measure which will increase the supply of fuel available to U.S. markets in the years ahead.

This proposal will increase the supply of available fuel in the United States by removing a protective tariff from methyl alcohol or methanol which is imported solely for the purpose of converting it into synthetic natural gas or for burning it directly as a fuel. It would retain the tariff on methanol imported for any other use.

This measure will take several years before having a significant impact. But, Mr. President, the reason our country confronts an energy shortage of such alarming dimensions today is because we have not looked ahead. We are consuming twice as much energy per capita as we did in 1940, but we have not developed new sources of energy to sustain this astounding growth in consumption. Since 1968, we have been using natural gas in the lower 48 States twice as fast as we have been finding it. Daily deliverability as well as total reserves are, therefore, in sharp decline. As we have turned to other sources of fuel, we have found these other sources likewise to be insufficient to serve even our traditional demand and much of our new needs. Within recent weeks, Government officials have warned of critical shortages of all forms of heating fuels during this coming winter, and we have been forced to adopt a nationwide allocation plan.

A great deal of our current difficulties have arisen from the shortage of clean burning natural gas. This has placed pressures on other energy sources such as oil. We no longer have sufficient domestic production to meet our needs. Until the embargo, we were importing more than one-third of our oil requirements; some experts were telling us that by 1980, we would have to import more than half our crude oil and refined products.

There are many areas of the world where oil production is increasing. In most of these areas, natural gas is produced in association with the oil. Because the markets for the gas are remote from the wells, a large and growing volume of gas is being flared and wasted. This is the case in Saudi Arabia, where more than 4 billion cubic feet of gas are burned in the open air every day. Natural gas associated with oil production is being flared in producing areas in Iran, Nigeria, and Indonesia, and as close as Venezuela. This waste of natural resources is a great problem for these countries, but it offers an opportunity to use American technology in alleviating our fuel shortage.

The growing demand of the world for oil will inevitably cause, in those producing areas, an increase in the amount of associated natural gas that is produced and flared. Whether oil from the Arabian Gulf and Indonesia is sold to Japan, to Europe, or to the United States, this waste of valuable natural resources will continue unless the natural gas is put to use.

Until recently, many of us thought that the only practical way of moving natural gas from the remote producing areas of the world to markets was by liquefying it through refrigeration. We have read much in recent years of elaborate and highly expensive schemes for the installation of LNG plants and the construction of huge cryogenic tankers. More recently, it has become widely known that natural gas can also be chemically converted into methanol, with a much lower overall expenditure of capital dollars and with far greater ease of transport and handling.

Methanol is formed by combining natural gas with steam and passing it over catalysts. The product is a liquid at atmospheric pressures and at ordinary temperatures. It can be transported or stored in any tanker or vessel in which water or gasoline could be transported or stored.

Methanol is freely substitutable for natural gas as a fuel, requiring only modification of the burners to accommodate the liquid fuel. It is clean burning without air pollution. Furthermore, where necessary, it can be converted into synthetic natural gas and used as a direct supplement to the supply of gas available in a natural gas distribution system. Since methanol is water soluble, a spill at sea would quickly dissipate, leaving our beaches and harbors free of damage.

One of the reasons why industry has not converted flared foreign gas into methanol in the past for importation as fuel into the United States is a protective tariff first imposed in 1958. Today, this tariff is 7.6 cents per gallon—which is the equivalent of about $1.25 per million Btu—too high to permit the economic use of methanol as fuel. This bill would eliminate the duty on methanol imported for the production of synthetic natural gas or for use as a fuel, while retaining the duty on methanol imported for any other purpose. It would not deprive the Treasury of any revenue since methanol is not now being imported and is unlikely to be so long as this tariff is imposed. It would enable the supplementation of our energy supplies by valuable substances which are now being wasted, but in no way would it impair the protection of our domestic chemical industry. The beneficiary of this legislation is the American consumer, who will then have at his command a new source of fuel, unburdened by prohibitive and unnecessary cost.

Several American companies are now working on proposals to acquire foreign supplies of associated gas, finance and construct methanol plants and tankers, and arrange for importation into this country. At least two of these companies have announced preliminary agreements with the producing countries. These proposals will not be economically feasible and cannot be financed unless Congress takes prompt and favorable action on this legislation. Methanol technology is now well established and well known. Both Japanese and European firms are in active competition for methanol from the same areas where, at this time, American companies have established a footing. The need for prompt action is apparent.

By Mr. TAFT:

S. 2732. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the Reserve Officer Training Corps—ROTC—program at the institutions. Referred to the Committee on Armed Services.

Mr. TAFT. Mr. President, I introduce a bill to reimburse each educational institution having an ROTC program $500 per commissioned officer graduate.

One of the most vital elements in any military service is the leadership provided by officers. In particular, the junior officers are absolutely crucial. Their position makes them of key importance both on the level of dealing with the troops and in terms of providing the necessary information for decisions at higher levels.

There are, traditionally, three routes a man can take to become an officer: West Point, Officer Candidate School, and the Reserve Officer Training Corps. The latter has been especially valuable in giving our services some of their best junior officers. Most of the graduates of the ROTC program do not become career officers, but the years that they do devote to their country's service are of great value to the Nation, especially in light of the comparatively low cost of training a man in the ROTC program. It costs at least six times as much to the taxpayers to commission an officer at the service academies as it does through ROTC programs at college and universities.

Very importantly, the ROTC officers bring to the military a liberal arts background and an academic training that the services badly need. All military services, in all nations, tend to solidify around old ideas and resist new concepts. The ROTC program insures a flow of new ideas and perspectives into the officer corps.

At present, the universities and colleges which sponsor ROTC programs must bear some of the costs of those programs. In particular, they must all furnish office space and clerical help, paid for out of their own pockets. The scholarship programs sponsored by several of the services help the students, but

of course make no difference in terms of the amount of money coming in to the university.

The value of the ROTC programs to the Nation is such that sponsoring colleges and universities should not have to bear these costs; they should be borne by the Nation. This bill will be an important step in that direction.

By Mr. HARTKE:

S. 2733. A bill to provide for paper money of the United States to be embossed to indicate the denomination thereon. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HARTKE. Mr. President, since becoming a Member of the Senate, it has been my pleasure to have introduced many bills which have become law enabling blind people to lead a more normal life. The blind people of the world have asked for very little from those of us with sight, but what they do ask for is not pity or recognition as being different; they merely ask for the opportunity to live without being continually at the mercy of those with sight.

The bill I am introducing today goes a long way toward restoring respectability and equality of the blind in the world of consumerism and business. I am calling upon the Secretary of the Treasury to implement regulations which would establish an embossing of the denominations in the four corners of all flat money.

Mr. President, I have endeavored to give a voice to the hopes and aspirations of blind Americans—to the difficulties and disadvantages experienced by blind men and women as they strive to live and work in a world of sight. I intend to continue my efforts on behalf of all sightless Americans so long as I remain in the Senate, for I believe that no other separate group of our people has tried to do more to help themselves, and no other group has accomplished more through its own efforts to achieve restoration to self-supporting status than have the blind of this Nation.

Because blind Americans have tried so determinedly to help themselves, I believe we should take the extra step and create the opportunity for the blind to exist on equal terms in the monetary world. I am sure that all of my colleagues have experienced doing business with a blind person operating the vending establishments within many of the Federal buildings throughout the United States. They have always been courteous, efficient, and affable in their business endeavors.

The Randolph-Sheppard Act of 1936 began the integration of blind people into the business community by giving priority to the blind in the operation of vending stands on federally controlled property. In a report to the Subcommittee on the Handicapped, Committee on Labor and Public Welfare of the U.S. Senate by the Comptroller General of the United States, it was pointed out that over the past 20 years the number of blind-vendor stands on Federal and non-Federal property has increased from 1,543 to 3,229. The gross sales over the same period rose from $20.6 million to $109.8 million, while the average annual net earnings have grown from $2,209 to $6,996 for each stand or a total of $22.4 million. The report went on to point out the blind participants in the operation could double by 1980. I highly commend the success of the program so far, and encourage its continued support and enlargement.

Mr. President, I had the great pleasure of meeting with Miss Jean Kim Wickes, a blind girl with bachelor and master degrees from Indiana University, presently studying in Vienna, Austria, on a Fulbright scholarship toward her doctorate degree in voice. The radiation of enthusiasm and excitement from this brilliant person touched one profoundly. She asked, though, that one more step be taken by our Government toward equalizing the opportunity for blind persons in the commercial world by making an embossed identification on paper money for the blind. That is the objective of the bill I introduce today.

A similar bill was introduced in the House of Representatives by Congressman JOHN R. RARICK (H.R. 10851) on October 10, 1973. Though our bills differ as to the distinctive marking, they are alike in that both afford the blind the opportunity to engage in normal commercial life without being singled out as a subgroup in the group of human beings.

Mr. President, the core of what must be the direction of legislation for the blind is threefold.

First, an extensive education program for those who become blind, or are born blind. That educative process must look to normalizing life for the blind.

Second, the public should be educated to accept the blind as human beings; with the capability of engaging in commercial transactions and the arts and sciences similar to those with sight.

Finally, our programs and legislation should recognize the blind not as any particular group, but as a people that desire to have a voice in the direction of their future. Unless the blind are given that voice in their destiny, their future will be clouded by an otherwise inexperienced body.

This bill that I introduce today takes an important step in normalizing life for the blind. Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

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

S. 2733

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

That (a) the numerical value appearing in the four corners on the face of all paper money of the United States which is printed after January 1, 1975, shall be embossed indicating the denomination thereof.

(b) The Secretary of the Treasury shall carry out the provisions of this Act, and for such purpose he may establish such rules and regulations as he determines appropriate.

By Mr. PERCY and Mr. BAKER (for themselves and Mr. BROCK, Mr. COOK, and Mr. YOUNG):

S. 2734. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, Senator BAKER and I are today introducing, along with Senators BROCK, COOK, and YOUNG, legislation to establish an independent Office of Special Prosecutor.

The Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. BAYH), and other Senators have introduced legislation to have the court appoint a special prosecutor. However, now that Judge Gesell and Judge Sirica have spoken on that subject and have indicated that such a course of action would be unwise, I would certainly hope that our colleagues would reconsider their position because many of us have an identical objective, but have taken a somewhat different route to achieve the objectives.

We want to be certain we exercise our responsibility in that phenomena that goes under the name of Watergate.

The Senator from Illinois has not leveled any charges against anyone. I do not presume that I have the right to do that. Nor is it my responsibility. However, I do believe that it is my responsibility to help pass a law that will enable us to feel in good conscience that the Constitution is being followed and that a special prosecutor is being established by statute in a proper manner.

When the special prosecutor feels that someone against whom charges have been made is guiltless he should be able to say, "In my judgment, this man or woman is innocent of such charges." His authority must be such that Congress and the country will accept such a finding. However, if, on the other hand, evidence indicates that the prosecutor should move foward, there should also be confidence on the part of the country that he was acting impartially and in accordance with the facts as he sees them.

Therefore, I send to the desk on behalf of the Senator from Tennessee (Mr. BAKER) and myself, joined by Senators COOK, BROCK, and YOUNG, a new bill, similar to S. 2616 which I introduced earlier in this session of the Congress to establish the independent office of special prosecutor. It is also similar to S. 2631 introduced by Senator BAKER.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PERCY. Mr. President, I would like to summarize very briefly the provisions of this particular bill. I believe it reflects the desires of those of us who are sponsoring differing pieces of legislation on this issue. I believe that it would be sustained constitutionally and that it will fulfill our expectations and the hopes of the American people that the Senate and the House of Representatives are acting in such a way as to assure that the prosecution of the Watergate matter can be carried forward and that it can be left to the courts for resolution. When we resolve this question by the vehicle proposed in this leg-

islation, it will be done in a just and fair manner.

The bill we are introducing would provide that the President nominate a Special Prosecutor within 7 days. If this were not done in 7 days, then there would be a vacancy in that office, and the office would be filled in accordance with section 12(e) of our bill. If the President does nominate someone within 7 days, then the Special Prosecutor, Mr. Jaworski, appointed by the Attorney General on November 1, would act as Special Prosecutor pending the Senate's confirmation or rejection of the nomination.

This particular provision was put in so that there could be an uninterrupted flow of work. There could be continuity which, I believe from my discussions with the President, he feels to be essential. I would hope that we can move forward with dispatch so that there will be no undue delay in any of these proceedings. If the Senate refuses to confirm the nominee of the President, then again section 12(e) would be in effect, and the vacancy would be filled by the court on an interim basis in accordance with that provision.

The Office of Special Prosecutor would be created as an independent agency within the executive branch of government.

The Office would terminate at the end of 2 years except for pending indictments, court cases, or appeals. Removal would be only for neglect of duty, malfeasance in office, or for violation of the act creating the office; but for no other cause.

If the President chose to dismiss the special prosecutor, such dismissal would become effective only after 30 days, which would provide ample time should the special prosecutor determine to appeal the decision of the President. If at the end of 30 days, the court has not taken any action relative to the legality of the dismissal, then the dismissal would become effective.

The court can, of course, fill any vacancy on an interim basis, and the court could even fill a vacancy, if it so decided, with the individual dismissed by the President.

I believe that in this legislation we have met the constitutional requirements imposed upon us. It is simple and straightforward. It provides continuity. However, I think the most important thing is that it preserves the right of the President to get the executive branch of the Government functioning. But it does so in such a way that the American people will be reassured that we would not have the recurrence of the chain of events we had several weekends ago that caused such a collapse of confidence in the President.

I wish, before closing, to commend also the distinguished Senator from Ohio (Mr. TAFT), who has worked for the same objective, attempting to find the best possible procedure with which to approach this problem. We have had some variances. However, on some points we concur wholly, and in principle I think we have no difference of opinion.

We must establish the Office of Special Prosecutor by statute that would be beyond reproach and beyond any question. This is the expectation and the hope of the American people. I feel that is the objective of all of us here whether sponsors of the Hart-Bayh approach or any other legislation. We all have the same objective.

I hope that the Judiciary Committee, in their wisdom, will reach a decision in their meeting tomorrow, and that we will be able to have this matter placed as swiftly as possible on the floor of the Senate, so that we can resolve the matter.

EXHIBIT 1

S. 2734

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 Independent Special Prosecutor Act of 1973

SEC. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor;

(b) Although the Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full and impartial investigation and prosecution of these alleged crimes, a significant doubt still remains as to whether the public need for the appearance as well as the fact of justice would be satisfied;

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973 had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has further eroded the American peoples' confidence in its government and in those who have been elected to lead the government;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force.

SEC. 3. There is hereby established an Independent Special Prosecution Office, responsible for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

SEC. 4. (a) The President of the United States is hereby authorized and directed to appoint (within seven days of the enactment of this act) a Special Prosecutor, by and with the advice and consent of the Senate.

(b) Upon the expiration of seven days from the enactment of this Act, if the President has not submitted a nomination to the Senate for its advice and consent, there shall be a vacancy in the office of the Special Prosecutor, which shall be filled pursuant to Sec. 12(e) of this Act.

(c) Upon the expiration of seven days from the enactment of this Act, if the President has submitted to the Senate a nomination to the office of Special Prosecutor, the Director of the Office of Watergate Special Prosecution Force, appointed by the Acting Attorney General on November 1, 1973, shall assume the duties and powers of the Special Prosecutor under this Act until the Senate exercises its power of advice and consent with respect to the nominee of the President. If the Senate refuses to confirm the nominee of the President, then there shall be a vacancy in the office of Special Prosecutor, which shall be filled pursuant to Sec. 12(e) of this Act.

SEC. 5. (a) The Special Prosecutor is authorized and directed to investigate, as he deems appropriate, and prosecute on behalf of the United States—

(1) offenses arising out of the unauthorized entry into Democratic National Committee headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(4) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. sec. 0.37, 0.38) rescinded October 24, 1973; and

(5) offenses relating to or arising out of any such matters.

(b) The Special Prosecutor shall have primary jurisdiction over any of the offenses or matters enumerated in subsection (a) of this section. However, he may waive jurisdiction when he determines that such jurisdiction is not necessary for the proper performance of his duties under this Act.

(c) The Deputy Special Prosecutor shall assist the Special Prosecutor as the Special Prosecutor shall direct in the performance of his duties, and, in the event of the disability of the Special Prosecutor or vacancy in the Office of Special Prosecutor, shall act as Special Prosecutor until his successor is appointed in accordance with section 12(e) of this Act.

SEC. 6. The Special Prosecutor shall have full power and authority in carrying out his duties and responsibilities under this Act—

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion and scope of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct or criminal investigations and prosecutions within its jurisdiction which would otherwise be vested in the Attorney General and the United States attorneys under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)–1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7(a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties and responsibilities of the Special Prosecutor under this Act, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney Gen-

eral (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), or his successors shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and grand jury or other proceedings initiated by the former Special Prosecutor or by his successors pursuant to regulations of the Attoney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 8 (a) The Special Prosecutor shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code. The Deputy Special Prosecutor shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

(b) The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other Department of Justice, or any other Department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request to the fullest extent practicable. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation, provided that only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

(c) The Special Prosecutor shall appoint a Deputy Special Prosecutor who shall assist the Special Prosecutor as the Special Prosecutor shall direct in the performance of his duties, and, in the event of the disability of the Special Prosecutor or vacancy in the Office of Special Prosecutor, shall act as Special Prosecutor until his successor is appointed in accordance with section 12(e) of this Act.

SEC. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 10. Notwithstanding any other provisions of law, the Special Prosecutor shall submit directly to the Congress requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 11. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 12. (a) The Special Prosecutor may be removed by the President for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause.

(b) When the President believes such violations have occurred, he shall prepare a notice of dismissal. Such notice of dismissal shall be delivered to both Houses of Congress, stating the reasons for such. The dismissal shall become effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the notice is delivered to it.

(c) For the purpose of subsection (b) of this section—

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty day period.

(d) The district courts shall have original jurisdiction of any action brought by the Special Prosecutor with respect to his removal or attempted removal under subsection (a) of this section. Upon a finding of removal in violation of subsection (a), the district court shall grant a temporary restraining order, preliminary injunction order compelling forthwith the reinstatement of the Special Prosecutor or such other relief as it deems appropriate. Any district court in which a proceeding is instituted under this section shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

(e) In the case of the disability of the Special Prosecutor or the vacancy of such office, the President shall appoint a successor. The United States District Court for the District of Columbia may appoint an interim Special Prosecutor to serve in the event of the disability or the vacancy of the office of Special Prosecutor until such time as the President shall appoint a successor in accordance with subsection (d) of this section.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 14. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, shall not affect the provisions of other parts and their application to other persons or circumstances.

Mr. HARRY F. BYRD, JR. May I say I like the approach of the able Senator from Illinois.

Mr. TAFT. I want to commend the Senator from Illinois also for his very strenuous and very intelligent efforts in moving on this difficult problem.

A couple of weeks ago I myself testified before the Judiciary Committee of the Senate on this subject, and at that time introduced a bill which took a slightly different approach. Many of the provisions, however, of the bill introduced by the distinguished Senator from Illinois are very similar to my provisions. His basic premise, with which I strongly agree, that a court appointed special prosecutor raises serious constitutional questions, has now, as we all know, been further underlined by the decision in the Bork case by Judge Gesell, and also, I think, by a statement sent to the chairman of the Judiciary Committee by Judge Sirica, in which apparently other members of the court here in the District of Columbia concurred.

I do, however, have one reservation to bring out at this time, because I think this is a most serious matter, and one on which there should be a great deal of study as to the law in the interim period that we may have before we act on this matter on the Senate floor. That question relates to the power of removal.

The difficulty is that the Meyers case in the U.S. Supreme Court appears to me to stand unequivocally unless modified or later overruled in some way for the proposition that the power of the President to remove in the case of an appointment which he makes and which is confirmed by the Senate must be an absolute power, that this is essential, particularly when the office involved, as here, is an executive type of office. There are other opinions in addition to that one that indicate that a prosecutor, and the prosecutorial function in government, is by its very elements an executive function, and the Meyers case seems controlling to me. Although there are other cases that distinguish it as to quasi-judicial and quasi-legislative offices, such as the Humphrey case, nevertheless I think they do not stand to overrule the Meyers case decision with respect to a prosecutor in the position in which we have this prosecutor.

So the provision of this bill which relates to the removal power, and says the special prosecutor may be removed by the President for neglect of duty, for malfeasance in office, or for violation of this act, but for no other cause, gives me great trouble; and it is for that reason that I have not been able to go along with this approach to this particular problem.

I hope that eventually, before the measure comes to the floor, if this indeed is the form of measure that comes to us here on the floor, there can be further study of the matter, and hopefully some resolution of it. But on the basis of the current authorities as I see them, I foresee no resolution of it. For that reason, the bill that I proposed, with various modifications, substitutes, and other approaches we have attempted to work out between us, took a different tack of having the appointment made by the Attorney General.

If we have the appointment made by the Attorney General under article II, section 2 of the Constitution, relating to appointments to inferior offices, it seems relatively clear that even though we are dealing in the executive branch or with an executive function, nevertheless we may limit the power of removal of the prosecutor. That seems to be the whole thing insofar as the Cox case is concerned, and the recent decisions holding the power binding on the Attorney General to remove in that particular case.

I do not take any credit for any exclusive approach to this problem. As I say, I hope the matter can be resolved. I do not know what way the Judiciary Committee will go on it, but I am sure of this, and the Senator from Illinois is certainly to be commended for it: I am sure we have had sufficient discussion and review so that I believe most of the questions related to the matter have now been called to the attention of the Judiciary Committee, and I hope they will be able to work out something on it.

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

Mr. TAFT. I am happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. As the Senator knows, I did appear before the Judiciary Committee and give testimony, and that testimony has been inserted in the RECORD.

For those Senators interested in it—and I have given the Senator from Ohio a copy—the Meyers case involves the dismissal of a postmaster. The Post Office Department was, at that time, clearly a department of the Federal Government and the executive branch subject to the control of the President. The court clearly determined that the President had a right to dismiss him.

However, in subsequent cases, which are, it seems to me, more germane, the rulings have been different. In the Humphrey case, a case in which President Franklin Roosevelt attempted to dismiss a Federal Trade Commissioner, the court ruled, and I think quite properly, that this was not in the same category as an employee of a department of the executive branch. In its wisdom, Congress has always set out a separate relationship for those whose independence from Executive interference is vital to the performance of their duties. They are appointed by law, and there are confirmation proceedings, and they, whose independence is so vital, are to be protected from being summarily dismissed. The Humphrey case clearly covered that.

There was also the Wiener case, which involved the dismissal by President Eisenhower of an appointee of President Truman. The Supreme Court clearly held that the War Claims Commissioner involved was not removable simply because President Eisenhower did not feel an inclination to retain him.

I point these matters out so that Senators who are interested in the legal aspects—and I am interested in both the legal aspects, and also what appears to be the right thing to do—may have reference to them.

I think these various points have been answered and that where independence is key, Meyers is not applicable. The distinguished Senator from Ohio is a distinguished lawyer. I am not a lawyer, but I have read the cases as I would read the English language, and I have had sound advice in the matter. Our position appears to be backed very strongly by such distinguished lawyers as former Attorney General Elliot Richardson, and also by other eminent constitutional lawyers.

I thank the distinguished Senator from Ohio for yielding to me on this point.

Mr. TAFT. I thank the distinguished Senator from Illinois. I do not wish to prolong the debate. I am sure we will get into it on a broader scope at a later time. My question is whether these cases relate to judicial or quasi-judicial power. The argument seems to turn on whether Congress can deal with something over which it has no power.

So far as election commissioners and other cases which I cited to give some distinguishing characteristics are concerned, other than the legislative power in article I, in this area, this is a power to be exercised. But with respect to the power of removal, insofar as prosecutions are concerned, there is no power, excluding the solely Executive functions set forth in article II of the Constitution. The problem really turns on that particular point.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1541

At his own request, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 1541, a bill to provide for the reform of congressional procedures with respect to the enactment of fiscal measure, to provide ceilings on Federal expenditures and the national debt, to create a Budget Committee in each House, to create a Congressional Office of the Budget, and for other purposes.

S. 1541

At the request of Mr. ERVIN, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 1541, supra.

S. 2505

At the request of Mr. METCALF, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2505, a bill to provide for additional Federal financial participation in expenses incurred in providing benefits to Indians, Aleuts, native Hawaiians, and other aboriginal persons, under certain State public assistance programs established pursuant to the Social Security Act.

S. 2711

At the request of Mr. INOUYE, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2711, a bill to allow an additional income tax exemption for a taxpayer or his spouse who is deaf or deaf-blind.

SENATE JOINT RESOLUTION 165

At the request of Mr. DOMENICI, the Senator from North Dakota (Mr. YOUNG) and the Senator from New York (Mr. JAVITS) were added as cosponsors of Senate Joint Resolution 165, the Vocation Education and Vocation Industrial Clubs of America Week.

MIDWEST AND NORTHEAST RAIL SYSTEM DEVELOPMENT ACT—AMENDMENTS

AMENDMENT NOS. 697, 698, AND 699

(Amendment No. 697 was ordered to be printed and referred to the Committee on Commerce.)

(Amendment Nos. 698 and 699 were ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting three amendments today along with Senator PELL to each of the major pieces of legislation before the Senate concerned with the reorganization of the Northeast railroads.

These bills are S. 2188, the Midwest and Northeast Rail System Development Act introduced by Senator HARTKE, which I have cosponsored, amendment 456 to that bill, the Pearson-Beall substitute, and H.R. 9142, the Shoup-Adams bill.

The Senate Commerce Committee is holding hearings tomorrow and Friday on these measures and final action by the committee is suggested shortly.

While all of these measures include some recognition of the special nature of the Northeast rail corridor, I believe that a clear statement of direction is called for to insure that the final product of our efforts includes the upgrading and modernizing and development of high-speed rail passenger service in the Northeast corridor.

Since 1971, we have delayed implementing the recommendations of the Northeast corridor study report submitted to the Congress by the Department of Transportation on September 15, 1971. That report demonstrated not only the financial and technological feasibility of high speed ground transportation along the Washington-Boston corridor but the desirability for such action as well.

The current energy crisis is only a further example of the reason why the full implementation of that project is required. We simply can no longer afford to waste energy as we have been doing in the past. The failure to fully develop railroad passenger service in the corridor has merely added to the current energy crisis as well as the crisis in transportation.

G. A. Lincoln, former Chief of the U.S. Office of Emergency Preparedness has compared the average passenger miles per gallon of fuel. The cross-country passenger train is nearly 3 times more efficient than the automobile, and 4 times more efficient than the jet plane. The commuter rail system is nearly 7 times more efficient than the auto.

As to pollutants, the U.S. Department of Transportation shows that commercial jets emit 2.7 times as many pounds of pollutants per million passenger miles as high speed trains, buses 21.8 times, and private autos 27.3 times.

The Metroliners already have shown their attraction to passengers with the Washington to New York route increasing its ridership some 18 percent a year ago and increasing its share of the combined air and rail ridership from 25 to 27 percent. At the same time, the Metroliner routes have been showing a profit.

Nor should this be unexpected. The recommendations of the Department of Transportation report would upgrade the system sufficiently to provide 2-hour service from Washington to New York and 2¾-hour service between New York and Boston. The increasing ridership would not only be paying off the cost of the original capital improvements but ultimately would more than pay for itself. By 1985, the high speed corridor route would be pumping an estimated $40 million in net revenues into Amtrak coffers.

I believe we would be doing ourselves a major disservice if we did not utilize the opportunity presented by the need for revamp of the rail industry in the Northeast to produce not only improved freight service but improved passenger service as well.

I would add that proposal has the full support of the New England Governor's Conference.

The amendments I am introducing would require that plans for implementing the Northeast corridor report would have to be included in both the preliminary and final plans called for under the bills before the committee.

The amendment to the Shoup-Adams bill would merely require that the provision now in the bill for the acquisition of the corridor lines by the new Federal Railroad Association would be expanded to include the implementation of the Northeast corridor recommendation for high-speed rail passenger service.

My introduction of these amendments is to insure that any legislative vehicle adopted by the committee to meet the Northeast rail crisis will include high-speed rail passenger in the Northeast.

Mr. PELL. Mr. President, I am pleased to be a cosponsor of three amendments relating to today's continuing crisis facing our Nation's railroads in the Northeast section of our country.

The amendments are introduced by the distinguished senior Senator from Massachusetts (Mr. KENNEDY).

These amendments are concerned with three legislative proposals currently before the Congress—S. 2188, introduced by Senator HARTKE, amendment 456 to S. 2188 introduced by Senators BEALL and PEARSON, and H.R. 9142. As we deliberate how best to resolve the railroad crisis in the Northeast it seems likely that these three pieces of legislation will have our closest attention and that one will provide the ultimate legislative vehicle for final Senate action.

Essentially, the three amendments emphasize the need for improved railroad passenger service in the Northeast. This is an area with which I have been concerned for more than 11 years. In June of 1962, I introduced Senate Joint Resolution 194 to establish a multistate authority in the Northeast region for the improvement of rail passenger service. This concept led to the establishment 2 years later of the Northeast corridor transportation project in the Department of Commerce, to comprehensive studies and eventually to the High-Speed Ground Transportation Act of 1965 and to the inauguration of today's Metroliners and TurboTrains.

I believe we are all fully aware of the critical problems facing our Northeast railroads at this moment, of the bankruptcies which have occurred, of the desperate plight of our Nation's largest railroad, the Penn Central. In my own State of Rhode Island, this railroad, according to statistics supplied by its senior executive representative for New England, Mr. William Tucker, employs 1,165 individuals in Rhode Island, spends annually almost $8.5 million in wages and salary payments, and invests $550,000 in industrial development within the State.

I believe that it is of the greatest importance that we maintain these services, not only to meet urgent transportation and economic needs for Rhode Island, but as these apply to the Northeast and as they affect the rest of the Nation.

It is not enough, however, to maintain existing services. It is of vital importance to improve them, so that they may become economically viable on their own.

In June of this year I introduced S. 2080, a bill to improve rail passenger services and to provide needed funding for the bankrupt railroads involved. At that time, I stressed that studies made by the Department of Transportation showed that a realistic investment in capital improvements for rail passenger service in the Northeast region would be paid for in the form of increased revenues and would provide benefits to our travelers and to our economy.

I said that an investment of $700 million over a 5-year span could provide 5-stop rail passenger service in 2½ hours between Washington and New York and 4-stop service in 3 hours between New York and Boston, with Providence in my home State being a focal point in this service. I further pointed out that with this kind of investment, we could look forward to increased revenues, so that by 1985 the revenue surplus over operating costs and annualized expenses for the capital improvements would be approximately $40 million per year and that over 30 years that surplus would approximate $75 million per year.

It is because of my conviction that rail passenger service can become self-sustaining that I am acting today as a cosponsor of these amendments.

The amendments recognize the importance of the lengthy and comprehensive studies undertaken to date by the Department of Transportation and emphasize that the recommendations they contain be implemented.

With the threat today of gasoline rationing as a result of the energy crisis we face, it would seem obvious that increasing numbers of our people will be dependent upon public transportation for intercity and more localized travel. An electrically powered passenger train consumes less than half the energy per seat mile as a passenger automobile, and less than one-fourth of the energy involved in air travel per seat mile.

Furthermore, studies by the Transportation Department show that commercial passenger aircraft emit 2.7 times as many pounds of pollutants per million passenger miles as high-speed trains, buses 21.8 times as many pounds of pollutants, and private autos 27.3 times as many pounds of pollutants as high-speed trains.

Especially at a time when the energy crisis and the protecting of our environment are major concerns, let us give our most careful consideration to the vital role which improved and economically sound rail passenger service can have for the immediate and more distant future.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 700

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

MINIMUM TAX

Mr. KENNEDY. Mr. President, I send to the desk an amendment to H.R. 3153, the social security bill. The purpose of the amendment is to strengthen the minimum tax by eliminating the so-called deduction for taxes paid, which has become one of the largest, most notorious, and least justified loopholes in the Federal income tax laws.

On the basis of estimates for calendar year 1972, the amendment will generate increased tax revenues totaling $580 million, including a $330 million increase in individual income tax liability and a $250 million increase in corporate income tax liability.

The deduction for taxes paid entered the revenue laws as an 11th hour Senate floor amendment on the Tax Reform Act of 1969. At the time, the Committee on Finance had reported a minimum tax of 5 percent to the Senate, without any deduction for taxes paid. During the floor debate in December 1969, Senator MILLER, of Iowa, offered an amendment to raise the rate to 10 percent and to add the deduction for taxes paid. The revenue effect of that amendment was negligible, but the tax equity effects were enormous. I led the opposition to the amendment at the time, but it was accepted by the Senate and was signed into law as part of the Revenue Code, where it has been a continuing source of tax injustice ever since.

Subsequently, the inequity was compounded by another floor amendment offered by Senator MILLER in 1970, which allowed a 7-year carry-forward of the deduction for taxes paid.

Thus, under the minimum tax in present law, a person is taxed at the rate of 10 percent on the source of his income from tax preferences, which include most but not all of the major tax loopholes, less a $10,000 exemption and less the amount of regular income taxes owed, including the carry-forward. As an attachment of this statement, I have included a more detailed summary of the operation of the minimum tax.

Last June, I offered this identical reform, on behalf of Senators BAYH, MUSKIE, NELSON, and myself, as a Senate floor amendment to the Debt Ceiling Act. The proposal was tabled by the narrow margin of 49 to 47, but I believe a majority of the Senate now supports this reform, and I hope that it will be approved as an amendment to H.R. 3153.

Earlier this month, in the House of Representatives, a much more comprehensive reform of the minimum tax, proposed as a floor amendment to the Debt Ceiling Act, was defeated by a substantial margin. In addition to eliminating the deduction for taxes paid, the House amendment contained two other principal provisions: It would have re-

duced the $30,000 exemption currently allowed to $10,000, and it would have increased the rate of the minimum tax from its present flat rate of 10% to a progressive rate schedule equal to one-half the tax rates on ordinary income. The House amendment would have produced a revenue gain of $3 billion.

I support the provisions of the House proposal, and, in S. 2520, I have introduced separate legislation in this Congress to accomplish such changes.

As I have indicated, however, the amendment I am now offering is much narrower in scope. It deals only with the deduction for taxes paid, and it does not affect either the $30,000 exemption or the rate of the minimum tax. As noted, its revenue gain is $580 million, compared to a gain of $3 billion for the House proposal.

Thus, the amendment I am proposing is a modest reform in the minimum tax. It is a reform that can and should be accomplished now, as a symbol of our commitment to tax reform and as a downpayment on the more comprehensive reform that I hope will be a high priority of the second session of the Congress.

In substantial measure, the amendment will help restore the minimum tax to its true and intended function. The minimum tax is the imaginative technique enacted by Congress as part of the Tax Reform Act of 1969, in an effort to insure that all citizens with substantial income would pay at least some tax on their income, thereby ending the gross tax inequity by which thousands of wealthy taxpayers were able to use the loopholes in existing law to avoid large amounts of taxes they ought to pay, or even to avoid taxes altogether.

In effect, the minimum tax is supposed to be a "bucket under a sieve." It is designed to impose a modest tax on all income that slips otherwise untaxed through many loopholes in the existing Revenue Code. If the minimum tax fulfills its function, no one with substantial income would be able to avoid paying a fair share of taxes on his income.

Unfortunately, the minimum tax does not adequately fulfill its function. In 1970, the first full year of operation, the revenue yield was a paltry $117 million, compared to an anticipated yield of $290 million when it was enacted in 1969. In 1971, the yield was little better.

Thanks to the exemptions and deductions written in at the beginning and in subsequent years, the minimum tax is itself a loophole-ridden tax—minimum in impact as well as name. As such, the minimum tax is the most patly named provision in the tax laws. Instead of being a "bucket under a sieve," it is, instead, simply another sieve under the existing sieve.

I call this particular deduction—the deduction for regular taxes paid—the "Executive Suite" loophole, because it allows highly paid executives to use their large salaries to shelter large amounts of tax preference income against the minimum tax. Simply because a wealthy individual pays taxes on his salary just like everybody else, it does not follow that the taxes he pays should give him free entry to the "loophole club," by allowing him to amass large amounts of sheltered income, not only from the regular tax, but from the minimum tax as well.

For 1971, the most recent year for which figures are available, $162 million in minimum tax was paid by individuals on total reported tax preference income of $6.1 billion, yielding an average effective minimum tax rate of only 2.63 percent, even though the statutory rate is 10 percent.

Further, of the 98,000 individuals who reported tax preferences, 74,000 paid no minimum tax at all, even though they had tax preference income of nearly $4 billion. And, of the remaining 24,000 individuals who actually paid some minimum tax on their preferences totaling more than $2 billion, the minimum tax they paid was at an effective rate of only 4.1 percent. Thus, 75 percent of the individuals, with 36 percent of the total reported tax preference income, escaped the minimum tax altogether.

In large part, the source of this enormous avoidance of the minimum tax is the deduction allowed for regular taxes paid. Thus, the minimum tax works reasonably well in the case of individuals who pay little or no regular taxes, but it contains a gaping loophole in the case of individuals who pay substantial regular taxes. To me, there is no justification for allowing this loophole in the minimum tax to remain open. Simple tax justice requires that the minimum tax be applied even-handedly to all tax preference income. The amendment I am proposing today will achieve that result by eliminating the deduction for taxes paid, and I urge the Senate to approve it.

Mr. President, I ask unanimous consent that the text of the amendment and an analysis of its provisions be printed in the RECORD.

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

AMENDMENT No. 700

At the end of the bill insert the following new section:

SEC. .(a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 10 percent of the amount (if any) by which the sum of the items of tax preference exceeds $30,000."; and

(2) by striking out subsection (c).

(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

AMENDMENT TO H.R. 3153, THE SOCIAL SECURITY BILL

Purpose: Repeal the step in the calculation of the minimum tax which currently allows a deduction for other taxes paid.

Explanation: The minimum tax was enacted by Congress as part of the Tax Reform Act of 1969, in an effort to guarantee that persons with substantial amounts of untaxed income would pay at least a modest tax on that income. As reported by the Finance Committee in 1969, a 5% tax would be paid on income from tax preferences. A floor amendment raised the rate to 10% and added a deduction for regular taxes paid. A 1970 Senate floor amendment allowed a 7-year carry over of the deduction. Under the minimum tax in present law, a person is taxed at the rate of 10% on the sum of his income from tax preferences, less a $30,000 exclusion and less the amount of regular income tax owed, including the carry over.

The current amendment would eliminate the deduction and carry over for taxes paid, which has allowed large numbers of taxpayers to avoid the minimum tax completely, even though they have large amounts of income from tax loopholes. In practice, the current deduction is an "Executive Suite" loophole, since one of its principal effects is to allow high salaried executives to use the large amount of regular taxes they pay as an offset against income they receive from tax loopholes. The following two examples illustrate the point:

In dollars

	A	B
Loophole income	100,000	100,000
Regular tax on salary	100,000	0
Base for minimum tax	0	100,000
Minimum tax	0	10,000

Individual A, who has $100,000 in income from tax preferences and pays $100,000 in regular taxes on his salary, owes no minimum tax. Individual B, who has $100,000 in income from the same tax preferences, but who pays no regular taxes, owes a minimum tax of $10,000. The minimum tax should operate equally on individuals A and B, yet the deduction for taxes paid gives A an unfair benefit over B, the proposed amendment would equalize the two cases by insuring that A pays a minimum tax on his loophole income. In effect, the amendment requires equal treatment of the rich.

Current Operation of the Minimum Tax:

Individuals—In 1971, 24,000 individuals paid $163 million in minimum tax on loophole income of $3.9 billion, for an effective tax rate of 4.1%.

But, 74,000 other individuals paid no minimum tax at all on loophole income of $2.2 billion. Thus, the overall effective rate of the minimum tax on individuals is 2.6%, compared to the statutory rate of 10%.

Corporations—(less precise data available)—In 1970, 6,000 corporations paid $280 million in minimum tax on loophole income of $4.1 billion, for an effective rate of 6.7%. But 75,000 corporations paid no minimum tax at all on loophole income of $1.6 billion. Thus, the overall effective rate of the minimum tax on corporations is about 4.8%.

Revenue Gain from the proposed amendment (1972 figures): $580 million ($330 million from individuals; $250 million from corporations). The distribution of the revenue gain from individuals is:

Adjusted gross income	Number of returns affected	Increased tax
0 to $5,000		
$5,000 to $10,000		
$10,000 to $20,000		
$20,000 to $50,000	11,000	$4,000,000
$50,000 to $100,000	22,000	28,000,000
$100,000 and over	30,000	299,000,000
Total	63,000	330,000,000

Major Tax Preferences Subject to Minimum Tax—Excess investment interest, accelerated depreciation on real property, accelerated depreciation on personal property subject to a net least, amortization of certified pollution control facilities, amortization of rail-

road rolling stock, stock options, reserves for losses on bad debts of financial institutions, depletion, capital gains, and amortization of on-the-job training and child care facilities.

Major Tax Preferences Not Subject to Minimum Tax—Interest on state and local government bonds, intangible drilling and development expenses, interest and taxes during construction period of real estate, investment credit, gain on property transferred at death, gain on appreciated property given to charity.

(NOTE.—The proposed amendment makes no change in the tax preferences subject to the minimum tax, in the current 10% rate of the minimum tax, or in the $30,000 exemption currently allowed against the minimum tax.)

Summary—The deduction for taxes paid was added by a Senate floor amendment in 1969, and it is appropriate that it now be repealed by a Senate floor amendment. Previous minimum tax amendments defeated on the Senate floor have also included changes in the tax preferences, in the $30,000 exemption, and in the rate of the minimum tax.

The proposed amendment would affect only the deduction for taxes paid, the most flagrant and least justifiable loophole in the minimum tax. The tax has worked reasonably well in the case of persons who pay little or no regular tax, and the Senate should now close the loophole that allows those already paying regular taxes to escape the minimum tax.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 565 TO S. 1724

At the request of Mr. TUNNEY, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of amendment No. 565, intended to be proposed to S. 1724, a bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes.

AMENDMENT NO. 640 TO H.R. 3153

At the request of Mr. HARRY F. BYRD, JR., (for Mr. MUSKIE), the Senators from Delaware (Mr. BIDEN), Massachusetts (Mr. BROOKE), Nevada (Mr. CANNON), Alaska (Mr. GRAVEL), West Virginia (Mr. RANDOLPH), and Vermont (Mr. STAFFORD) were added as cosponsors of amendment No. 640 intended to be proposed to H.R. 3153, an act to amend the Social Security Act to make certain technical and conforming changes.

RURAL DEVELOPMENT HEARING POSTPONED UNTIL JANUARY

Mr. CLARK. Mr. President, earlier I had announced that my Subcommittee on Rural Development would be holding its third oversight hearing on the implementation of the Rural Development Act of 1972 during this month.

Unfortunately, Secretary Butz and I have been unable to coordinate our schedules so that a date could be set.

Therefore, the hearing will have to be postponed until after the first of the year.

However, it is my intention to work with the Department of Agriculture, the Library of Congress, and others to prepare a subcommittee print which can be used as a guide for those who are interested in putting the Rural Development Act to work. This report should go to press within the next 3 weeks.

ADVISORY COMMITTEE OVERSIGHT HEARINGS

Mr. METCALF. Mr. President, on Thursday, November 29, the Government Operations Subcommittee on Budgeting, Management, and Expenditures will begin oversight hearings on Public Law 92–463, the Federal Advisory Committee Act.

This law, overwhelmingly approved by the 92d Congress, was signed into law on October 6, 1972 and became effective on January 5, 1973.

The act sets forth certain rules for operation of advisory committees. These rules deal with advance notice of meetings, balanced representation of membership, open meetings, meaningful minutes or transcripts, the justification or discontinuance of advisory committees now in existence, nonestablishment of new advisory committees if an existing Federal agency or advisory committee can do the job, and limitation of these committees to advice, rather than policy decisionmaking and implementation.

Advisory committees are also subject to interim guidelines, issued jointly by the Office of Management and Budget and the Department of Justice pursuant to Public Law 92–463.

The hearings beginning next week will provide an opportunity to assess adherence to the law and guidelines by agencies and advisory committees and to evaluate the law and the redraft of the guidelines.

Witnesses at the oversight hearing next Thursday will be:

Representative DAVID OBEY of Wisconsin; and

Prof. Richard Wolf, deputy director, Institute for Public Interest Representation, Georgetown University School of Law, accompanied by staff attorney Cathleen Douglas.

The hearing will begin at 10 a.m., November 29, in room 3302, Dirksen Senate Office Building.

Persons or organizations who wish to submit material for the hearing record, or testify at future hearings, should get in touch with the Subcommittee on Budgeting, Management, and Expenditures, room 161, Russell Senate Office Building, Washington, D.C. 20510, phone 202—225–1474.

The following background materials are available from the subcommittee:

Hearings during the 91st and 92d Congress on advisory committees;

The Federal Advisory Committee Act;

My July 16 interim report on the new law—CONGRESSIONAL RECORD, July 16, 1973; and

The first court decision under the act—Maragaret Gates, et al., against James R. Schlesinger, et al., by District Court Judge Aubrey E. Robinson in the U.S. District Court for the District of Columbia—which Congressman OBEY inserted in the October 16 CONGRESSIONAL RECORD.

A limited supply of the President's annual report on Federal Advisory Committees is also available. This report, including details on advisory committees and their members, has been published as a committee print by the Senate Committee on Government Operations. An index to this four-volume committee print will be available next month.

Mr. President, I wish to insert at this point in the RECORD two additional items which are pertinent to the oversight process.

One is the November 7 letter I have received from Fred J. Emery, director of the Federal Register. In it he states that, effective this week, the "Reminders" section of the Federal Register will list all advisory committees scheduled to meet the following week. This feature will be similar to the "Congressional Program Ahead" published at the end of each week in the CONGRESSIONAL RECORD. It will facilitate participation in and monitoring of advisory committees.

The other is the November 9 memorandum opinion and order of Judge June L. Green, in Civil Action No. 769–73, Ralph Nader, et al., against John Dunlop, in U.S. District Court for the District of Columbia.

I ask unanimous consent that these two documents be inserted at this point in the RECORD.

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

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., November 7, 1973.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter complimenting the recent improvements in the *Federal Register*. It is very satisfying to effect improved services to the public and even more satisfying to receive such recognition as you accorded our efforts in your letter of November 1, 1973.

Your suggestion that we include in the weekly "Reminders" a listing of advisory committee meetings scheduled for the following week is a good one and accords with the purposes of the "Reminders" section. We are adopting your suggestion and the first weekly listing of advisory committee meetings will appear in the "Reminders" which will be published in the *Federal Register* for November 21, 1973.

Again, thanks for your letter and your suggestion. If I can be of any further assistance to you, please do not hesitate to call on me.

Sincerely,

FRED J. EMERY,
Director of the Federal Register.

[U.S. District Court for the District of Columbia]

ORDER

Ralph Nader, et al., Plaintiffs, vs. John Dunlop, et al., Defendants. Civil Action No. 769–73.

Upon consideration of the Cross Motions for Summary Judgment, is by the Court this 9th day of November 1973,

Ordered that plaintiffs' Motion for Summary Judgment be and hereby is granted; and it is

Further ordered that the defendants, their agents and employees, shall hold all future meetings of their advisory committees open to public access except to the extent that there is a specific finding made by the Director of the Cost of Living Council that the meeting, or a portion thereof, is to discuss a document which is specifically exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. § 522(b).

JUNE L. GREEN,
U.S. District Judge.

[U.S. District Court for the District of Columbia]

MEMORANDUM OPINION

Ralph Nader, et al., Plaintiffs, vs. John Dunlop, et al., Defendants. Civil Action No. 769–73.

This matter is before the Court on cross motions for summary judgment. At issue is the exclusion of the public from the meetings of the advisory committees serving the Cost of Living Council. Plaintiffs contend that the Federal Advisory Committee Act (5 U.S.C. App. I, P.L. 92–463) requires that the various advisory committee meetings (those committees are: the Food Industry Advisory Committee; the Food Industry Wage & Salary Committee; and the Health Advisory Committee) be open to the public. The defendants argue that the meetings are being closed under authority of § 10(d) of the Act and the applicable guidelines (38 F.R. 2306, January 23, 1973), which provide that a meeting may be closed when it is determined by the Agency head that such meeting will involve matters listed in 5 U.S.C. § 552(b), the Freedom of Information Act.

More specifically, the defendants contend that the meetings were closed because they "would consist of an exchange of opinions and that the discussion, if written, would fall within exemption 5 of U.S.C. 552(b) and that it was essential to close such meetings to protect the free exchange of internal views and to avoid undue interference with committee operations." (Section 10a(3)(c) of the Joint Memorandum of the Office of the Budget and the Department of Justice, 38 F.R. 2309, 2310, as cited in defendants' Motion to Dismiss at 4.) Plaintiff agrees that in certain situations, the § 5 exemption may be invoked to close or partially close a meeting to the public. However, plaintiff contends that § 5 should not apply to protect all internal deliberations of the advisory committees, and that the § 5 exemption should not be applied in an automatic, blanket manner. (Only one portion of one advisory committee meeting has been open to the public, the remaining meetings were closed on the basis of § 5.) (Plaintiffs' Proposed Findings . . . nos. 3, 4.)

The Court believes that defendants' broad application of the § 5 exemption to include all deliberative conversations of the committee meetings is clearly contrary to Congressional intent and the policy of the Act. As stated by Senator Percy, "the second major element of the bill is its provisions for opening up advisory committees to public scrutiny".[1] Concern was expressed that in too many instances, advisory committees were consulting with government offices on important policies and decisions without an adequate guarantee that the public interest was being served.[2] The legislative history further demonstrates that Congress rejected contentions that public participation would destroy the advisory process.[3]

In a recent decision of this Court, Judge Aubrey E. Robinson, Jr. analyzed the § 5 exemption as applied to the meetings of the Defense Advisory Committee on Women in the Services. He found "exemption 5 inapplicable by its terms and irreconcilable by result with the very purpose of the Federal Advisory Committee Act." *Gates* v. *Schlesinger*, —— F. Supp. —— (D.D.C. decides October 10, 1973) (slip opinion at 5). This Court, too, finds the express Congressional intent to provide public access to Advisory Committee meetings irreconcilable in this case with the defendants' expansive reading of the § 5 exemption.

While the defendants contend that they have not adopted "such an expansive construction" as would close all advisory committee meetings, (Defendants' Motion to Dismiss, p. 23) it appears that such has been the case. This Circuit has recently criticized the broadbased, conclusory assertions often made by the Government to invoke Freedom of Information Act protections. *Vaughn* v. *Rosen*, No. 73–1039 (D.C. Cir. August 20, 1973). Thus, said the Court of Appeals, "the agency may not sweep a document under a general allegation of exemption, even if that general allegation is correct with regard to part of the information". [footnote omitted]. *Vaughn*, supra at 11–12. Here, the defendants are sweeping entire advisory committee meetings under the general allegation of a § 5 exemption. The defendants have not offered any specific reasons for closings the meetings.[4] Although the Advisory Committee Act does not contain the same express provisions as the Freedom of Information Act which places the burden of proof on the agency to sustain its action, this Court would agree with Judge Robinson in *Gates* v. *Schlesinger*, *supra*, at 5–6 that the underlying policy consideration are identical and that the burden of proof should be comparable. The defendants should, at a minimum, provide "a relatively detailed analysis" of the bases for closing various portions of the meetings. *Vaughn* v. *Rosen*, *supra*, at 14.

The Freedom of Information Act, as interpreted by case law, also requires that where portions of some documents (or, in this case, meetings) may be exempt from disclosure, the non-exempt (i.e. purely factual material) portions are to be disclosed. *Grumman Aircraft Engineering Corp.* v. *Renegotiation Board*, 138 U.S. App. D.C. 147, 425 F.2d 578 (D.C. Cir. 1970); *Environmental Protection Agency* v. *Mink*, 410 U.S. 73 (1973). The burden of showing that it would be impossible or unfeasible to sever and release such nonexempt material is on the government. By analogy to the present problem, the defendants should bear the burden of showing specifically that all *portions* of all meetings should be closed.

The importance of the Federal Advisory Committee Act is epitomized by Senator Metcalf who handled the legislation in the Senate.

"What we are dealing with here goes to the bedrock of government decision making. Information is an important commodity in this Capital.

Those who get information to policymakers, or information for them, can benefit their cause whatever it may be. Outsiders can be adversely and unknowingly affected. And decisionmakers who get information from special interest groups who are not subject to rebuttal because opposing interests do not know about the meetings—and could not get in the door if they did—may not make tempered judgments." Cong. Rec., vol. 118, pt. 24, pp. 31224–25.

This Court will not allow the door to close on these meetings when Congress has expressly ordered the door be open except on the rarest occasions.

JUNE L. GREEN,
U.S. District Judge.

Dated: November 9, 1973.

[1] Cong. Rec., vol. 118, pt. 23, p. 30269 (Remarks of Senator Percy).

[2] *Id.*

[3] Cong. Rec., vol. 118, pt. 9, pp. 16296–16308, pt. 24, pp. 30952, 31224–25, 31420–21; H.R. Rep. No. 1017, 92d Cong., 2d Sess (1972).

[4] Those notices which have appeared in the Federal Register announcing—and closing—the meetings of the advisory committees have stated: "The Director of the Cost of Living Council has determined that the meeting will consist of exchanges of opinions; the discussions, if written, would fall within exemption 5 of 5 U.S.C. § 552(b); and it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with the operation of the committee."

ADDITIONAL STATEMENTS

THANKSGIVING

Mr. THURMOND. Mr. President, I rise today on the eve of our Nation's Thanksgiving observance to express our gratitude for all the blessings of America. We in this country have much for which to give thanks. The very freedom we enjoy as a fundamental part of our national heritage is foremost among our blessings.

As citizens of the United States we are the beneficiaries of the most plenteous Nation on earth. The opportunities inherent in the economic system which makes possible our bounty and the political system which insures the liberties of individual initiative are, indeed, blessings to all of us.

Mr. President, all Americans can be thankful for the establishment of this Nation which guarantees freedom of speech and freedom of religion as basic to our many rights as citizens. For nearly 200 years this country has been the envy of people around the world because of these tenets of freedom and opportunity.

As we observe this Thanksgiving season of 1973 we also are grateful for the cease fire which was achieved in Southeast Asia. The result of this achievement was to bring home all of our military forces from Vietnam and conclude, with honor, the fighting in which we had been engaged for a decade. This is, in fact, the first Thanksgiving in a dozen years that U.S. troops have not been under fire on foreign soil. For this, Mr. President, and for the honorable way in which this situation was brought about we can give thanks as a nation.

We also can express our gratitude for the personal benefits of high employment throughout the land. At the same time unemployment has dropped to its lowest level in years, the gross national product is, by far, the greatest in the world and our total economy is the strongest anywhere. In my own State of South Carolina, for example, jobs are plentiful and opportunity is at an all time high.

Thanksgiving can surely be given for the virtual absence of street demonstrations and riots which characterized much of the unrest created in the 1960's. We can be grateful that our system allows redress of grievances and opportunities for legitimate expression without resort to violence or intimidation.

Mr. President, no one would suggest that there are no problems in this Nation or that individual troubles cannot be found. Compared to the blessings which are part of our national birthright the problems are few and where they exist, so, too, do the remedies.

The precious freedoms of the United States of America are the greatest be-

quest we can make to future generations. It is a system which sets no bounds to both individual and national progress.

Mr. President, for this national inheritance which has been handed to us by our forefathers and for the current blessings of our national life, we can humbly give thanks.

QUALITY, COST, AND UTILIZATION CONTROLS CONTAINED IN THE LONG-RIBICOFF BILL

Mr. RIBICOFF. Mr. President, S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act, sponsored by Senators LONG and myself, along with 22 other Senators, contains a series of quality, cost, and utilization controls which would be applied to health services reimbursable under the program.

The bill would incorporate all of the medicare quality, cost and utilization controls, including all of the additional controls contained in Public Law 92–603, which was signed into law last year.

Taken as a whole, these quality, cost and utilization controls touch on nearly every aspect of the health delivery system. In addition, S. 2513 would guarantee that rather than having separate quality and cost controls as we do now in many cases, under medicare and the State-administered medicaid programs, there would be one set of controls applicable to medicare, the catastrophic program and the new medical assistance program.

QUALITY CONTROLS—FACILITIES

S. 2513 incorporates the standards relating to health, safety and service which hospitals, skilled nursing facilities, intermediate care facilities, home health agencies and clinical laboratories must meet under the current medicare and medicaid programs.

Under medicare and medicaid, participating hospitals must meet standards developed by the U.S. Public Health Service or, alternatively, they must be accredited by the Joint Commission on Accreditation of Hospitals. Compliance with the standards is monitored by State health department licensure personnel in the case of facilities participating under the PHS standards, or by a team from the JCAH for those institutions which are JCAH accredited. Two significant changes were made in these procedures by Public Law 92–603. First, the Secretary was given the authority to set standards which may be higher than JCAH standards which would be applied to JCAH accredited hospitals, and he was given authority to monitor the JCAH survey process. Another provision of last year's law requires that the findings of the surveys performed by State health agencies be made readily available to the general public who, thus, are now in a position to directly ascertain the extent of a facility's compliance with standards of care and safety.

Under the medicare and medicaid programs, as modified by Public Law 92–603, skilled nursing facilities participating in the programs must meet a single set of standards developed by the U.S. Public Health Service and applied by State health agency licensure personnel. Similarly, intermediate care facilities, home health agencies and clinical laboratories must meet standards established by HEW and compliance with these standards is also monitored by State health agency personnel. These survey results would also be available to the public.

All of these standards and procedures would be applied under S. 2513.

QUALITY CONTROLS—REVIEW OF CARE PROVIDED

S. 2513 incorporates all of the provisions of the current medicare and medicaid programs as amended by Public Law 92–603, which relate to the review of care provided through the programs. The major review mechanisms for the current health programs and for services provided through S. 2513 will be the Professional Standards Review Organizations established under Public Law 92–603. These organizations, composed of physicians and operating on a publicly accountable basis, at local levels throughout the United States, are responsible for reviewing all services provided to see that they meet proper quality standards. Regional norms and criteria for services are utilized in each area of the country. Prototype review organizations, such as the medical care foundations which exist in many areas of the country, have had significant results in upgrading the quality of care provided in these areas, and in moderating underutilization and overutilization of services, both of which are incompatible with medical care of proper quality.

It should be noted that, prior to passage of the PSRO provision by the Congress last year, the Federal Government had never really established a mechanism to comprehensively review the quality of services provided by the Federal health programs.

COST CONTROLS—GENERAL

S. 2513 would incorporate all of the medicare cost control mechanisms, including those established under Public Law 92–603.

There are a number of approaches to controlling the costs of health care services. In a predominantly fee-for-service and cost reimbursement delivery system, both the unit cost of services and the utilization of these services must be subject to controls if overall cost control is to be achieved. S. 2513 would incorporate both unit cost and charge controls and utilization controls.

S. 2513 also includes a number of other approaches toward controlling health care costs. For example, the bill by reference contains provisions for health maintenance organizations—HMO's—provisions for prospective reimbursement on a demonstration basis, and provisions for the control of capital expenditures of health facilities.

COST CONTROLS—UNIT COSTS AND CHARGES

S. 2513 would incorporate the controls on unit costs and charges which were contained in Public Law 92–603.

The first of these provisions established a limitation on the costs which will be recognized as reasonable for reimbursement of institutional care. Under medicare, facilities are reimbursed on a reasonable cost basis but, with passage of Public Law 92–603 limitations were placed on what would be considered reasonable costs. These limitations are based on a comparison between the costs of similar facilities providing comparable services in the same area. Under these limitations, a facility's costs could not substantially exceed the costs of similar facilities in an area.

The second of these provisions established a limitation on the extent to which increases in prevailing charges for physicians' services will be recognized for purposes of medicare reimbursement. Under medicare, physician reimbursement is based upon the lower of the physicians' customary charge or the prevailing charge in the community for the specific service. The provision in Public Law 92–603 limits the extent to which prevailing charge increases would be recognized from year to year. Under this limitation, prevailing charges could increase only by a factor related to changes in the costs of practice and earnings levels in the area.

COST CONTROLS—CONTROLS ON UTILIZATION

S. 2513 incorporates all of the medicare and medicaid utilization review provisions and also incorporates the PSRO provisions contained in Public Law 92–603.

Medicare and medicaid both require participating hospitals and skilled nursing facilities to have utilization review committees established by the medical staffs and responsible for reviewing the necessity and appropriateness of services rendered within the institution.

The carriers and intermediaries, in the case of medicare, also have responsibilities for reviewing the utilization of both outpatient and inpatient services.

S. 2513 will include both these institutional review committees and the review activities of the carriers and intermediaries.

Under Public Law 92–603 and under S. 2513, PSRO's will assume the major responsibility for reviewing whether services are necessary and appropriate. Both the current medicare program and the programs established under S. 2513 will rely on the other medicare review mechanisms, in tandem with PSRO review, until PSRO review is established as effective.

PSRO's are required to apply norms and criteria to the utilization of services and to maintain profiles of provider, practitioner and patient patterns.

COST CONTROLS—OTHER PROVISIONS

The unit cost and utilization of services controls described above are designed to deal with the fee-for-service and cost reimbursement systems which are most prevalent throughout the United States. S. 2513 would, however, include other cost control mechanisms.

For example, some maintain that capitation payments through health maintenance organizations are an effective way to control the costs of medical care. S. 2513 contains provisions under which arrangements could be made to capitate with qualified HMO's, where

they exist, and thus take advantage of their possible cost containment virtues.

Additionally, some maintain that prospective reimbursement for institutional care offers better chances of cost containment than attempting to put controls onto a cost-based reimbursement system. S. 2513 includes the broad authority given the Secretary under Public Law 92–603 to experiment with and demonstrate various mechanisms of prospective reimbursement.

One other item which has been responsible for part of the increased costs of health care is capital expenditures. Under S. 2513, capital expenditures by participating facilities would be subject to the same controls instituted for the medicare program by Public Law 92–603. Under these provisions, costs associated with capital expenditures which are disapproved by appropriate health planning agencies would not be reimbursable under the medicare program. In the same fashion these costs would not be reimbursable under S. 2513.

Mr. President, I ask unanimous consent to have the cosponsors of S. 2513 printed in the RECORD.

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

LIST OF COSPONSORS OF S. 2513

Russell B. Long (D-Louisiana) **
Abraham Ribicoff (D-Connecticut) *
Herman E. Talmadge (D-Georgia) *
Gaylord Nelson (D-Wisconsin) *
Lloyd Bentsen (D-Texas) *
Clifford P. Hansen (R-Wyoming) *
Robert Dole (R-Kansas) *
William V. Roth, Jr. (R-Delaware) *
Hugh Scott (R-Pennsylvania)
Charles H. Percy (R-Illinois)
William B. Saxbe (R-Ohio)
George McGovern (D-South Dakota)
James Abourezk (D-South Dakota)
Joseph M. Montoya (D-New Mexico)
Gale McGee (D-Wyoming)
Lawton Chiles (D-Florida)
Floyd Haskell (D-Colorado)
Milton Young (R-North Dakota)
Daniel Inouye (D-Hawaii)
Alan Bible (D-Nevada)
Howard W. Cannon (D-Nevada)
Edward J. Gurney (R-Florida)
Jennings Randolph (D-W. Va.)
Ernest Hollings (D-S.C.)

*Member of the Senate Finance Committee.

**Chairman of the Senate Finance Committee.

SENATOR AIKEN AND PETE'S ADVICE—AS SEEN BY NICK THIMMESCH

Mr. HATFIELD. Mr. President, the syndicated columnist Nick Thimmesch, has exhibited the ability to set out clearly in his articles and columns what are very complex issues. He also often is able to get behind the issue and demonstrate what human feelings are involved.

This ability to capture the human aspect of politics—which I believe to be what this business is all about—was shown in a recent column about the Republican dean of the Senate, GEORGE AIKEN. Nick Thimmisch is talking about the issue of impeachment and resignation—a topic on the minds of many in this town. In his column, however, what comes through is a picture of GEORGE AIKEN and those qualities that have earned him the respect of all in this body.

I ask unanimous consent that this column be printed in the RECORD.

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

SENATOR AIKEN AND PETE'S ADVICE: IMPEACH HIM OR GET OFF HIS BACK

(By Nick Thimmesch)

WASHINGTON.—In this confused city, mean with rancor, the best heads seem fogged these days. The question of the Nixon Presidency is that perplexing. Then pow, along comes Sen. George Aiken to clear the air by quoting a Vermont constituent named Pete who wrote: "Either impeach him or get off his back."

I'll bet that single expression reflects the sentiment of a majority of Americans, and we are indebted to Sen. Aiken, the honest old (81) Yankee, for supplying it. But then he's the man who suggested several years ago, "Let's declare a victory in Vietnam and get out."

Sen. Aiken rarely speaks out, and last week's statement is his first on Watergate. He got big response. "I don't have a talkative husband," says his wife, Lola, who serves as his unsalaried assistant, "so I don't know what the other senators said to him. But the mail is tremendous, and all those phone calls—people agree with what he said, and they're not necessarily for Nixon. They just want this thing to end."

Sen. Aiken voiced his fear about the danger of the destruction of the third Presidency in a row. One Presidency was destroyed by an assassin's bullet, another by a bitter, divisive war, Aiken said. "To destroy the third in a row through the politics of righteous indignation cannot possibly restore confidence either at home or abroad," he stated.

His analysis is that the Nixon White House has handled its domestic problems with "such relentless incompetence" that those who want to help are almost helpless. He sees the cry for resignation as reflecting "a veritable epidemic of emotionalism," and that "many prominent Americans, who ought to know better, find the task of holding the President accountable as just too difficult."

Aiken says it makes no sense "to ask the President to prosecute himself yet any special prosecutor in the Justice Department will find himself in that ridiculous position. Nor does it make sense to me for the Congress to act as the judicial branch to create a special prosecutor.

"Of course, if the President resigns, we will be relieved of our duty. But I fail to see any great act of patriotism in such a drama. On the contrary, it is the President's duty to his country not to resign."

So Aiken reminds us that it is the House's duty to impeach and the Senate's duty to judge. "Since I would be a juror in such a trial," he said, "I intend to say nothing in advance about any possible indictment or any possible verdict. Politicians I have known are no greater or lesser sinners than the average person listed in the telephone book."

Aiken then made the excellent point that he is bothered by those righteous souls who claim President Nixon and his associates are alone in corrupting America. The politics of moral aggression in foreign policy has been cited by Aiken before regarding Vietnam and the Middle East. He finds "moral aggression here at home" as hardly less dangerous than in those two examples.

Clearly, what Sen. Aiken is trying to say is that it is wrong and unfair to assign all evil to communism, the Arabs or Richard Nixon, as various moralists have done at various junctures in recent history. That's Aiken's clear-headed, honest thinking.

"I tend to explode the way the public does when something dramatic happens," Mrs. Lola Aiken says. "It feels better that way. But George is remarkable. He holds back, and then he comes up with something more reasonable. He waits and then speaks."

Aiken mulled Watergate a long time before speaking last week. When the resignation talk began to fill the air, particularly after Sen. Edward Brooke (R–Mass.) advocated that course for President Nixon on national television, Aiken sat down to put his own thoughts on paper.

"He looked over the speech when he finished," says Mrs. Aiken, "and told me it needed something else. Then he remembered that letter from Pete, whom he had known many years, and he put Pete's brief advice in there."

"Either impeach him or get off his back" is what Pete and Sen. Aiken said. I think that most Americans would say the same thing to the people in this town who vengefully want to make this an agonized Presidency. The Nixon-haters are as bad as the technocrats who got Mr. Nixon into such deep trouble through their total lack of public responsibility.

Mr. Nixon's back carries more than his own weight. It also carries the nation, and we all have a stake in that.

OPERATION CANDOR

Mr. HUGHES. Mr. President, I ask unanimous consent that the following articles be printed in the RECORD: The Washington Post editorial of November 20, 1973, "Operation Disney World (I)"; the New York Times editorial of the same date, "The Traveling Witness"; and the James M. Naughton article in that issue of the Times entitled "Nixon Statements and the Record."

Mr. President, I ask that these articles be printed because I feel my colleagues should be aware that "Operation Candor" by President Nixon, rather than restoring confidence as is so desperately needed, seems only to be further wrecking the Presidential credibility.

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

OPERATION DISNEY WORLD (I)

Working our way laboriously through the transcript of President Nixon's extraordinary performance last Saturday night before the Associated Press Managing Editors at Disney World, it struck us with increasing force that on a number of specific points the President is not exactly clearing up the record on Watergate and related matters. Rather, he seems determined to add to the public's confusion at almost every turn. The President would have us believe, of course, that with Operation Candor (as the White House has called it) he is at long last setting out to sweep away public misapprehensions—that he is helping us to get to the bottom of the Watergate affair, once and for all. Yet, picking and choosing almost at random, one finds disturbing distortions of the record and misrepresentations of the facts. By way of a beginning effort to set the record straight, we would deal today with the President's misuse of two of his predecessors in office—Thomas Jefferson and Lyndon Johnson—in attempting to defend actions of his own.

Mr. Nixon's persistent use of the "Jefferson rule," as he called it in his Saturday night appearance, is startling. This is the second time in a month that the President has distorted the facts regarding the issuance of a subpoena to President Jefferson by way of justifying his own performance in the mat-

ter of the Watergate tapes. In his press conference on October 26, Mr. Nixon said that the court had subpoenaed a letter which President Jefferson had written and Mr. Jefferson had refused to comply, but rather had compromised by producing for the court a summary of the contents of the letter. Saturday night, he went further. He began his answer to a question having to do with executive privilege with the astonishing assertion that, "I, of course, voluntarily waived privilege with regard to turning over the tapes." This is a curious way to describe his ultimate decision to obey an order of the Federal District Court—an order which he first appealed to the U.S. Court of Appeals. Having lost the appeal he then tried to compromise the issue with the famous Stennis proposal which cost him the resignation of his Attorney General and his Deputy Attorney General in the course of his efforts to fire the Watergate Special Prosecutor who had originally requested the tapes. Having rewritten this recent history, the President went on to elaborate on the "Jefferson Rule" and to rewrite some more. He repeated his version of the Jefferson case which he had given us in October and went on to say that John Marshall, sitting as Chief Justice, had ruled in favor of the Jefferson "compromise."

In just about every important aspect, it simply didn't happen that way. To begin with the letter was not written *by* President Jefferson. It was written *to* him. What is more, Mr. Jefferson agreed to testify in the case under oath (although he wanted to do so in Washington, rather than journey to the court in Richmond). And he sent the entire letter—not a mere summary—to the U.S. Attorney who in turn offered it to the court and authorized the court to use those portions "which had relation to the cause." Chief Justice Marshall, moreover, never ruled in his capacity as Chief Justice on any such compromise; he ruled as a trial judge in a lower court. So much for the misuses of Mr. Jefferson.

Now for President Johnson and Mr. Nixon's taxes. The first thing to be said is that the President was offered a specific opportunity to deny published reports that on a total income of $400,000 for the years 1970 and 1971 that he paid only $1,670 in income taxes. He did not deny it, but rather admitted that he had paid "nominal" taxes for those years. He then said that the fact that his taxes were nominal was not a result of "a cattle ranch or *interest* or all of these gimmicks . . ." Perhaps so. But it would be somewhat surprising if Mr. Nixon did not deduct interest from his gross income for those years. The figures the White House has put out concerning the transactions by which he acquired his Key Biscayne and San Clemente homes indicate that he paid substantial sums in interest in those years, and it is hard to figure out any other way he could have arrived at such a "nominal" obligation.

His own explanation for that "nominal" obligation was that President Johnson told him shortly after he became President in January, 1969, that he ought to donate his vice presidential papers and take a deduction for them. There are two things puzzling about the idea that Mr. Nixon was merely taking his cue from his predecessor. One is the inference conveyed by Mr. Nixon that all this was new to him; in fact, he had made such a donation of some of his official papers in 1968, prior to taking office as President. The second, and far more important thing that is puzzling about Mr. Nixon's story is his suggestion that Mr. Johnson had established the precedent and that both men followed the same general policy in their handling of the tax aspects of their official papers. Prior to 1969, they apparently did just that. But in 1969, Mr. Johnson made a careful decision not to do what President Nixon did, for very precise reasons having to do with propriety.

The facts of this matter are that in 1969 Congress was debating a significant change in the Internal Revenue Code which might have precluded anyone from taking such a deduction from this sort of gift of papers or documents. Both Mr. Johnson and Mr. Nixon expressed their opposition to this change in the tax rules but until late in the year it was unclear which way Congress would resolve the issue—or when any change would become effective. Under the circumstances, Mr. Johnson decided that it would be unseemly for a former President to attempt to make such a gift in an effort to beat a congressional deadline and so he did not do so—reportedly at a cost of millions of dollars to his heirs. Mr. Nixon, by contrast, made a gift that year of papers valued at more than $500,000 and took what he claimed to be the appropriate deduction.

So much for the inference that Mr. Nixon was only following President Johnson's lead. Beyond that, there is an even larger question—not specifically raised by the editors and consequently ignored by Mr. Nixon on Saturday night—as to whether what he did in 1969 with respect to his gift of papers and claimed tax deduction was in accordance with the requirements of law—quite apart from its propriety in the context of the congressional debate and the likelihood of an imminent change in the rules. Speaking of his predecessor, Mr. Nixon said that Mr. Johnson "had done exactly what the law required." What remains to be seen, as we have noted repeatedly in this space, is whether Mr. Nixon, in this particular instance, can make that same claim for himself.

We do not mean to say that the President does not have a cogent defense of his tax deductions, or of his policy toward the release of his tapes—or of any of a number of other charges and allegations that have been raised in connection with his performance in the broad category of matters which come under the broad misnomer of Watergate. We would simply argue (and we will be returning to the argument in this space) that the President is unlikely to clear the air and resolve public confusion in any conclusive way by the sort of muddying of history and misrepresentation of facts which characterized so much of his appearance before the managing editors on Saturday night in Disney World.

The Traveling Witness

President Nixon has become a traveling witness in his own behalf. After addressing all the Republican members and a few of the Democratic members of the House and Senate in six large groups at the White House last week, Mr. Nixon journeyed to Florida for a press conference, to Georgia for a speech and to Tennessee for a meeting with the Republican Governors.

This political barnstorming might be effective if Mr. Nixon were caught up in a controversy over public policy. But Watergate is a shorthand expression not only for actions of doubtful constitutionality but also for specific crimes and conspiracies to commit crimes.

The issues cannot be resolved with a broad brush treatment, with rambling monologues over scrambled eggs to forty or fifty Congressmen, or with self-serving, incomplete and contradictory answers at a news conference. After the applause has died away and the television lights have been turned off, the stark questions return. Who lied? Who was responsible? What is the evidence and what does it show?

Mr. Nixon's embarrassing and depressing performance before the Associated Press managing editors on Saturday evening demonstrated that from a serious evidentiary standpoint, this public relations blitz is useless. With regard to the tapes of his Watergate-related conversations, for example, Mr. Nixon told the editors that he first knew that two of the nine tapes were missing on Sept. 29 or 30 and that this fact was "finally determined" on Oct. 26. Why would it take 27 days to trace two missing tapes? Why was an inventory of the tapes not made in July when Special Prosecutor Archibald Cox first requested them?

The President assured his audience that the tapes would clear him and once again expressed the wistful hope that everyone could hear them. Judge Sirica ruled last week that the President could, of course, at any time waive executive privilege and release any or all of the tapes if he wished to do so. Nothing stands in the way of full disclosure.

In answering a question about his astonishingly small income-tax payments in 1970 and 1971, Mr. Nixon stated: "It wasn't because of the deductions for, shall we say, a cattle ranch or interest, or, you know all these gimmicks."

On the contrary, Mr. Nixon must have claimed a huge deduction for interest payments. The deduction for the gift of his Vice-Presidential papers to the National Archives, a gift whose legal status is decidedly in doubt, was limited by law to 50 per cent of his income. He therefore could not possibly have reduced the tax on his $200,000 salary to less than $800 if he did not avail himself of deductions for interest payments or some other "gimmick."

Mr. Nixon made a brazen attempt to shift the responsibility for the dairy price support scandal to Congress. According to Mr. Nixon, he raised the dairy price supports in 1971 because if he had not done so, the Democrats would have enacted a law requiring him to raise them even higher. The dairy lobby's promise of $2 million in campaign contributions, he insists, had nothing to do with his decision. But when he acted, a dairy bill had not cleared a committee in either house, much less reached his desk. If such a bill had passed, he could have vetoed it and been reasonably certain his veto would be upheld as most of his other vetoes have been.

There are other contradictions, misleading statements, and unexplained gaps in Mr. Nixon's answers at this Saturday news conference. Moreover, information filtering out from last week's meetings of the President and members of Congress is equally disturbing. With regard to the I.T.T. antitrust settlement, Mr. Nixon reportedly contradicted sworn testimony last year by former Attorney General John N. Mitchell. With regard to the firing of the special prosecutor, he contradicted the testimony of former Attorney General Elliot Richardson, of Mr. Cox and of the documentary evidence.

Speeches, news conferences and meetings with Governors all have their usefulness in many situations. But Watergate is not a normal situation. If Mr. Nixon wants to bear witness in his own behalf, he may testify under oath in the only appropriate forums—a court of law, the Senate Watergate Committee, or an impeachment trial by the Senate.

Nixon Statement and the Record

(By James M. Naughton)

WASHINGTON, November 19.—President Nixon declared Saturday that he "wanted the facts out" about the Watergate scandals "because the facts will prove that the President is telling the truth." But Mr. Nixon's latest explanations of the events that have plagued his Administration appear to be incomplete—and, in some instances, to conflict with public records and testimony about the Watergate case and its offspring.

The President gave his version of Watergate at a convention of The Associated Press Managing Editors Association at Walt Disney World, near Orlando, Fla. He answered 17

questions on the subject, raising one of them himself. What follows is a point-by-point comparison of Mr. Nixon's statements and details previously on the public record, as well as a discussion of some questions raised by the President's answers:

THE MISSING TAPES

Mr. Nixon said that he was informed on Sept. 29 or 30 that tape recordings "might not exist" of a June 20, 1972, telephone conversation with former Attorney General John N. Mitchell and an April 15, 1973, meeting with John W. Dean 3d, the dismissed White House counsel. Mr. Nixon said that it was not "finally determined" until around Oct. 27 that the White House could not comply with subpoenas for the tapes of the two conversations.

Charles Alan Wright, Mr. Nixon's consultant on the Watergate tapes case, told United States District Judge John J. Sirica on Oct. 23, however, that the President had decided to "comply in all respects" with the subpoena. Mr. Nixon did not say why Mr. Wright was not informed, until Oct. 31, the day it was announced in open court, that two tapes might not exist.

Henry E. Petersen, the Assistant Attorney General who directed the Watergate investigation until last April, testified to the Senate Watergate committee in August that the President offered earlier to play the April 15 tape for him.

Mr. Petersen told the Senate panel that he and the President disagreed about whether Mr. Dean had obtained a grant of immunity from prosecution for his part in the Watergate cover-up, and that Mr. Nixon told him, "Well, you know, I have it on tape if you want to hear it." The President did not refer to Mr. Petersen's testimony on Saturday.

Officials of the Senate Watergate committee have said privately that Stephen B. Bull, a White House Assistant, had described a request by the President last summer to have the April 15 tape flown to his San Clemente, Calif., home. According to the account, Mr. Bull arranged instead to have the tape played here for Fred J. Buzhardt, Jr., the White House lawyer on Watergate matters, and that Mr. Buzhardt briefed Mr. Nixon by telephone.

Mr. Bull testified in Judge Sirica's courtroom earlier this month that he had told the Watergate committee staff it was the April 15 tape Mr. Nixon wanted shipped to San Clemente. But Mr. Bull said later that he apparently was mistaken about the date of the recording.

THE EQUIPMENT

According to Mr. Nixon's explanation at Disney World, the recording system installed in the White House in 1971 was "not a sophisticated system." He said that it consisted of "a little Sony" recorder and a series of "lapel mikes in my desks."

When the existence of the system was disclosed to the Senate committee on July 16, however, Alexander P. Butterfield, the former White House assistant who had supervised the installation, described an elaborate arrangement to assure that the conversations were recorded in four Nixon offices and on three telephones used by the President. Later that month, H. R. Haldeman, the former White House chief of staff, told the committee that the system used large reels of tape, recording at the slowest possible speed, so that several could be retained on a single reel. A "little Sony," of the type commonly used by journalists and students, records at a single speed on cassette with a maximum time of 120 minutes.

THE UNCOVER-UP

Asked to assess the damage done to his credibility by the disclosure that two tapes did not exist, Mr. Nixon expressed "very great disappointment, because I wanted the evidence out."

From the time the taping system was first disclosed until Oct. 23, Mr. Nixon's representatives argued in the Federal courts that it would do irreparable harm to the principle of Presidential confidentiality to require that he release the tapes and other subpoenaed material. The President refused, on similar grounds of executive privilege, to permit officials of the Secret Service—which supervised the recording system—to testify about it to the Senate Watergte committee.

Later in the meeting with the editors Saturday, Mr. Nixon asserted that he had "of course voluntarily waived privilege with regard to turning over the tapes and so forth."

Mr. Nixon did so, however, only after Judge Sirica ruled against his position and was sustained by the United States Court of Appeals for the District of Columbia Circuit. As Representative Jack Brooks, Democrat of Texas, observed then, "when two Federal courts order you to do something, they don't give you Brownie points for doing it."

The President repeated Saturday his contention that he was following in the tapes case, a precedent established by Thomas Jefferson, referring to a Government trial of Vice President Aaron Burr. Mr. Nixon said that President Jefferson had refused to turn over to the court a pertinent letter in the White House files. He said President Jefferson instead provided a "summary of the correspondence" and that Chief Justice John Marshall of the Supreme Court had "ruled for the President."

Some historians have concluded that President Jefferson was permitted to give the court a summary of the letter. But others have contended that the letter was in fact submitted to Chief Justice Marshall in private so that the court could determine relevant portions—the same process outlined in Judge Sirica's ruling. In any event, there is no indication that, as Mr. Nixon said, "Marshall, sitting as Chief Justice, ruled for the President." Justice Marshall heard the case as a trial judge and never issued a Supreme Court ruling.

THE ELLSBERG CASE

On Saturday, Mr. Nixon acknowledged that he had instructed Mr. Petersen to confine the Government investigation to Watergate alone and to avoid such "highly sensitive" national security matters as the 1971 burglary of the office of a California psychiatrist who had formerly treated Dr. Daniel Ellsberg. The President said he had never talked to Archibald Cox, the dismissed special Watergate prosecutor, but "would have said the same thing to Mr. Cox."

The President did not mention Saturday reports that he told two groups of Senators last week that Elliot L. Richardson, the former Attorney General who resigned Oct. 20 rather than carry out an order to fire Mr. Cox, had originated proposals for such limitations on Mr. Cox's investigation. In a May 22 letter to Senator Alan Cranston, Democrat of California, Mr. Richardson said Mr. Cox was free to investigate "the Government's behavior with regard to the Ellsberg case, especially the events and actions leading up to the dismissal of the case."

INDEPENDENT PROSECUTOR

As one indication of his willingness to permit the new special prosecutor, Leon Jaworski to pursue any matters Mr. Jaworski chooses and obtain necessary White House material, Mr. Nixon noted his pledge not to dismiss Mr. Jaworski without the consent of bipartisan leaders of Congress.

ONLY NINE INVOLVED

Mr. Nixon said any dismissal would require "a consensus" among the following 10 officials: the House Speaker, Senate president pro tem, Senate majority leader, House majority leader and chairman of the Senate and House Judiciary Committees, all Democrats; and the Senate and House minority leaders and ranking minority members of the Senate and House Judiciary Committees, all Republicans. He said it was apparent that this would require "a very substantial majority as far as the Democrats are concerned."

Actually, only nine individuals are involved. Senator James O. Eastland, Democrat of Mississippi, is both president pro tem of the Senate and chairman of Judiciary. He also has been among the most staunch defenders of Mr. Nixon. Thus it is possible that the President could obtain a "consensus" of the nine without too much difficulty.

SPEEDING UP

The President recalled Saturday that Mr. Petersen told the Senate Watergate committee in August that "the case was 90 per cent ready" when Mr. Cox assumed direction of it. Mr. Nixon said there had been "six months of delay" under Mr. Cox, however, and that "it's time the case be brought to a conclusion."

What Mr. Nixon omitted was that Mr. Petersen had concentrated solely on the Watergate burglary and cover-up, whereas Mr. Cox was also investigating the Ellsberg case, alleged improprieties in the Government handling of antitrust action against the International Telephone and Telegraph Corporation, The increase last year of Government milk price supports, 1972 campaign financing violations, and suggestions of improprieties in Mr. Nixon's personal finances.

Moreover, the existence of the White House tapes became known after Mr. Cox assumed direction of the investigation, and White House objections to the release of the Watergate tapes delayed that case.

ASSUMPTIONS

An editor of The Des Moines Register and Tribune in Iowa asked Mr. Nixon if he had discussed "legality or illegality" when he gave Egil Krogh Jr., a former White House assistant who supervised the special investigations unit, "approval for the Dr. Ellsberg project."

Mr. Nixon never answered the question. Instead, he told the editor, Ed Hines, that the question contained an "assumption" that the President "specifically approved or ordered the entrance into Dr. Ellberg's psychiatrist's office." The President added that he learned of the burglary only on March 17.

The President has already acknowledged giving approval for an investigation of Dr. Ellsberg, although not for the burglary. But he did not say whether he had ever discussed illegal means. Two of his senior former assistants—Mr. Haldeman and John D. Ehrlichman—contended last summer that Mr. Nixon had the authority to order such means in national security matters.

INCOME TAXES

At Disney World, Mr. Nixon conceded that he paid "nominal amounts" of Federal income taxes on his $200,000 salary in 1970 and 1971, but did not confirm a published account that the payments for both years totaled $1,670.

He said that President Johnson counseled him, soon after the 1968 election, to make a deduction for a gift of Mr. Nixon's Vice-Presidential papers to the National Archives. He also said that in 1969 he paid $79,000 in taxes.

Altogether, the comments raised new questions about the propriety of Mr. Nixon's deductions.

Thomas F. Field, executive director of Tax Analysts and Advocates, a research group here, said that the tax law would have limited Mr. Nixon's deduction for the gift of his papers to 50 per cent of his adjusted gross income. Thus, Mr. Field said, Mr. Nixon would still have been required to pay taxes on some $200,000 of income if the gift of the papers was his only large deduc-

tion, and the tax would have been around $45,000.

CHALLENGED ON SEVERAL POINTS

Mr. Nixon also said Saturday that he had not used what he called "gimmicks" to reduce his taxes and said specifically that he had not had deductions for "shall we say, a cattle ranch or interest." But an audit he released earlier this year of financial transactions in connection with his real estate holdings in California and Florida showed a number of sizable interest payments that would presumably be entirely legal deductions.

The deduction for the gift of the papers has been challenged, conversely, on several grounds, including the absence of a signed deed and other documents showing that the gift was made before the law was changed in mid-1969 to bar such deductions.

Sheldon S. Cohen, who was President Johnson's Commissioner of Internal Revenue, disputed the President's version of the meeting at which Mr. Johnson was said to have advised Mr. Nixon.

According to Mr. Cohen, following a meeting while Mr. Johnson was still President, Mr. Nixon sent two of his partners from his former New York law firm to see Mr. Cohen. They discussed the tax aspects of gifts of Presidential papers, Mr. Cohen said, but neither President Johnson nor Mr. Cohen could have said anything about donating Vice-Presidential papers ahead of the deadline because no one knew until several months later that the law governing such gifts would be changed.

Mr. Nixon also said Saturday that he had "disclosed my personal finances," when asked whether he thought all public officials should be required to do so. The President suggested that the questioner had been "too busy" to see the material.

NOT A FULL ACCOUNTING

But all that Mr. Nixon had disclosed was an abridged audit relating to his real estate transactions, not a full accounting of all his personal finances as implied in the question.

F. DONALD NIXON

Mr. Nixon, asked if he had ordered the Secret Service to conduct electronic surveillance on his brother, F. Donald Nixon, a California businessman, replied that the Secret Service had done so "for security reasons" and that "my brother was aware of it."

But another questioner followed up and asked if Donald Nixon knew of the telephone tap before or after it was conducted. Then the President said that "he was aware of it during the fact, because he asked about it and he was told about it, and he approved of it."

There was no explanation, however, for the reason why the tap was undertaken, apart from Mr. Nixon's contention that it bore on possible efforts from someone "in a foreign country" to seek "improper influence" through his brother. Moreover, the President did not say why the Secret Service conducted the wiretap, rather than the Federal Bureau of Investigation, or what legal authority the agency had for engaging in wiretapping.

CAMPAIGN SPENDING

Mr. Nixon said Saturday that the Democratic opponent in the 1972 Presidential campaign Senator George McGovern of South Dakota, had "raised $36-million and some of that, like some of ours, came from corporate sources and was illegal because the law had been changed and apparently people didn't know."

There has been no evidence produced to suggest that the McGovern campaign accepted any corporate contributions, however, and the law barring them has been in effect since the nineteen-twenties.

MILK FUND

The President insisted, after no one had raised the issue in the scheduled 60-minute televised session, on asking about allegations that he had ordered an increase in Federal milk price supports as a quid pro quo for campaign contributions. He said that actually "Congress put a gun to our head" and insisted that the price support figure be increased, so he raised it to a figure below what the Democrats in Congress had proposed.

SUCCESSFULLY NEGATED

Mr. Nixon's explanation did not suggest why he might have been more concerned about Congressional action on that issue than in several others in which he successfully negated legislation by vetoing it or threatening to veto it. Mike Mansfield, the Senate Democratic leader, said yesterday it was curious that Mr. Nixon would yield on the milk issue when his record showed no eagerness to yield on others.

Furthermore, Mr. Nixon invoked executive privilege in September, refusing to turn over White House recordings and documents to a Federal court in connection with a lawsuit filed by Ralph Nader's Public Citizen Inc. to challenge the milk support increase. Among the subpoenaed material was the presumed recording of a meeting on March 23, 1971, of Mr. Nixon and officials of three dairy cooperatives. Two days after the meeting, the Agriculture Department reversed its position and announced the price support increase.

RETIREMENT OF REAR ADM. ALEXANDER JACKSON, JR., OF ROA

Mr. THURMOND. Mr. President, a distinguished patriot, Rear Adm. Alexander Jackson, Jr., U.S.. Navy, retired, recently concluded his service as deputy executive director of the Reserve Officers Association.

In October of 1959 Admiral Jackson retired from active military service after a distinguished military career highlighted by service in World War II. During this period he was awarded the Legion of Merit and the Bronze Star Medals, each with the combat V. Toward the end of his career he served as Assistant Chief of Naval Personnel for Naval Reserve and after a 5-year retirement he was appointed deputy executive director of the ROA. Since 1964 he has served with distinction in that capacity.

Admiral Jackson enjoyed the admiration and respect of the entire Reserve community and was particularly admired by many members of Congress. His succinct, yet thorough way of presenting various issues and the depth of his understanding of military matters made his voice one which was heard in the highest councils of our Government.

In the November 1973 issue of the Officer magazine, published by the ROA, there appears an article announcing Admiral Jackson's retirement. Also, his biography was published by the ROA during his tenure as deputy executive director.

Mr. President, in closing I ask unanimous consent that the article in the Officer magazine and his biography be printed in the RECORD.

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

[From Officer magazine, November 1973]

ADMIRAL JACKSON RETIRES AS DEPUTY EXECUTIVE DIRECTOR, ROA, SUCCEEDED BY COLONEL HAYWOOD

RADM Alexander Jackson, Jr., USN (ret.) the wise and soft-spoken Deputy Executive Director and Director of Retirement Affairs for the Reserve Officers Association, has retired. He has been succeeded by Col. Floyd H. Haywood, Jr., who had been Director of Administration.

Affectionately known to his associates as the "Gray Fox," or simply "Alex," he has been with the Headquarters Staff of ROA since 1959 and in his present capacity for nearly a decade. He brought with him years of valuable experience both in naval matters and in the far less precise science of working with people.

The quietly witty native of Alabama was appointed to the Naval Academy from that state and graduated in 1925 with a BS degree. His first duty was aboard the battleship *West Virginia*.

During World War II he commanded at various times several destroyers on escort duty in the Caribbean, Atlantic and Pacific Oceans, including service in the Aleutians. When Hunter Killer Groups were established in the Pacific, he served as screen commander of Task Group 30.7 while commanding Destroyer Escort Division 72.

This group provided anti-submarine protection to the Third and Fifth Fleets and was credited with the destruction of six enemy submarines. Admiral Jackson was awarded the Legion of Merit and the Bronze Star Medals, each with the Combat V.

COMMANDED DESTROYER SQUADRON

After the war he served in the Eighth and Thirteenth Naval Districts as director of Naval Reserve programs. Following subsequent sea duty, including the command of a destroyer squadron in the Atlantic, he was ordered to the Bureau of Naval Personnel and assigned as Director of the Naval Reserve Division. In 1956 he became Assistant Chief of Naval Personnel for Naval Reserve.

In the four years preceding his retirement from the service, Admiral Jackson had a great deal of contact with ROA and as well commenced to accumulate his storehouse of knowledge of the legislative workings of 'the Hill.'

He joined the National Staff of ROA upon his retirement as Director of Naval, Marine and Coast Guard Affairs. "Alex" will continue to live in his farm in Orange County near Charlottesville, Va.

Col. Haywood, native of Charleston, Ark., flew 50 combat missions in World War II as a bomber pilot. Commissioned in the regular AF after World War II, he held command and staff positions both in this country and overseas. Most of his experience was in SAC where his last assignment was as Wing Commander of a Strategic Aerospace Wing.

He came to Washington in 1965 and served with the Joint Chiefs of Staff, managing the National Military Command Center, controlling our military the world over. He was Deputy Chief of Staff Materiel Headquarters Command, USAF, just before his retirement in 1971. He joined ROA that year.

Washington, D.C.

BIOGRAPHY OF REAR ADM. ALEXANDER JACKSON, JR., U.S. NAVY, RETIRED, DEPUTY EXECUTIVE DIRECTOR, RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

Rear Admiral Alexander Jackson, Jr., a native of Alabama, was appointed to the Naval Academy from that state and graduated in 1925 with a BS degree. He was commissioned an ensign in the Navy upon graduation and his first duty assignment was to the USS West Virginia.

During World War II he commanded the USS PC 494, USS Doherty, USS Snowden, USS Kyne, and the USS Greer engaged in escort duty in the Caribbean, the Aleutians, Atlantic and Pacific Oceans. When Hunter Killer Groups were established in the Pacific he served as screen commander of Task Group 30.7 while commanding Destroyer Escort Division 72. This Task Group provided anti-submarine protection to the Third and Fifth Fleets and was credited with the destruction of six enemy submarines. Admiral Jackson was awarded the Legion of Merit and the Bronze Star Medals, each with the Combat V.

After the war he served in the Eighth and Thirteenth Naval Districts while on shore duty as director of the Naval Reserve programs in those Districts and commanded the USS Cahaba, fleet oiler on the China Station, and the USS Vermilion an attack cargo ship attached to the Amphibious Force, Atlantic Fleet during his tours at sea.

In 1954–1955 he commanded Destroyer Squadron Ten in the Atlantic Fleet and upon completion of that tour was ordered to the Bureau of Naval Personnel and assigned as Director of the Naval Reserve Division. In 1956 he relieved Rear Admiral Charles Weakley as Assistant Chief of Naval Personnel for Naval Reserve and served on that position until his retirement on 1 October 1959.

Upon his retirement, he joined the National Staff of the Reserve Officers Association of the United States as Director of Naval, Marine Corps and Coast Guard Affairs. In 1964 he was appointed Deputy Executive Director while retaining his duties with the Navy, Marine Corps and Coast Guard.

ACTION NEEDED TO AUTHORIZE READJUSTMENT MEDICAL COUNSELING FOR VIETNAM-ERA VETERANS

Mr. CRANSTON. Mr. President, an October 1, 1973, letter I received from the Administrator of Veterans' Affairs has reinforced my conviction that the difficulties many Vietnam-era veterans have faced in readjusting to civilian life are of such severity that legislation is urgently needed to authorize the special assistance they need.

This letter cites those factors that had led officials of the VA to the conclusion that "up to 20 percent of Vietnam-era veterans may be facing significant adjustment problems."

These factors include the substantial representation of minority groups among returning servicemen; the high percentage of veterans who were high school dropouts or whose test scores were comparable to dropouts; the low proportion of disadvantaged veterans using educational benefits; a followup study of Vietnam-era drug users, indicating that 18 percent of all veterans in the study were unemployed 6 months or more after discharge; as well as a VA mental health professional estimate that up to 5 percent of Vietnam-era veterans who had been exposed to combat may be facing serious psychological consequences from those traumatic experiences.

As a consequence of these data, an internal memo was developed within the VA outlining a legislative proposal to authorize provision of mental health services to assist Vietnam-era veterans in the process of transition from military to civilian status.

The justification for this proposal states an even higher incidence of serious readjustment difficulties. The memo states:

> Reliable surveys and studies conducted by the military and by VA indicate serious and prolonged readjustment problems exist in approximately one out of five new veterans but, to a lesser degree, were experienced by all.

The report goes on to state the problem as follows:

> Since current statutory provisions governing DM&S health care services are tied to an illness rather than preventative health model, only a small proportion of veterans have sought or received these critically needed mental health psychosocial readjustment services. The consequence includes major economic and social cost to society stemming from the failure of these veterans to make effective readjustments, as well as the personal adverse psychological effects on the veterans and their families who served their country during a long and difficult conflict.

Mr. President, the proposal provides clear support for the need for legislation I authored—originally in S. 2108 passed by the Senate in September of 1972—and which has passed the Senate in S. 284 last March, providing for readjustment medical counseling for returning veterans in VA facilities.

The bill is now pending before the House Committee on Veterans' Affairs, specifically the Subcommittee on Health and Hospitals. The subcommittee chairman (Mr. SATTERFIELD) has assured me that he will hold hearings shortly.

The VA internal memo proposes:

> That a law be enacted by which the VA Department of Medicine and Surgery is authorized to provide, during a period of up to one year from the date of discharge from military service, mental health services as required to assist Vietnam veterans in the process of transition from military to civilian status. Also, where warranted, Vietnam veterans already out of service [should] be entitled to such services for a period of one year after the law is enacted.

I am delighted that there is recognition of the need for this authority within the Veterans' Administration. I hope this recognition will spread to the officials at the OMB, as well.

Mr. President, while previous wars have had their psychiatric casualties, the so-called "post-Vietnam syndrome" may well be more pronounced and more frequent in its incidence. And the time lag seems unprecedented. This pattern was first dramatized, insofar as I am aware, at oversight hearings I held in 1969 and 1970 as chairman of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee, and in the last 2 years as chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee.

As a result of these hearings, I first introduced legislation on June 17, 1971—then included in S. 2091 in the 92d Congress—to make these returning veterans eligible for readjustment medical counselling in Veterans' Administration facilities.

This provision was also included in legislation, called the "Veterans Drug and Alcohol Treatment and Rehabilitation Act," twice passed by the Senate—in S. 2108 last Congress and in S. 284 passed this session on March 6, 1973, by an 87-to-2 vote. More specifically, it would authorize the Veterans' Administration to provide readjustment medical counseling and appropriate followup care to each Vietnam era veteran with other than a dishonorable discharge upon the veteran's request. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the full resources of the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

Mr. President, I believe that in the sensitive field of psychological or psychiatric counseling, availability and ease of access to such services must be emphasized and all necessary barriers removed. A recently returned veteran should know that help is available, and that if he asks for it his request will be speedily and compassionately honored.

Under present VA law and regulations, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hopsitalization. Under this new provision, all VA facilities which can assist in readjustment will be made more visible and accessible. The provision of readjustment counseling in all VA facilities under the general direction of the VA Department of Medicine and Surgery—taking full advantage of its skilled staff consisting of some 961 psychologists, 304 pyschologists attendants and technicians, 707 psychology trainees, 2,198 social workers, 335 social worker associates, and 479 social work trainees—can be of significant assistance to the successful readjustment of large numbers of recently discharged veterans.

Recent discussions with professionals acquainted with the VA hospital system illustrate that the cost of such a provision can be severely reduced without a loss in quality by the use of trained volunteers and skilled paraprofessional workers in providing the readjustment counseling and screening.

In addition, current law in title 38, United States Code, provides a presumption of service connection for an active psychosis developed within 2 years of discharge from service. The Senate has twice passed my amendment—also included in S. 2108 and S. 284—to extend this period to 3 years after discharge and to make it applicable to any psychosis rather than only an active psychosis.

Mr. President, I ask unanimous consent that the pertinent provisions from S. 284 be printed in the RECORD, along with explanatory material from the committee report (No. 93–56) following the VA memo and letter to which I referred earlier in my remarks.

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

OFFICE OF THE ADMINISTRATION OF VETERANS' AFFAIRS,
Washington, D.C., October 1, 1973.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your letter of August 13 in which you request copies of the memorandum and

studies referred to in the recent series of articles on the Vietnam Era veteran by Mr. Michael Satchell in the Washintgon Star-News.

A copy of the memorandum is enclosed. It was prepared as a working document by the Mental Health and Behavioral Sciences Service of the Department of Medicine and Surgery in response to an internal request for suggestions concerning possible areas of need for additional legislation not fully met by existing statutory provisions.

The proposal was based on the general principle that any transition period imposes a variety of stressful adjustment problems on those involved and on the assumption that, while this has occurred after every period of service, reentry may be a more difficult process for the Vietnam Era veterans because they are younger as a group, issues surrounding the Vietnam Conflict are more complex, and our society is changing at a more rapid pace.

The proposal also reflected the judgment that veterans who had experienced pre-service adjustment problems, such as those common to minority groups and high school dropouts, face more serious reentry difficulties, as well as those traumatized by exposure to the death and destruction of war. Rather than a special study as Mr. Satchell erroneously reported, the conclusion that up to 20% of Vietnam Era veterans may be facing significant adjustment problems was based on the following information:

Approximately 20% of Vietnam veterans and servicemen are from minority groups. (DoD and VA estimates);

Approximately 16% of Vietnam Era veterans and servicemen are high school dropouts and approximately 30% of Vietnam servicemen with high school diplomas had armed forces test scores comparable to dropouts. (Report of President's Committee on the Vietnam Veteran, 1970);

Smaller proportions of disadvantaged veterans are using educational benefits (approximately one out of four in contrast to nearly half of non-disadvantaged veterans). (VA DVB Information Bulletin 24-73-3);

Survey conducted for VA by Louis Harris and Associates indicated alienation is particularly evident among non-white and those with less than high school education. (A Study of the Problems Facing Vietnam Era Veterans: Their Readjustment to Civilian Life, October 1971);

Follow-up study of Vietnam drug users, sponsored by the Special Action Office for Drug Abuse Prevention in cooperation with the Department of Defense, Department of Labor, National Institute of Mental Health, and the Veterans Administration, indicating that 18% of all randomly selected Vietnam veterans in the study period were still unemployed six months or more after discharge. The rate was much higher for educationally or culturally disadvantaged veterans. (SAODAP Monograph, Series A, Number 1, April 1973, Executive Office of the President)

A paper presented by Dr. Jonathan Borus, Research Psychiatrist, Walter Reed General Hospital, indicating that returnees from overseas duty who were still in military service were showing significant reentry problems and that this was greater for those who had not completed high school and/or had pre-service adjustment problems as well as those who had seen extensive combat (American Journal of Psychiatry, August 1973)

I would like to point out that Mr. Satchell apparently confused the estimate that 20% of Vietnam veteran population may have serious reentry problems with the entirely separate estimate by VA mental health professionals that up to 5% of those Vietnam Era veterans who had been exposed to combat may be facing serious psychological consepuences from those traumatic experiences

Thank you for the opportunity to look into this matter for you.

Sincerely,

DONALD E. JOHNSON,
Administrator.

[Proposed legislation, July 1973, Mental Health and Behavioral Sciences Service]

TRANSITIONAL PREVENTIVE MENTAL HEALTH SERVICES FOR NEW VETERANS

INTRODUCTION

After every war the great majority of veterans are young adults who must go through a critical period of transition from military to civilian life. The *impact* of absence from home, of exposure to different living conditions, life styles, and cultures, and of personal physical and psychological trauma, is such that readjustment is a highly complex process. The difficulty of this process has been markedly greater for the Vietnam veteran because of the controversial nature of the Vietnam Conflict and of the rapid social-economic changes that occurred in his absencc. Reliable surveys and studies conducted by the military and by VA indicate serious and prolonged readjustment problems exist in approximately one out of five new veterans but, to a lesser degree, were experienced by all.

Since current statutory provisions governing DM&S health care services are tied to an illness rather than preventive health model, only a small proportion of veterans have sought or received these critically needed mental health psychosocial readjustment services. The consequence includes major economic and social cost to society stemming from the failure of these veterans to make effective readjustments, as well as the personal adverse psychological effects on the veterans and their families who served their country during a long and difficult conflict.

PROPOSAL

That a law be enacted by which the VA Department of Medicine and Surgery is authorized to provide, during a period of up to one year from the date of discharge from military service, mental health services are required to assist Vietnam veterans in the process of transition from military to civilian status. Also, where warranted Vietnam veterans already out of service be entitled to such services for a period of one year after the law is enacted.

COMMENT

Since approximately 6½ million Vietnam veterans are already out of service, the major demand would stem from the 2 million still in service. It is anticipated that this process would involve from four to six individual therapeutic sessions and be requested by 25% of the eligible veterans.

COST

$30,000,000 based on a maximum of six therapeutic sessions for 500,000 Vietnam veterans.

S. 284

A bill to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Veterans Drug and Alcohol Treatment and Rehabilitation act of 1973".

SEC. 3. Section 602 of title 38, United States Code, is amended by—

(1) striking out "an active" and inserting in lieu thereof "a"; and

(2) striking out "two years" both times it appears therein and inserting in lieu thereof "three years".

SEC. 4. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. Eligibility for readjustment medical counseling

"The Administrator, subject to the provisions of section 3103 of this title and within the limits of Veterans' Administration facilities, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military naval, or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such person in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperation with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of such title is amended by inserting immediately below

"612. Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical counseling."

PSYCHIATRIC CARE AND READJUSTMENT MEDICAL COUNSELING

The Committee was convinced by extensive testimony developed at hearings on veterans readjustment conducted by the Subcommittee on Veterans Affairs at the end of the 91st Congress and hearings on this legislation in the 92d Congress and by medical evidence that significant numbers of Vietnam era veterans who are not addicts have nevertheless suffered severe psychiatric problems. These problems are frequently of a subtle nature and do not always manifest themselves soon after discharge. Therefore, the reported bill provides that a psychosis which arises within three years after discharge, rather than an active psychosis which arises within two such years (as at present), will be presumed to be service-connected. The effect of this is to authorize the provision of unlimited outpatient care for veterans meeting these criteria of disability.

In 1951, section 602, containing the original active psychosis presumption, was added to title 38 by Public Law 82-239. The House-passed bill—H.R. 320—had included a three-year period for active psychosis and the Senate reduced it to two years—(S. Rept. No. 749, 82d Cong., 1st Sess. 1951).

The Committee is of the view that the same justification underlying the original provision for active psychoses arising from World War II and the Korean conflict should be applied to the types of psychiatric conditions which seem to characterize the Indo-China War. The purpose and rationale of section 602 were described in the 1951 House and Senate committee reports as follows:

"The Committee is of the opinion that the bill is fully justified in view of the difficulty medical science has in tracing the exact causes of psychoses. The additional presumptive period would authorize service connection in many meritorious cases which are barred under existing law. The presumption is of course rebuttable when there is affirmative evidence to the contrary . . . (H.R. Rept. No. 239, 82 Cong., 1st Sess. 2 (1951)).

"It is generally recognized that the disease of psychoses is not only an individual prob-

lem but involves broad social aspects as well. It is urgent that those who suffer from this unfortunate malady should receive prompt and complete institutional care and treatment. Although war veterans are now entitled to hospitalization by the Veterans' Administration for non-service-connected psychosis, their admission is subject to availability of beds and their inability to defray the expenses. . . . "(S. Rept. No. 749, 82d Cong., 1st Sess. 2 (1951)).

Of greater significance, the reported bill directs the Administrator to provide readjustment medical counseling and appropriate follow-up care to Vietnam era veterans with other than a dishonorable discharge (or a discharge barred under section 3103 of title 38) upon the veteran's request. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the full resources of the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, the Committee believes that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and that if he asks for it his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, all VA facilities which can assist in readjustment will be made more visible and accessible.

The Committee believes that the provision in the reported bill to provide readjustment counseling in all VA facilities under the general direction of the Department of Medicine and Surgery—taking full advantage of its 961 psychologists, 304 psychologists' attendants and technicians, 707 psychology trainees, 2198 social workers, 335 social worker associates, and 479 social work trainees—can be of significant assistance to the successful readjustment of large numbers of recently discharged veterans, both addict and nonaddict.

DEA BARBITURATE REGULATIONS NEED MUSCLE BEHIND THEM

Mr. RIBICOFF. Mr. President, the Drug Enforcement Administration—DEA—has issued regulations to curtail production of the three most abused barbiturate drugs—amobarbital, secobarbital, and pentobarbital. The new regulations place these drugs in the second most dangerous category under the Controlled Substances Act of 1970, right behind such illegal drugs as heroin and cocaine.

This action represents an important first step by DEA to respond to the growing peril of barbiturate abuse, which is part of a polydrug epidemic involving the illicit use of billions of legally manufactured pills.

I call it a "first step" because, despite the estabishment of DEA in July in a major reorganization and consolidation of Federal drug enforcement agencies, there is no evidence yet that the new streamlined structure is any more prepared to deal with the Nation's pill problem than was the old balky apparatus. In fact, there are early indications that the new agency is less prepared to deal with the burgeoning illicit traffic in pills than were its predecessor agencies.

My Government Operations Subcommittee held a series of field hearings to consider Reorganization Plan No. 2 of 1973, which established the DEA. We travelled to 8 cities to explore the nature of the drug problem in the nation, evaluate the effectiveness of Federal drug enforcement and make recommendations on the structuring of the DEA. A total of 180 witnesses were heard in 11 hearings.

After listening to Federal, States, and local law enforcement officials, drug treatment prevention and education specialists, and ex-addicts the principal finding in the subcommittee's report (No. 93–469) was that Federal drug enforcement efforts have failed to come to grips with the Nation's polydrug problem—especially in combatting the pill traffic in our schools.

The General Accounting Office has estimated that 90 percent of the pills used illicitly are of legitimate origin. A recent survey of the National Commission on Marijuana and Drug Abuse found that the illicit use of pills involves 17 times as many Americans as use heroin. Yet, we found that Federal enforcement priorities and strategies are overwhelmingly weighted toward suppression of heroin. At issue is not whether Federal law enforcement should abandon the war against heroin traffickers, but to what extent law enforcement efforts should reflect the actual degree of danger from all forms of drug abuse.

A 9-month investigation of drug law enforcement by my subcommittee found the old Bureau of Narcotics and Dangerous Drugs—BNDD—sorely lacking in this respects. For example, we found that BNDD had assigned only 240 of its 1,600 agents to full-time duty in combating the diversion of legally manufactured pills into the illicit market. An oversight inquiry now being conducted by the subcommittee indicates that the new DEA is also not being structured to stress enforcement efforts against the illicit traffic in pills. In fact, the enforcement situation at DEA may be even worse than it was at BNDD.

The Compliance Division, which is responsible for preventing the diversion of legally produced pills into the illicit traffic, has the same number of agents it did in BNDD—240. But the reorganization of BNDD and customs has increased the total number of narcotics agents in DEA from 1,600 to 2,200. The net results is that Compliance Division agents are now outmanned by about 8 to 1 in DEA, compared with slightly more than 5 to 1 in BNDD.

Obviously, the issuance of regulations to cut back on the production of three heavily abused barbiturate drugs will serve little purpose if there is not the muscle needed to enforce these regulations. During the course of my subcommittee investigation, a BNDD official conceded that an earlier cutback in production quotas of amphetamines was considered "self-enforcing" because the manpower shortage in the Compliance Division required BNDD to rely heavily on voluntary compliance by drug manufacturers and wholesalers.

The Compliance Division is responsible for monitoring and investigating 450,000 drug handlers in the United States, through whom flow 8 billion doses of stimulants and depressants annually. But its lack of manpower has forced it to focus attention on the Nation's approximately 2,000 manufacturers and 4,000 wholesale distributors of drugs. These firms are reached on an average of only once every 3 years for in-depth investigations, with little opportunity for followup. In addition to understaffing its own efforts against drug companies and wholesale distributors, DEA continues BNDD's practice of delegating enforcement efforts against the Nation's 51,000 pharmacies to even more severely understaffed State and local agencies.

The net result appears to be a "business as usual" attitude by DEA in virtually ignoring pills, despite a grudging admission by DEA officials that polydrug abuse is more of a problem today than it ever was.

The new DEA regulations, in addition to authorizing production quotas on the three barbiturate drugs, also ban the use of refillable prescriptions and require the use of import and export permits and Federal order forms to facilitate monitoring by DEA. Behind these regulations is a medical finding by the Department of Health, Education, and Welfare that abuse of these drugs leads to severe physical and psychological dependence, often resulting in withdrawal symptoms and other side effects more severe than those of heroin. Six other barbiturate drugs are being closely watched by HEW and DEA to determine whether their potential for abuse is as high and whether they should be placed under the same strict regulations.

All of this monitoring of drug abuse trends and issuing of regulations will be a cruel hoax on the public unless they are backed up by stepped-up enforcement against illicit trafficking in legally produced substances. Preventing the diversion of billions of pills into hands of the pushers is a difficult and often dangerous business. It deserves a higher enforcement priority than the DEA seems willing to give it.

I ask unanimous consent that a copy of the new regulations and of a Washington Post story of November 14 describing their issuance be printed in the RECORD.

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

[From the Federal Register, Nov. 13, 1973]

TITLE 21—FOOD AND DRUGS—CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE—PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES—SCHEDULE II—CONTROL OF AMOBARBITAL, PENTOBARBITAL, SECOBARBITAL AND THEIR SALTS

A notice dated May 25, 1973, and published in the FEDERAL REGISTER on May 31, 1973 (38 FR 14289), proposed the transfer of nine derivatives of barbituric acid and their salts from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). The notice stated that the proposal was "based upon the investigation of the Bureau of Narcotics and Dangerous Drugs and upon the

scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare secured pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970." All interested persons were given until June 29, 1973, to submit their objections, comments or requests for hearings.

By notice dated July 6, 1973, and published in the FEDERAL REGISTER on July 11, 1973 (38 FR 18469), all interested persons were given an extension of time until July 18, 1973, to submit their objections, comments or request for hearing on the above proposal.

No objections or requests presenting reasonable grounds for a hearing were received regarding the proposed order transferring amobarbital, secobarbital, pentobarbital, cyclobarbital, heptabarbital, probarbital, talbutal, vinbarbital and their salts from Schedule III to Schedule II.

On June 29, 1973, Covington and Burling, Counsel for McNeil Laboratories, Inc. (McNeil) a principal manufacturer and distributor of sodium butabarbital, a salt of butabarbital, under the trade name "Butisol Sodium," filed comments and requested a hearing concerning the proposed transfer of butabarbital and its salts from Schedule III to Schedule II.

Following establishment of the Drug Enforcement Administration on July 1, 1973 (38 FR 18380), a new and thorough review was made of the situation involving the derivatives of barbituric acid. As a result of that review the Administrator of the Drug Enforcement Administration has determined that amobarbital, secobarbital, and pentobarbital should be transferred promptly into Schedule II.

It has further been determined, on the basis of all relevant factors, that additional study and monitoring of cyclobarbital, heptabarbital, probarbital, talbutal, vinbarbital, butabarbital and their salts are required before a final decision on the transfer of these drugs is reached.

The Administrator, Drug Enforcement Administration finds that amobarbital, secobarbital, and pentobarbital and their salts:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States; and

(3) May, when abused, lead to severe physical and psychological dependence.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, it is hereby ordered that:

1. Section 1308.12 of Title 21 of the Code of Federal Regulations be amended by adding new paragraph (e)(2), (3) and (4) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(e) * * *

(2) Amobarbital	2125
(3) Secobarbital	2315
(4) Pentobarbital	2270

2. Section 1308.13(c) of Title 21 of the Code of Federal Regulations be amended to read as follows:

§ 1308.14 Schedule III.

* * * * *

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing ambarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule	2351
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository	2100
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(4) Chlorhexadol	2510
(5) Glutethimide	2550
(6) Lysergic acid	7300
(7) Lysergic acid amide	7310
(8) Methyprylon	2575
(9) Phencyclidine	7471
(10) Sulfondiethylmethane	2600
(11) Sulfonethylmethant	2605
(12) Sulfonmethane	2610

The requirements imposed upon the substances controlled by this order shall become effective as follows:

1. *Registration.* Any registrant presently authorized to manufacture, distribute, engage in research, import or export any of these substances should apply pursuant to 21 CFR 1301.61 to modify their registration to authorize the handling of such controlled substances in Schedule II on or before December 17, 1973.

Any person presently not authorized to handle such controlled substances and who proposes to engage in the manufacture, distribution, importation, or exportation of, or research with, any of these substances, shall obtain a registration to conduct his proposed activity pursuant to sections 302 and 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 822, 823).

2. *Security.* These substances must be manufactured, distributed, and stored in accordance with 21 CFR 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and 1301.76 on or before May 13, 1974. Provided, that upon application and approval by the Drug Enforcement Administration, those parenteral dosage forms containing amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs which are required by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) or regulations promulgated thereunder to be kept in storage under refrigeration may be stored in compliance with the Schedule III security regulations set forth in 21 CFR 1301.71–1301.76. In the event that any security requirement imposes special hardship, the drug Enforcement Administration will entertain any justified requests for an extension of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, any of, these substances which are packaged after May 13, 1973, shall comply with the requirements of 21 CFR 1302.03–1302.05, 1302.07 and 1302.08. In the event this effective date imposes special hardships on any "manufacturer", as defined in Section 102 (14) of the Controlled Substances Act, 21 U.S.C. 802(14), the Drug Enforcement Administration will entertain any justified requests for extension of time.

4. *Quotas.* Interim quotas and these substances will be established to take effect on January 1, 1974, to be adjusted on or before July 1, 1974. All interested persons required to obtain quotas shall submit applications pursuant to 21 CFR 1303.12 or 1303.22 on or before December 3, 1974.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of any of these substances shall take an inventory pursuant to 21 CFR 1304.11–1304.19, of all stocks of those substances on hand on January 1, 1974.

6. *Records.* All registrants required to keep records pursuant to 21 CFR 1304.21–1307.27 shall maintain such records on these substances commencing on the date on which the inventory of those substances is taken.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to 21 CFR 1304.37–1304.41 shall report on the inventory taken under paragraph five (above) and on all subsequent transactions.

8. *Order forms.* Each distribution of any of these on or after January 1, 1974, shall utilize an order form pursuant to 21 CFR Part 1305 except as permitted in § 1305.03 of that title.

9. *Prescriptions.* All prescriptions for the above controlled substances shall comply with 21 CFR 1306.01–1306.15 on or before December 17, 1973. Any prescriptions for the above controlled substances, which are entitled to be refilled under 21 CFR 1306.22 shall not be entitled to such refill in accordance with 21 CFR 1306.12 on and after December 17, 1973.

10. *Excepted substances.* This order does not amend 21 CFR 1308.32. Those combination products containing amobarbital, secobarbital, pentobarbital or any salt thereof currently excepted under § 1308.32 will remain excepted. The Drug Enforcement Administration recognizes that certain combination drugs containing amobarbital, secobarbital, pentobarbital or any salts thereof and excepted under the Drug Abust Control Amendments of 1965 have not been excepted under § 1308.32. As a matter of policy, those substances shall be deemed excepted under § 1308.32 pending further action by the Drug Enforcement Administration.

11. *Importation and exportation.* All importation and exportation of any of the substances on and after January 1, 1974, shall be in compliance with 21 CFR Part 1312.

12. *Criminal liability.* Any activity with amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act (Public Law 91–513) shall continue to be unlawful under the provisions of the two Acts applicable to a nonnarcotic drug in Schedule III until December 17, 1973. On or after December 17, 1973, any activity with amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs not authorized by, or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act (Public Law 91–513), shall be unlawful under the provisions of those two Acts applicable to a nonnarcotic drug in Schedule II.

13. *Other.* In all other respects, this order is effective on the date of publication.

Dated: November 8, 1973.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration, U.S. Department of Justice.

[FR Doc. 73-24304 Filed 11-12-73 8:45 am]

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

UNITED STATES CURTAILS BARBITURATES' AVAILABILITY

(By John P. MacKenzie)

The Justice Department moved yesterday to curtail sharply the availability of three of the most widely used depressant drugs.

Rigid security and production safeguards

were placed on amobarbital, secobarbital and pentobarbital, drugs that are frequently used to relieve tension. The department said it had found a "high potential for abuse" of the three barbiturates.

John R. Bartels Jr., head of the Drug Enforcement Administration, said that while the depressants meet a medical need, studies show that when abused they lead to severe physical and psychological dependence, often producing withdrawal symptoms more severe than those of heroin.

The drugs were placed under the same controls—including a ban on refillable prescriptions, strict quotas on production, importing and exporting and federal order forms for sales—that are now in effect for narcotics and drugs such as cocaine, morphine, codeine, methadone, methamphetamine, amphetamine and methaqualone.

The newly classified barbiturates carry the trade names of Seconal, Tuinal and Amytal, all manufactured by the Eli Lilly Co., and Nembutal which is produced by Abbott Laboratories.

Yesterday's action was part of a program of drug review under the 1970 Federal Controlled Substances Act. The program calls for medical evaluations by the Department of Health, Education and Welfare and final decision by the Justice Department on the degree of control required for a variety of drugs.

HEW officials concurred in the barbiturate decision according to Peter B. Hutt, general counsel of the Food and Drug Administration.

Hutt said other barbiturates also had been candidates for the tighter controls but officials found that, at least for the present, the drugs had only a potential for abuse whereas the three reclassified drugs had a history of abuse.

The Drug Enforcement Administration, an arm of the Justice Department, reported last year that there were 1,771 barbiturate suicides and deaths and 3,475 overdose and injury cases in 32 states during a recent 17-month period.

URBAN HOMESTEADING

Mr. BIDEN. Mr. President, on November 9, 1973, I introduced the National Urban Homestead Act of 1973. This legislation would authorize the Secretary of Housing and Urban Development to assist local housing agencies in disposing of city-owned houses and transfer title of federally owned houses which are suitable for homestead program to local housing agencies.

Statistics revealing the number of vacant federally owned houses in major cities are important for determining both needs and impact for the program exists in various cities. The Department of Housing and Urban Development publishes a monthly analysis of acquired home mortgage properties, showing the number of homes to which HUD has acquired title through default. These homes, with the exception of those used for emergency relief purposes are vacant, and can be considered as part of the inventory for an urban homesteading program.

For the benefit of my colleagues, I ask unanimous consent that the statistics taken from the "Analysis of HUD-Acquired Home Mortgage Properties" for August 1973, be printed in the RECORD.

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

STATISTICS

Region I.—Hartford, 58; Bangor, 8; Boston, 438; Manchester, 3; Providence, 12; and Burlington, 3.

Region II.—Camden, 500; Newark, 1,306; Albany, 37; Buffalo, 131; Hempstead, 3,032; New York, figures unavailable; and San Juan, 50.

Region III.—Wilmington, 314; Washington, 182; Baltimore, 189; Philadelphia, 3,414; Pittsburgh, 382; Richmond, 141; Charleston, 68.

Region IV.—Birmingham, 559; Jacksonville, 459; Miami, 137; Tampa, 602; Atlanta, 3,165; Louisville, 237; Jackson, 848; Greensboro, 322; Columbia, 1643; Knoxville, 262; Memphis, 197; and Nashville, 136.

Region V.—Chicago, 2,484; Springfield, 313; Indianapolis, 1,935; Detroit, 15,552; Grand Rapids, 597; Minneapolis, 437; Cincinnati, 950; Cleveland, 922; Columbus, 678; and Milwaukee, 414.

Region VI—Little Rock, 335; New Orleans, 575; Shreveport, 659; Albuquerque, 296; Oklahoma City, 445; Tulsa, 520; Dallas, 3,715; Fort Worth, 1,120; Houston, 1,053; Lubbock, 891; and San Antonio, 1,027.

Region VII.—Des Moines, 279; Kansas City, 1,106; Topeka, 344; St. Louis, 648; and Omaha, 196.

Region VIII.—Denver, 64; Helena, 18; Fargo, 6; Sioux Falls, 4; Salt Lake City, 13; and Casper, 18.

Region IX.—Phoenix, 520; Los Angeles, 5,113; Sacramento, 636; San Diego, 187; San Francisco, 1,287; Santa Ana, 1,356; Honolulu, figures unavailable; and Reno, 459.

Region X.—Anchorage, 14; Boise, 6; Portland, 273; Seattle, 7,003; and Spokane, 133.

U.S. total—73,446.

RESERVATIONS ABOUT NATIONAL ENERGY EMERGENCY ACT

Mr. PERCY. Mr. President, I have reluctantly supported S. 2589, the "National Energy Emergency Act," because it is evident that some additional legislative authorities are needed in order for the Government to effectively cope with potentially severe fuel shortages. However, I have serious reservations about the wisdom of enacting such sweeping emergency powers as this bill contains.

Under S. 2589, the Congress would declare a nationwide energy emergency. The emergency would terminate in 1 year unless extended by Congress.

The President would be directed to prepare a national rationing and conservation program within 15 days after enactment. The plan must include a priority system for rationing scarce fuels, and mandatory conservation measures capable of reducing energy consumption by 10 percent in 10 days and 25 percent in 4 weeks. Included in the mandatory conservation plan would be: transportation controls; restrictions on energy use for "nonessential uses such as lighted advertising and recreational activities"; a ban on advertising encouraging energy consumption; limitations on energy consumption of commercial establishments and public buildings; temperature restrictions in public and commercial buildings; and, reductions in speed limits.

The President would be granted full authority to implement these and other measures at the Federal level, or to direct the States to implement them, as he determines necessary to meet the emergency, unless all or part of his plan is specifically disapproved by concurrent resolution of the Congress.

All actions taken under the bill would be exempt from the National Environmental Policy Act for 1 year.

To meet the anticipated fuel shortage, it is apparent that some new authorities are needed. This bill, however, does not spell out what authorities are needed. It simply gives emergency powers to the President to deal with the fuel situation in much the same way as he would be enabled to deal with a war mobilization.

I am concerned that S. 2589 represents another massive grant of authority to the President for instituting Federal controls, which the Congress and the public may regret for years to come.

In many respects, this bill is similar to the Economic Stabilization Act, which began as a grant of broad, temporary, emergency powers, but which has become a part of our national life. With all the distortions and confusion that price controls have brought, they will not go away.

In other respects, this bill could be compared to the Defense Production Act, which is still around after more than 20 years of temporary, emergency powers, or even the Gulf of Tonkin Resolution.

In a year in which Congress is attempting to reassert its constitutional responsibilities over war-making and fiscal policy, long abdicated to the executive branch, it is certainly inconsistent for Congress to be turning over to the President much of its constitutional power to regulate commerce.

An example of congressional ambivalence on this bill, was the 40 to 48 vote against imposing mandatory gasoline rationing by January 15. While the Senate was unwilling to require rationing itself to meet a declared energy emergency, it is fully willing to let the President impose mandatory rationing whenever he decides it is needed.

S. 2589 was rushed to the floor of the Senate with only 2 days of hearings and 2 days of markup. Yet its effect on the economy could be massive and totally unpredictable. It is no coincidence that the Dow Jones Industrial Average has fallen 124 points since rationing began to be seriously discussed in the Government.

The committee report on the bill expresses the expectation that the "rationing and conservation programs will be designed and implemented after proper deliberation in a manner that is neither arbitrary nor capricious." Yet the bill gives the administration only 15 days to design and promulgate the entire nationwide program.

Economists are now furiously revising their economic forecasts for the coming year as a result of the fuel shortage and the potential effects of Government controls. The forecasts range all the way from growth to depression. Surely if there is any chance that this legislation might bring on a serious recession, it

should be given more careful consideration than it has been.

History may demonstrate that the Senate acted too hastily in passing S. 2589. I certainly hope that before the bill is sent to the President for signature, it will be given more hearings, more careful thought, much more specific language, and more time for implementation.

THE 10TH ANNIVERSARY OF THE DEATH OF PRESIDENT JOHN F. KENNEDY

Mr. RIBICOFF. Mr. President, Thursday marks the 10th anniversary of the death of President John F. Kennedy.

The tumultuous events of the past decade have greatly changed our Nation, but President Kennedy's courage and vision shine as brightly today as they did that clear cold inaugural day in 1960. The hallmarks of his administration were competence, integrity, and idealism. He inspired the Nation with his confidence in the future of America.

President Kennedy had a commitment to excellence in all its forms and challenged the people to achieve the high goals he set for our country. He showed us how to think afresh.

President Kennedy did not live to see his initiative in foreign and domestic policy realized, but he charted a course for us. As one commentator recently said:

He did not solve the problems of war and peace. But he created the conviction that they could be solved. He did not end the problems of racial discrimination, the problems of poverty in the world, the problems of governance. But he inspired the hope that they could be solved.

For his was the promise of power to be wisely used for the benefit of the Nation and for all mankind. His tragic death prevented the fulfillment of that promise. But he has left us an enduring legacy of hope. His life and works will serve as a beacon to guide future generations of Americans.

SOVIET ECONOMIC PROBLEMS TOUGHER

Mr. PROXMIRE. Mr. President, earlier this year it was my privilege to chair Joint Economic Committee hearings on the Soviet economic outlook. Obviously, this is a subject that assumes increasing importance for the United States as our commercial relations expand.

I was delighted to see that the U.S. News & World Report in its last issue contains a very interesting discussion of our study as it throws light on the problem of the Soviet consumer. Our study and hearings pointed up the problems that the Soviet Union faces in deciding priorities as between its very burdensome military machinery and its rising consumer expectations. I ask unanimous consent that the article be printed in the RECORD.

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

[From U.S. News & World Report, Nov. 19, 1973]

PRICE OF AIDING ARABS—HOW "THE GOOD LIFE" ELUDES THE RUSSIANS

Add one more victim of the latest Middle East conflict: The Russian consumer, who yearns for the kind of good life found in the West.

Even before the Arab-Israeli war broke out, there were strong indications that the Soviet economy was in deeper trouble than anyone had expected. And then—

The war, after three weeks, had cost the Soviet Union between 5 and 10 billion dollars in equipment to replace Arab losses, plus spending on transporting it by sea and air. Part of that bill will be paid by cutbacks in Soviet investment in industries producing for consumers.

Damage to the Nixon-Brezhnev policy of *détente*, experts say, will find Americans less eager to export their technology and equipment to the Soviet Union. Moscow had counted on such imports to inject fresh energy into an already ailing economy.

Odds grew that the U.S. Congress will reject legislation granting Russia trade benefits and easing the way for U.S. Government-supported loans to help finance development of Russia's huge natural resources. The Administration's request for such legislation is scheduled to come before the House this month.

It all added up to further setbacks and delays for the U.S.S.R.'s long-touted effort to raise living standards for its citizens to equal those in the U.S.

BUMPER CROP, BUT—

Not all the news for Russian consumers is bad. Soviet Communist Party chief Leonid Brezhnev announced in late October that the country's grain harvest in 1973 would reach a record high—about 215 million tons. That is roughly 35 million tons more than the disastrous 1972 crop that forced Moscow to buy 1 billion dollars' worth of grains from the U.S.

The new crop will probably mean extra bread and meat for Russia households in 1974. But even as Russians got the good news, a crackdown was in full stride on "economic crimes"—most of them involved with the popular and widespread "black markets." These provide much of the food eaten by city workers, as well as other scarce consumer items, and even the products that many factories require to keep their wheels turning.

Courts began imposing the death penalty on those convicted of stealing state property, usually people connected with trade and industry.

Among those shot by firing squads were farm officials and salesmen, store managers, bank clerks.

The executions do not appear to have been on a massive scale. But the message that came through to the Russian people was clear:

Remember that "crime" against the state does not pay.

It was not just ordinary theft for private gain that was involved. One man was executed for providing a collective farm with building materials he had obtained by bribing officers of a plant manufacturing the materials. The Soviet distribution system had broken down, and the only way the collective could get a supply of the scarce items was through bribery.

For all the problems that centralized and bureaucratic controls are bringing to the economy, experts note that the Soviet Union seems to be heading for even more of the same.

WARNING FROM UNITED STATES

It is against this background that a huge new study of Russia's outlook, submitted to the Joint Economic Committee of the U.S. Congress, takes on new significance. In the 776-page report—"Soviet Economic Prospects for the Seventies"—top American experts on Russia warn the Kremlin not to depend on help from the U.S. and other Western nations to bring prosperity to the people it rules. Instead, the Russian leaders must buckle down and do the job themselves.

The survey makes these points:

To build a modern economy for their country, Russians must revise their rigid system of planning and management. They cannot depend upon trade and technological help from the West to stimulate the economy.

Russia, nevertheless, is reluctant to carry out needed reforms. As a result, the country continues to fall short of its economic goals. Said the report: "The political costs for improved economic performance might be high, perhaps too high."

Massive defense spending has lifted Soviet military power to "approximate parity" with the U.S.—but largely at expense of the Russian civilian. Strategic Arms Limitation Talks with the U.S. and moves to reduce East-West troop strength in Europe could shift Moscow's priorities from the military to the civilian sector. But past actions by Russian leaders suggest they will attempt to "muddle through" without revamping present policies.

The exhaustive study given Congress contains 30 separate papers examining a wide scope of Soviet problems, ranging from housing to foreign trade. It was written by Central Intelligence Agency analysts, experts from the State and Commerce Departments, university professors and other American authorities on Russia.

THE CROP DISASTER

Russia's economic record in 1972, the report shows, was one of the worst in the nation's history—largely because of a major "disaster" in agriculture.

The study stresses that bad weather is not the sole cause of Russia's poor agricultural showing over the years. Inefficient farming methods also are at fault, and, despite the big crop in prospect for 1973, they will hamper the Soviet Union in the future.

For instance, 31 per cent of Russia's labor force is engaged in agriculture, against 4 per cent in the U.S. Yet the average American farmer produces about $7,750 worth of foodstuffs each year, compared with $834 turned out by his Soviet counterpart. One American farmer produces enough to feed 46 of his countrymen. In Russia, the ratio is 1 to 7.

The report is not entirely grim, however, and it paints a picture of impressive gains in some areas. As one analyst puts it, there is "no economic recession, much less a depression."

But this same expert adds: ". . . If the present situation persists, the Soviet Union will be falling ever further behind the West economically."

PRAISE FOR PARTY CHIEF

Communist Party leader Brezhnev is given good marks for his efforts to provide for his people. According to the survey:

"Under Brezhnev's leadership, the average level of living in the U.S.S.R. has risen yearly by amounts that most Westerners would consider exceptional.

"Diets have improved—more meat and other quality food and fewer starches are on the nation's tables. Consumer durables are found in more homes. . . . Russian dress has improved."

Per capita income in real terms has risen an average 6.9 per cent a year under Brezhnev. Under former Premier Nikita Khrushchev, the increase was only 5.2 per cent.

STILL A BIG GAP

Yet the study notes that the gap in living standards between Russia and the

West—or even some other countries in the Soviet bloc—remains wide.

Incomes are rising faster than the supply of goods and services. And the problems of inadequate supply and poor quality that vexed Russians years ago still plague shoppers today.

By Western standards, the Soviet citizen is not well housed. At the present rate of building, at least six more years will be needed to give each family its own housing unit.

It is estimated that more than half the dwellings in the cities and rural regions lack running water and sewage-disposal facilities. Useful space available per person has increased from about 96 square feet to 118 over the last 10 years—a little more than half the norm in western Europe.

Russia also is pushing auto production with a crash program aimed at increasing the output of passenger cars from 344,000 in 1970 to 1,260,000 in 1975. But prices of the new models are high—about $7,400 for a Zhiguli, nearly two years' total earnings for a family with two breadwinners.

Auto servicing is another big problem. There are 800,000 privately owned cars in Russia today, but only 370 garages—one for each 2,200 vehicles. Additionally, 60 per cent of the country's limited highway system is made up of dirt roads that are impassable for ordinary traffic in wet weather.

THE NATION'S CHOICES

Noting that Soviet defense spending has stunted economic growth, one study in the survey raises the possibility that the Kremlin may be forced to choose between two "unacceptables"—acknowledging its failure to meet the production goals or demobilizing a significant portion of Russia's 3,375,000-man armed forces.

Another analyst disagrees, however, and makes this point:

"The Soviet regime is highly conservative and not inclined to change its institutions. . . . Nor should one expect a major shift of resources from defense to civilian economy. The country's leaders wish to negotiate from a position of strength and feel duty-bound to prepare for dangers that might arise in years to come."

American authorities say there are prospects for "substantially expanded trade" between the United States and Russia. But they caution that Moscow may have trouble acquiring funds needed to pay for imports.

The Soviet Union has been unable to expand its sales to the hard-currency countries rapidly enough to pay for its swelling imports.

Consequently, the Soviet trade balance with these nations had an average deficit of 270 million dollars a year from 1960 through 1971. In 1972, because of large grain imports from the West, foreign trade was at least 600 million dollars in the red.

The study contends that this shortage of hard currency explains the eagerness of Soviet leaders to enter into production arrangements with Western firms.

"Without massive East-West joint ventures," the report says, "prospects for increased petroleum and natural-gas exports seem dim in view of Soviet production problems and increasing domestic and European demand."

BASIS FOR IMPROVEMENT

Summing up the state of the Soviet economy, one U.S. expert lists what he calls three major "prescriptions for improved economic performance" by Russia:

Reduce military demands on national resources.

Streamline economic-planning institutions and management techniques.

Expand trade with developed countries to gain industrial know-how.

Authorities who made the study doubt, however, that Russia will make the necessary changes.

"In order to meet the above prescription," they conclude, "the Soviet leadership may have to be far more flexible in their policies than history suggests is likely."

RUSSIA TRAILS FAR BEHIND UNITED STATES IN CONSUMER GOODS

Units owned in 1972

Automobiles—In Russia: 1 for every 100 people; in U.S.: 1 for every 2.

TV sets.—In Russia: 1 for every 5 people; in U.S.: 1 for every 2.

Radios.—In Russia: 1 for every 4 people; in U.S.: 1 for every person.

Refrigerators.—In Russia: 1 for every 8 people; in U.S.: 1 for every 3.

Washington Machines.—In Russia: 1 for every 6 people; in U.S.: 1 for every 3.

Vacuum Cleaners.—In Russia: 1 for every 25 people; in U.S.: 1 for every 3.

Sewing Machines.—In Russia: 1 for every 7 people; in U.S.: 1 for every 6.

FARM-CITY WEEK

Mr. DOLE. Mr. President, a few minutes of the Senate's attention should be devoted to Farm-City Week. In view of developments in the farm-city relationship during the past year, this week is certainly worthy of that attention.

In recent months, farmers have experienced shortages of fertilizer, fuel, farm equipment and other essential farm inputs. Some customers have found food prices to be shockingly high. Yet the relationship between farmers and city dwellers remains one of mutual dependence. And it is important that the relationship be understood.

President Nixon has proclaimed November 16–22 as Farm-City Week. This annual event once again will focus the attention of the Nation on the problems, goals, programs and aspirations of American agriculture. It will culminate in a national day of thanksgiving for the abundance that farmers provide for the enjoyment of all our citizens.

Farm-City Week is both a noble and a practical idea. It should bring city and rural people to a better understanding of each other. Our economic system in America is not perfect as shortages, inflation rates and other problems have shown. But it is the best system yet developed for satisfying the needs and desires of people.

American agriculture has advanced more in the past 50 years than in all the prior years of our history. Yet Farm-City Week should help us understand that agriculture no longer is just simply living on a farm and producing crops. Agriculture today encompasses farming and ranching, but it also includes our vast and complex system of marketing, processing, distribution, and merchandising.

Agriculture today depends on more than just the men and women living on farms. It depends on the 8 to 10 million people who store, process, and sell farm products. It depends on the 2 million people who provide the supplies that farmers use. These people live and work and prosper in cities and small towns.

Farmers depend on the people who make and sell farm machinery—the workers in the factory, the managers and supervisors that keep the plants running, and the sales force that supplies the finished product to farmers.

Farmers depend on people who explore, develop, refine, and deliver oil and gas, and other fuels and lubricants, to the farm or ranch. They depend on the chemical companies for the plant food, the pesticides and insecticides without which it would be impossible to produce the immense quantities and the high quality grain and fruit and vegetables, and the beef and pork and poultry that will grace our table Thanksgiving Day, and throughout the year.

Agriculture depends on the transportation industry. Thousands of giant, covered hopper cars are being added to the rail fleets of Americans to carry the produce of our farms to market, to terminal storage, and to seaports for export.

Agriculture relies heavily on banks and other sources of credit. The national production plant for agriculture today is a $339 billion investment. Its value has doubled in the past 20 years.

Farmers have had difficulties in nearly every one of these areas. Credit rates have soared sky-high so that it seems nearly prohibitive to finance the tremendous amount of capital a modern farmer needs for his operation.

Many grain elevators have no room to store recently harvested grain due to a lack of boxcars. Continued feed grain harvest and wheat sowing operators during this crucial fall period have been threatened by the fuel shortage. The shipment of vital fertilizer stocks to overseas buyers prior to the lifting of price controls by the Cost of Living Council has deprived American agriculture of great quantities of vital crop nutrient. It seems that even the export of farm machinery has made it difficult to purchase essential tractors and implements.

These shortages have understandably led many farmers to suspect that they are being sacrificed for the welfare of urban people. But such treatment of agriculture could hardly be the case. Depriving farmers of their essential needs cannot be a basis for the farm-city relationship. It is a two-way street. The prosperity of cities and small towns also depends on the well being of agriculture. Farmers are the main source of income for the stores and shops that line main streets in thousands of American towns and cities.

Last year, farmers' net income totaled $19.7 billion. This year it will reach $24 billion, according to estimates from the Department of Agriculture. This is money that farm families will spend on things they want and desire. But it comes on top of the expenditures that are part of the farming operation itself. A more meaningful figure would be the $86 billion gross income which farmers have to spend.

Altogether, the agricultural plant in the United States, and the people who live in towns and cities whose employment depends on agriculture, account for 20 percent of total American employment. These people are a major source of tax revenues to run the Nation. They are farmers, businessmen, housewives, labor-

ers, professional men, salesmen, and schoolteachers. They are America.

Recently we have seen these Americans divide over issues such as food costs, environmental safety, fuel allocations, transportation delays, inflation, and others. Voices have been raised in frustration and anger. Ears have been stopped and the doors of understanding shut to facts and reason.

Farm-City Week is a national call for all of us to sit down and talk quietly with each other. By getting together, people with differing points of view can get new perspective on problems. By pooling our resources and initiative we can lick those problems.

Let us take up the concept of Farm-City Week and nurture and encourage its growth and acceptance among all our citizens until finally it becames not just 1 week in 52, but a year-round endeavor. Every week should be Farm-City Week. Every day should be a day of thanksgiving.

CONNECTICUT INSURANCE COMPANIES CONSERVE ENERGY

Mr RIBICOFF. Mr. President, Roger Dove, the executive director of the Insurance Association of Connecticut, has sent me details of what Connecticut insurance companies are doing to cooperate in conserving energy.

These efforts are indeed praiseworthy, and Connecticut-based insurance companies hope to save as much as 25 percent of their power and fuel consumption this winter. The insurance companies will also be seeking public voluntary compliance with lowered speed limits and home temperatures.

It is through efforts such as these that Connecticut and the rest of the country will be meeting the problems posed by the current fuel shortages head-on. These efforts, plus legislation just passed by the Senate, the National Energy Emergency Act of 1973, are but two of the many steps needed to solve the energy crisis.

I ask unanimous consent that the release of the Insurance Association of Connecticut, outlining its conservation measures, be printed in the RECORD.

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

CONSERVES ENERGY

HARTFORD.—In response to Government requests to conserve energy, Connecticut's home-based insurance companies reported today that they will cut back on power and fuel consumption by as much as 25 percent this winter, with the heating oil reduction of one company alone amounting to an estimated 100,000 gallons.

The insurance companies also announced that they will spearhead a statewide campaign to seek voluntary compliance with the 50-mile-an-hour speed limit and 68-degree home temperature called for by President Nixon and Governor Thomas J. Meskill. This drive will be built around a mass distribution of pledge cards to be sent to state and federal official and a "my limits" automobile sticker will carry the slogan: "50 mph—my limits—68°."

"The aim of this campaign will be to seek the participation and personal commitment of the individual Connecticut citizen," spokesman for the Insurance Association of Connecticut pointed out. "If a driver puts a 'my limits' sticker on his car or signs a pledge card, he will drive at 50 and he will keep his home thermostat at 68." The bumper stickers and pledge cards will be available in quantity to the public starting late next week.

Governor Meskill gave his enthusiastic backing to the insurance industry program. He said he will direct that the new bumper sticker be displayed on all of the 3,500 state government cars, and he will urge the 38,000 state employees to become personally involved in the campaign.

"If the nearly two million Connecticut drivers observe the 50-mile-an-hour speed limit," he said, "Connecticut could save up to 200 million gallons of gasoline a year. The savings in lives and money would be ample reward for the effort required. The personal commitment from individuals that this campaign seeks could produce unprecedented results."

The Connecticut insurance industry, the state's second largest private employer, also is urging its 35,000 employees to participate in a mailing of pledge cards to the Governor, members of the Legislature and the Connecticut Congressional delegation in Washington. The cards state that the signer plans to limit his speed to 50, his home temperature to 68 and will support the public official to whom the card is addressed in his efforts to conserve energy during the present emergency. Space is provided for additional comments.

The companies began distributing the cards to their employees today and will set up mail drops for use as long as they are needed. Distribution of bumper stickers to insurance company employees will start next week. Each company explained the new program in a personal message from its president to its employees.

Drivers of the 10,000 motor vehicles operated by the state insurance companies, both in Connecticut and throughout the nation, have been directed to observe the 50-mile-an-hour limit. All of these vehicles also will carry the new bumper sticker.

Both the bumper stickers and pledge cards will be made available without charge to insurance agents, the State Grange, labor organizations schools, automobile clubs, service clubs, civic and fraternal groups and others interested. Other industries will be urged to participate in the program. Additional promotional plans for the campaign are being developed and will be announced shortly.

The insurance companies, in summarizing their plans to significantly reduce fuel and power consumption, noted that major cuts in Christmas lighting will be one of the first visible signs of the cutback. The more extensive reductions, however, will come in the areas of heating and permanent lighting. The use of elevators is being reduced during non-peak hours. In addition to directing that company cars be driven at lower speeds, the use of car pools and mass transit facilities is being urged.

Aetna Life & Casualty thermostats have been reduced to 68 degrees during working hours and 65 degrees each night and on Sundays. The annual savings for Aetna Life alone are estimated at 100,000 gallons of heating oil or about 15 percent of annual consumption. In addition, elevator and escalator service is being reduced by 50 percent at non-peak hours. The company's fleet of 3,500 cars is being switched to compact models, saving 1.5 million gallons of gasoline a year. These cars have been ordered to be driven at no more than 50 miles per hour.

Connecticut General Life Insurance Co. has determined that it can reduce electric power as much as 25 percent. Lighting will also be reduced in the cafeteria, lounges, corridors and in the 1,800-car parking garage. During the evening, the cleaning personnel will be turning out lights as soon as the areas are cleaned. There will be no decorative lighting used for the Christmas season. Thermostats will be reduced to 68 degrees during working hours and below 68 degrees during the evenings, weekends and holidays. The Bloomfield home office will operate on shutdown or standby basis during weekends and holidays. Elevator and escalator usage will be cut down during non-peak hours. Office business machines will be shut down when not in use. All home office and field office cars are to be driven at 50 m.p.h. or less. Car pools are being encouraged and a special service will be made available to help employees organize car pools. Commuter buses are also being encouraged and the company will urge increasing the number of these buses if the demand supports it.

Connecticut Mutual Life Insurance Co. is eliminating Christmas lighting. Other selected lighting will also be reduced, saving about five percent of the company's lighting energy. Cleaning personnel will also be turning out lights as soon as they complete their tasks in each working area. Average temperatures will be reduced to 68 degrees cutting down its 50,000-gallon heating oil consumption for the winter season by 10 percent.

Since January of this year, a consulting engineer has been working with The Travelers Insurance Cos. and has made recommendations to cut down energy consumption. Some of these plans have already been implemented and others are being studied. Heating and air conditioning needs are being balanced to use the least amount of energy. Nighttime lighting has been reduced 50 percent since last January. Spotlighting on the outside of the building has been eliminated. Water fountains, which use considerable amounts of motor power, have been shut off. And certain elevators have been shut down during non-peak hours. Some 3,200 fleet cars and trucks have been directed to observe a 50 m.p.h. limit on highways. The intensity of tower lights is being cut back two-thirds.

At Phoenix Mutual Life Insurance Co., holiday lighting has been eliminated including the "Noel" display. Heat has been reduced to 68 degrees and the personnel department is encouraging and aiding voluntary car pooling. Over 3,000 lamps totaling 95,000 watts have been removed and escalators have been turned off except for lunch periods. More sophisticated heating and cooling controls have been installed resulting in significant energy savings. All personnel have been instructed to turn off lights when the working area is not occupied and night cleaning personnel are required to turn off lights as soon as an area has been cleaned. The company estimates a saving of 15 to 20 percent in energy needs. The cuts will include a savings of seven million pounds of steam, one million kilowatt hours and 17 tons of chilled water.

The Hartford Insurance Group has also installed a sophisticated system of time clocks to shut off fans and power units and lighting when the buildings are closed. Temperatures will be held at a maximum of 68 degrees. A measure of The Hartford program showed a 40 percent reduction in energy consumption for October of 1973 compared to October of 1972. Although October of 1973 was warmer than the average October, the reduction was still considered significant. The company has also directed its 2,450 company cars to cut down their speed to 50 m.p.h. maximum. New car purchases will be compact models. Christmas lighting has also been eliminated.

Other insurance companies also have begun similar energy conservation plans. They include Aetna Insurance Co., Connecticut

Commercial Travelers Mutual Insurance Co., the Covenant group, General Reassurance Corp., Hartford Steam Boiler Inspection and Insurance Co., Litchfield Mutual Fire Insurance Co., Middlesex Mutual Assurance Co., National Fire Insurance Co., New London County Mutual Insurance Co., Patrons Mutual Insurance Co., Safeguard Insurance Co., Security-Connecticut Life Insurance Co. and Security Insurance Group.

COURAGEOUS STAND ON CONSUMERISM BY THE CHAMBER OF COMMERCE PRESIDENT

Mr. PERCY. Mr. President, one of the priorities facing the Congress this year is to afford 200 million American consumers improved protection against unworthy goods and services through the creation of a Consumer Protection Agency. An attitude of "let the buyer beware" undermines confidence in business. The consumer movement aims to eliminate the deceptive, unfair, and unsafe practices in which only a small minority of firms persist.

In this connection, Edward Rust, president of the U.S. Chamber of Commerce and an outstanding member of the business community for over 33 years, has taken a courageous and progressive stand.

In a Chicago speech to the National Association of Life Underwriters on September 18, 1973, Mr. Rust affirmed that "quality of product or service is a social responsibility."

He emphasized the need for business-consumer cooperation and understanding:

It is more sensible for the consumer to expect perfection in everything he buys than it is for business to expect consumer acquiescence to all its shortcomings.

Most controversially, Mr. Rust invited American businessmen—

To look with fresh eyes at Ralph Nader and the kind of consumerism he represents. The whole point of Nader—so obvious that it is often overlooked—is his single-minded dedication to making the free enterprise system work as it is supposed to—to make marketplace realities of the very virtues that businessmen ascribe to the system. That—suggests a considerable degree of faith in the system and sharply contrasts with the revolutionary who would tear it down.

On that point, the U.S. Chamber of Commerce decided to leave their president adrift. It was made perfectly clear that—

The Chamber does not, and would not, have a policy with respect to Mr. Nader or his organization and thus Mr. Rust's endorsement of Mr. Nader is his personal opinion.

Mr. Rust, as an individual business leader, deserves to be commended for his willingness to stick his neck out—way out—on the topic of Mr. Nader, whose popularity in some portions of the business community is about at the same level as Attila the Hun. I concur wholly in Mr. Rust's added observation that:

When business sees consumerism and its spokesman as enemies of the—free enterprise—systems, then business is demonstrating its own failure to understand the healthy tensions and competing pressures that must be always present in that system, if it is to survive.

Because of the importance of Mr. Rust's remarks to consumers, businessmen, and to my colleagues in this Chamber, I ask unanimous consent that excerpts of his statement be printed in the RECORD.

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

ADDRESS BY EDWARD B. RUST

We are all aware of the many problems that beset us today as a people—the energy crisis, environmental pollution, inflation, foreign trade deficits, and so on. It is not to dismiss these problems lightly that I say they are, to a degree, transient. They will pass in time, and others of equal urgency will arise to take their place. But there is another problem that, in my view, transcends all of these others. It is suggested by the phrase "credibility gap," which I suppose is just another way of saying we don't believe each other any more. We don't believe the businessman, we don't believe the political candidate or the office-holder or the government agency or the newspaper or the news broadcaster.

Why?

Why has this essential confidence that we need to have—must have—in our institutions eroded so much in the last few years? This is not supposition on my part. It is measurable erosion, and the measurement has been made by the Louis Harris polling organization. The Harris pollsters sought to gauge public confidence in various public institutions and organizations over a recent five-year period.

At the beginning of that period, of those queried, 55% said they had "a great deal" of respect for major companies. Five years later that figure had been halved to 27%. Moreover, three times as many respondents reported they had "hardly any" respect for major companies as said so five years earlier.

And it was not just business that suffered this damaging decline in the public's esteem. The survey also turned up a steep slide in the public's confidence in the military, scientists, educators, doctors and the press.

These are portentous findings, indeed. How can the society, we must ask, function if this decline continues? Can the trend be reversed?

I don't pretend to have the scientific background that would enable me to analyze for you the complex socio-psychological factors that underlie the declining confidence that more and more Americans seem to have in the many institutions that together make up our society. I can only offer the personal observations of an American businessman.

I would agree with Alexander Hamilton, who once said, "The vast majority of mankind is entirely biased by motives of self-interest." I don't know if Mr. Hamilton found that distressing. I do not. But the real problem arises in defining where our self-interests truly lie.

The answer to that question frequently depends upon how far into the future we are willing to look. If as businessmen we look only at tomorrow's profits, then self-interest will dictate that we act one way. But if our focus instead is on the long-range survival of the business enterprise, then we will act in quite another way.

There seems to be some confusion over the role of business in today's society. There is much talk these days about the social responsibilities of business and the need for involvement in social programs. And perhaps we should be doing more of this. But I personally feel that the first order of business is the competent management of business and that management's first priority should be the quality of the product or service it provides.

Please understand that I'm not suggesting we turn away from our obligations to the environment or from any of our social responsibilities. I am only reminding you that quality of product or service is itself a social responsibility with social implications far beyond profit and loss.

It seems appropriate to emphasize that point here today, at your Public Service Award luncheon. The public service program of the National Association of Life Underwriters has, over the years, contributed in countless ways to the well-being of America's communities, and it is vitally important that you continue this work in the future. But it is equally important to understand that the way we conduct our business also measures our sense of social responsibility. The professional life underwriter knows that, but elsewhere in the business community "social responsibility" and "public service" are sometimes discussed as if they were separate and remote from day-to-day business activities.

As businessmen, our focus must always be on the quality of the service or product we offer, simply because this is the first expectation people have of us. The manufacturer that landscapes the factory site but hedges the obligations in his product warranty has a misplaced sense of priorities. It's at this basic level that we must begin to rebuild faith in the institution of business. We need to regenerate a dedication to quality, to value and to service.

We need a commitment to excellence first of all in those things in which we are best equipped to excel. The business manager may need instruction in some of the new social roles that are being urged upon him—but he should need no instruction at all in bringing to the marketplace a product or service that meets whatever claims he is willing to make for it.

Above all else, he should know how to do that!

This, I believe, is what Ralph Nader and other consumerists are saying, and I find it hard to disagree with them on that point. You will notice that you rarely find consumerists criticizing a business for its failure to involve itself in social programs on the periphery of that business. Mr. Nader's focus is usually on the first business of business—its products and services. His primary insistence is on products that perform as they are supposed to, on warranties that protect the buyer at least as much as the seller, on services that genuinely serve.

In accepting the Chamber presidency, I expressed my belief that intelligent men of good will abound in all of our institutions, and that it doesn't make sense that we sit in our respective enclaves of business, labor or government and scream imprecations at one another across barriers of misunderstanding. I also said that most of us share a commitment to the welfare of our nation and of its people, and that we differ only in our perceptions of how to meet that commitment, and that as Chamber president I would focus on those things that bind us together rather than on our differences. It is in that spirit that I invite American business to look with fresh eyes at Ralph Nader and the kind of consumerism that he represents.

He has been described in some quarters as "an enemy of the system," but if we are willing to look objectively at his activities, I think we are forced to the conclusion that his commitment is to make the system work. I believe that it was inevitable that sooner or later someone like Ralph Nader would arise to focus and articulate the dissatisfactions and the frustrations that are widespread among American consumers. And so in him we see not an individual expressing his personal biases, but instead a man who is singularly sensitive to the mood of the

public and who is unusually well-equipped to symbolize and express that mood.

Given the wide base of public appeal that Mr. Nader obviously has, I think it is unrealistic to come to any other conclusion. I think it is imperative that American business look calmly and realistically at what consumerism is and what it is not, as represented by Mr. Nader.

I hope you will understand that, as a businessman, I would hardly be siding with Mr. Nader against business. Rather, I simply insist that he is not on "the other side." If we look at the record, I think we will see a clear community of interest that Nader has with American business. The whole point of Nader—so obvious that it is often overlooked—is his single-minded dedication to making the free-enterprise system work as it's supposed to—to make marketplace realities of the very virtues that businessmen ascribe to the system.

It is not his style to mount street demonstrations, but it is his style to insist that products live up to their advertising and to buyers' reasonable expectation of them—and when they don't, to go to the regulatory authorities and say, "Look here. Now regulate."

That kind of activity suggests a considerable degree of faith in the system, and contrasts sharply with the revolutionary who would tear it down.

But if you would say that he sometimes exaggerates, that he overdramatizes, that he is shrill, then I would have to agree—at the same time pointing out that this is the traditional way to gain attention in the clamorous and free American marketplace, as we who advertise our products and services should be well aware.

We in business sometimes complain that the public—and our young in particular—don't understand or appreciate the free enterprise system. But I must observe that when business sees consumerism and its spokesmen as enemies of that system, then business is demonstrating its own failure to understand the healthy tensions and competing pressures that must always be present in that system, if it is to survive.

The consumerist does not demand perfection of American business. I believe he perceives it as a human institution, susceptible to error. But he understands the difference between honest mistakes and deliberate deception—a distinction Nader is able to make with considerable force.

This brings me to a matter that I think is part of this problem of credibility—our self-perceptions. We need always to be aware of our humanity, and that awareness should produce enough honest humility within us to admit that we will make mistakes.

It should be part of the manager's overview of his job to expect mistakes. When he has that view, then he will also have his organization geared to deal with them efficiently and equitably.

It's an exercise in corporate egotism to pretend or assume that mistakes aren't made—to attempt to present to the public an image of godlike perfection, which no one can rightly expect of himself or of the institution he manages. That kind of attitude shows a lack of faith in the American people's capacity to understand that mistakes will be made and their readiness to forgive those who move promptly to correct them.

I think that these attitudes come about as an indirect result of the "giantizing" of our business institutions, to borrow a term from the sociologists. The small businessman cannot isolate himself from his customers, no matter how much he might wish to. But it is possible for the managers of big business to remove themselves from the abrasions of the marketplace.

The tendency is to encapsulate oneself in corporate limousines and executive suites and paneled boardrooms—an environment that in the long run will distort management's view of reality. It's entirely human and understandable, I suspect, that most of us seek to make our lives more comfortable, to escape in some measure the harsh realities of human existence.

But I suggest to you that it is an inescapable part of the businessman's job to maintain direct personal touch with the realities of the marketplace. Market research is fine and necessary—but those neat charts and graphs can never give you the feel of product and user that you get from a direct confrontation with an angry or happy customer.

I was in an office conference the other day in Bloomington, Illinois, when a customer of ours in Houston got me on the telephone. He had a problem that I was able to help him with. When our telephone conversation concluded, one of the people in my office commented that an efficiency expert would be appalled that I would interrupt an important meeting to involve myself in the problems of one of our 20 million policyholders. It would strike him as an inefficient use of executive time. My response was—and I deeply believe this—that the day I refuse calls from customers is the day I should resign as head of the companies, because that is the day I will have begun to lose contact with the real world in which we operate.

Share this little fantasy with me—

Suppose every American product has a sticker on it, right up there where everyone could see it—smack in the middle of the car's dashboard, right on the side of the toaster, or in big letters by the dial of the TV set, and it read:

"If this thing doesn't work like we said it would, call our president," followed by his name and telephone number.

It's hard to imagine the impact this would have, but I can tell you a couple of things that would happen. Those consumer complaint statistics that come up in orderly columns from the computers would suddenly come very much alive, bristling with humanity, and in a very short span of time, the corporation president would acquire a very sure sense of reality—as well as an unlisted phone number.

You see, my name is on about 20 million insurance policies. If our service to our insured breaks down—as it sometimes does—or if misunderstandings arise that aren't cleared up elsewhere in the organization, the policyholder will sometimes look at the bottom line of the last page of his insurance contract, see my name and call me. And if he doesn't get me, he gets one of my assistants.

Quite often, he is irate and frustrated and has carefully marshaled the arguments he is sure he will need. But when I listen to his complaint, and if it's clear to me that he has not received what he has a right to expect from us, I apologize to our customer and tell him what I'm going to do to get things back on track for him. At that point, there is often stunned silence on the customer's end of the phone line, and I sometimes have to say "hello" two or three times to awaken him from shock.

Why should candor and a desire to correct error be such a startling experience for an American consumer to encounter in American business?

I have been told that these observations may make of me something of a pariah in the American business community, but I'll take that risk because I have great faith in the reason and good sense of most business leaders and managers.

But just as business must be willing to calmly assess what consumerism is really trying to achieve—must be willing to distinguish between honest criticism and unproductive enmity—so do I believe that it is fair to ask the American consumer to look at business realistically. It is no more sensible for the consumer to expect perfection in everything he buys than it is for business to expect consumer acquiesence to all its shortcomings.

I sense a kind of perfectionist mood in some quarters of the society, an irascible intolerance for error of any kind. This is probably a by-product of our technology and our advertising. Too often, the latter leads people to expect what no product or service can possible deliver. (I've yet to see the marriage that was saved by changing brands of coffee.)

Our technology presents us with a more subtle problem. We've all heard the nostalgic comment, "They sure don't build them like they used to," and in some instances, this may be true.

But there's another side to that coin. Not too many years ago the fairly affluent American home could count no more than a half-dozen electrical appliances. Today, an inventory of electrical devices in most American homes would total in the dozens—electric razors, his and hers; electric toothbrushes, mixers, blenders, fry pans and broilers; electric can openers; electric knives.

If the average appliance—when there were only six in the home—operated six years without needing repair, the customer was going to the serviceman on the average of once a year. But if you have three dozen appliances in your home—and many homes would have at least a dozen more—then you are getting something repaired on the average of once every 60 days. In other words, even if the level of quality is the same, your service problems have increased six-fold, which is a pain in the budget and elsewhere.

Inflation, as well, heightens our expectations of products and services; the more you pay for something, the more you demand of of it.

I think all of us—businessmen and their customers (and many of us are both)—need to abandon the cliches we too often use in talking and thinking about this thing we call "the system." The businessman sometimes behaves as if he were its sole proprietor, and the customer sometimes expects more of it than it can possibly deliver.

At best, perhaps the system can only be an uneasy partnership, out of which the consumer can expect reasonable satisfaction and out of which the businessman can expect reasonable profits.

I think most reasonable people would settle for that.

And I believe that reasonable people can make it happen just that way.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we have waited over a quarter of a century since the Genocide Convention has been in force among signatory nations. And still the United States has failed to ratify the treaty.

Twenty-five years is a long time. Long enough for arguments to be heard, problems explored, objections to be met. We have indeed heard the arguments. The Senate Foreign Relations Committee has issued several favorable reports on the Genocide Convention, meeting the objections of opponents to the convention and showing many of their fears to be groundless.

Mr. President, it is time for the Senate to take up this important human rights document.

I urge ratification of the United Nations Convention on the Prevention and

Punishment of the Crime of Genocide without further delay. A nation founded on the highest principles of human rights cannot waiver any longer in its support of the most basic of such rights: the right to life itself.

CURTAILING SENSELESS HIGHWAY SLAUGHTER—PART II

Mr. PERCY. Mr. President, as I have mentioned in previous remarks in the RECORD, a contributing factor to the carnage and loss of life on our Nation's highways is dangerously high speedometer calibrations on automobiles. Maximum indications of 120, 140 and even 160 miles per hour defy drivers to accelerate beyond safe and lawful speeds. Last year alone, 56,000 Americans were killed in motor vehicle accidents, 2.1 million were injured and $19 billion in damages were reported. Most importantly, speed was a factor in approximately 16,000 of the 48,000 fatal accidents that occurred in 1972.

Prompt action is needed to curtail excessive speeding on our highways. Several weeks ago I proposed a first and logical step—that maximum speedometer calibrations be restricted to 85–90 miles per hour with a red-lettered "extreme hazard" zone above that. Because this solution is moderate and inexpensive, immediate implementation is within our grasp. More than a few lives would be saved.

On October 2, 1973, I entered into the RECORD two letters dated September 26, 1973, to Lewis Engman, Chairman of the Federal Trade Commission, and to James Gregory, Administrator of the National Highway Safety Administration, requesting consideration of my proposal. In response, Mr. Engman has informed me that FTC's Bureau of Consumer Protection is conducting a review of the matter. Specific recommendations are forthcoming with all due speed. Mr. Gregory pledged to take a "personal and priority interest" in the proposal. And, in a subsequent phone call to my office, NHTSA has indicated that action is imminent—a move I applaud.

I have also written to the top-ranking executives of the four major automobile companies. It was my hope that responsible leaders in the industry would voluntarily implement the proposed change. Such action would eliminate costly administrative and judicial proceedings and symbolize the companies' concern for the consumer.

Though encouraging for the most part, their replies contain no immediate plans for implementation.

Lee Iacocca, president of Ford Motor Co., commended the proposal's "obvious merit." He expressed the company's intention to pursue a detailed examination of the matter.

From General Motors, President Edward Cole informs me that top speedometer markings on a number of 1974 passenger cars have been lowered to 100 miles per hour. However the letter's implication is that only a few models have been affected. The move is a step in the right direction—just not far enough.

S. L. Terry, vice president of environmental and safety regulations at the Chrysler Corp. replied:

> We are looking into the competitive and sales implications of the speedometer change you suggest along with various ways of accomplishing it. We will keep you informed as to the action we take.

I am certain that when Chrysler looks more closely at the safety implications of the proposal it will see the unassailable need for constructive action.

And, William Luneburg, president of American Motors indicated that his company would "cooperate with the appropriate Federal agency or agencies for the purpose of examining in detail this proposal." Again, action rather than study seems called for.

The news and broadcast media are more cognizant of the potential and real danger of speedometers calibrated to hazardous and unlawful speeds.

A Chicago Tribune editorial—October 11, 1973—recounts a dramatic case in point:

> His (Percy's) contention is borne out by the experience of a youthful friend of ours who nearly killed himself on the Florida Turnpike trying to photograph a speedometer of 110 miles per hour.

The Trib added:

> Unless it is to sell cars by convincing car buyers that they are getting a monstrously powerful, four-wheeled jungle cat speedster (as so much advertising seems designed to do) the three-digit speedometer has no purpose.

The Kansas City Times poignantly admonished:

> Excessive speed is no private matter. It involves the right of other motorists to share the road and live.

Focusing on an immediate solution, the Times declared:

> The Percy proposal deserves a good and prompt look by government and the automobile industry.

WQUA Radio in Moline, Illinois, took the proposal one step further. The station advocates 80 miles per hour as the cut-off calibration.

Radio Station WBBM in Chicago concluded:

> We think Percy is right on target. Further delay can only lead to more senseless slaughter on our highways.

And, WRAU, the ABC radio affiliate in St. Creve Couer, Ill., reasons:

> The fact that 56,000 Americans are killed every year on the nation's highways dictates that those of us that are still living must do everything we can to reduce this slaughter. Channel 19 agrees with Percy's recommendation.

Claud R. McCamment, director of highway safety in Kansas, has endorsed the proposal. He also offered to testify in support of restricted calibrations. He writes:

> I have seen reports of thousands of horribly injured persons from the actual traffic wreck reports that go across my desk . . . the larger percentage of those had as their primary cause speed, and extreme speed has been the factor in the mutilations that occurred.

Most recently, the Federation of Insurance Counsel has recommended to the Department of Transportation that maximum speedometer calibration be limited not to 85 or 90, but to 70 miles per hour by September 1, 1975. In a letter to me, Mr. Bernard Bertrand, Chairman of the FIC's Highway Safety Committee, cited a staff report of the U.S. Department of Transportation—maximum speeds for motor vehicles, January 31, 1969. This study estimates that highway fatalities could be reduced up to 8 percent if drivers refrained from exceeding a maximum speed of 70 miles per hour. Approximately 4,000 lives could be saved each year.

My mail has indicated that far and away most motorists favor the proposal. One letter in particular, was especially on point. I think it worth sharing with my colleagues:

> OCTOBER 31, 1973.
>
> Hon. CHARLES PERCY,
> *Washington, D.C.*
>
> HONORABLE SIR: Your proposal to enforce safer automobile speedometers is commendable.
>
> I wish to offer a suggestion for a speedometer which would tend to discourage rather than encourage excessive speeds:
>
> When the speed reaches 60 miles per hour, a yellow light would appear.
>
> At 75 miles per hour, a red light would appear.
>
> At 90 miles per hour, a little cuckoo bird would jump out and sing, "Nearer, my God to thee."
>
> Yours truly,
>
> STANLEY MCAULEY.

Dangerous speedometer calibration is only one of a multiplicity of consumer protection issues that now confront the Nation. Misleading advertising, empty warranties and guarantees, deceptive packaging, anticompetitive conduct, unfair pricing, bait-and-switch merchandising all must be repudiated. The protracted, inefficient process by which consumer problems are now resolved—or more often not resolved—must be made expeditious and more effective.

A solution is currently before the Senate. Senators RIBICOFF, JAVITS, and I have introduced legislation proposing the creation of a Consumer Protection Agency. The CPA would serve as a voice for consumers in situations where they previously have been voiceless. Its primary responsibilities would be to represent the interests of the consumer in deliberations before Government agencies and the courts.

A functional abyss has existed in our Government for too long. It is now imperative that we take decisive steps to guarantee adequate protection to 200 million American consumers.

Mr. President, in closing, I ask unanimous consent to have printed in the RECORD with my remarks the complete texts of the letters and editorials referred to above.

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

> FEDERAL TRADE COMMISSION,
> *Washington, D.C., October 18, 1793.*
>
> Hon. CHARLES H. PERCY,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR PERCY: Thank you for your letter of September 26 in which you propose that the Federal Trade Commission initiate action which would impose limitations on the calibration of automobile speedometers.

I share your deep concern regarding the problems of automotive safety and appreciate your suggestions for possible areas of constructive action by the Federal Trade Commission.

Due to the complexity of this matter, I have asked the Bureau of Consumer Protection to expeditiously review your proposal and to provide the Commission with specific recommendations.

I am advised that you also have directed a similar request to the National Highway Traffic Safety Administration which has specific authority to set safety standards for automobiles. It is our intention to consult closely with that agency to determine its interest in this area.

We will respond to you in detail on this matter upon the completion of our staff's analysis of your recommendation.

Sincerely yours,

LEWIS A. ENGMAN,
Chairman.

WASHINGTON, D.C., *October 5, 1973.*

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of September 26 and comments relating to high motor vehicle speed.

In the interest of improving motor vehicle safety, the National Highway Traffic Safety Administration issued in November 1970 a Notice of Proposed Rulemaking on High Speed Warning and Control, a copy of which is enclosed. You will note that this proposal included your suggestion for limiting speedometer calibrations. Private and public response to this notice was tremendous, over 24,000 replies. In light of the comments received, a number of changes were found to be necessary. We are presently considering what is the best course of action with this subject and whether a new rulemaking proposal should be issued.

Again, thank you for your letter. Your continued interest in motor vehicle safety is appreciated.

Sincerely,

JAMES B. GREGORY,
Administrator.

WASHINGTON, D.C., *October 18, 1973.*

Hon. JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration, Washington, D.C.

DEAR DR. GREGORY: Your letter of October 5, 1973 has just come to my attention. I appreciate very much your added note to the effect that you will be taking a personal and priority interest in the matter of limiting speedometer calibrations on automobiles produced for use on the Nation's highways.

I was troubled, however, by the body of your letter referring to the NHTSA's earlier Notice of Proposed Rulemaking in which the idea of constraints on speedometer markings was advanced. I was familiar with that proposal when I wrote to you, and was acutely aware of the fact that it was promulgated in November of 1970. It was to have taken effect, by its terms, on October 1, 1972.

It is now three years from the date of the original proposal and one year from the date it was to have taken effect. Yet, in response to what seems an obvious and easily remedied risk to safety, I am told of 24,000 replies to the proposed rulemaking. If those replies were timely, they were received prior to March 1971. So, for 2½ years NHTSA has sat on them. Now I am informed that NHTSA is considering "whether a new rulemaking proposal should be issued." It is inconceivable to me that another such proposal in this regard is needed. The time is past due to quit making proposals and to issue instead a final regulation which will achieve the end which I believe you and I both seek.

Having read NHTSA's 1970 proposed rulemaking, I would guess that most of the 24,000 replies have to do with sections other than S 4.3.2 dealing with speedometer calibrations. For my own edification, however, I would like to see, and therefore request, copies of all responses having to do with that particular section. Undoubtedly, most responses were directed at the far more controversial requirements of the proposed rulemaking such as limiting maximum engine speeds to 95 miles per hour. However worthy that recommendation, and I believe it is, there is no need to further delay implementation of the calibration proposal while awaiting a consensus on maximum speeds.

Finally, I note that a proposal was originally promulgated in October, 1967, to deal with the problem of maximum speed controls on automotive vehicles. In the past, the Congress has been accused, and rightly so, of acting too slowly. But surely NHTSA does not need six years, or even three, to regulate out of existence so senseless a hazard as this.

Since you are a new arrival on the scene, the faults and delays of the past ought not be placed on your shoulders. But I do believe that you have it within your power now to assure a halt to such callous disregard of the public interest by ordering prompt action in this matter.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

FORD MOTOR CO.,
Dearborn, Mich., October 19, 1973.

Hon. CHARLES H. PERCY,
US. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Just prior to leaving on a business trip to the Far East, I want to thank you for your suggestion on speedometer calibration, which certainly has obvious merit. I have asked our technical and safety people to get into this for a more detailed response to you, which I'll provide on my return.

Incidentally, Mr. Mecke mentioned to me your interest in our Mustang II and the possibility that you may purchase one. This is indeed a high compliment.

With best personal wishes.

Sincerely yours,

LEE IACOCCA.

GENERAL MOTORS CORP.,
Detroit, Mich., November 7, 1973.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of October 8, regarding your proposal to limit automobile speedometer calibrations to 90 miles per hour, and for the copy of your recent Senate statement on this subject.

As you may know, the top speedometer marking on a number of 1974 General Motors passenger car models has been lowered to 100 miles per hour. Moreover, it is our intention to increase the number of models with a reduced top speed indication in the coming model year. As to whether a reduction in the indicated speed to either 100 or 90 would have the desired psychological effect, or whether 90 would be better than 100, we have in fact no hard information.

Thus, despite the voluntary action on our part, we are not confident that a reduction in the top speed indication will result in fewer highway deaths and injuries.

There would seem to be little doubt that very high speed driving can be potentially dangerous and most people would agree. Nevertheless, there are drivers who will operate their cars, in any speed range, at speeds above either posted speed limits or what prevailing conditions would dictate as appropriate. In other words, it seems likely that those few drivers who now drive at excessive speeds would not be deterred by any warning admonition.

I believe you would also agree that depending on road conditions, the hour of the day, the amount of traffic and a variety of other factors—including the condition of the driver—even 30 or 40 miles per hour can be excessive and extremely dangerous as well.

With alcohol playing so large a role in fatal accidents, it is possible that many of those who drive at excessive speeds have been drinking. We would have to question whether these drivers will be deterred from doing so by a speedometer top speed indication of 90 or 100 miles per hour.

While the steps we are taking may not meet entirely your objective, we trust you will accept this action on our part as within the spirit of your proposal. Should accident data be developed to indicate the need to further reduce speedometer calibrations, you can be assured we will do so without any hesitation.

I appreciate your writing and trust that you will get in touch with me if you feel we can provide any further information.

Sincerely,

E. N. COLE.

CHRYSLER CORP.,
November 7, 1973.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: In your letter of October 8 addressed to our president, Mr. John Riccardo, you suggested that we limit miles-per-hour speed shown on our speedometers to 90 miles per hour or less. We understand the reasons for your feelings on this matter, and we are looking into ways and means of accomplishing such a change.

We should point out that our studies of traffic accidents indicate that less than three per cent of the fatalities would be prevented even if we could insure that speeds would be held under 90 miles per hour by means of some speed-limiting device. Unfortunately, all of the speed-limiting devices we know of are subject to tampering, and those few who insist on the option of speeding faster than 90 miles per hour would in all probability not be deterred either by speed-limiting devices or by different markings on a speedometer.

We do appreciate your writing us your feelings on this matter. We are looking into the competitive and sales implications of the speedometer change you suggest along with various ways of accomplishing it. We will keep you informed as to the action we take.

Thank you for your interest.

Sincerely your,

S. L. TERRY.

AMERICAN MOTORS CORP.,
Detroit, Mich., October 23, 1973.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of October 8, 1973, and the excerpt from the Congressional Record of October 2, 1973, which contained your statement on the Senate floor concerning automobile speedometers. I believe that there is merit in your thinking on this subject.

We at American Motors would be pleased to cooperate with the appropriate Federal agency or agencies for the purpose of examining in detail the proposal you have made.

Sincerely,

WILLIAM V. LUNEBURG.

[From the Chicago Tribune, Oct. 11, 1973]

VEHICULAR 'MACHISMO'

Sen. Charles Percy has proposed that the Federal Trade Commission and the National Highway Traffic Safety Administration consider a ban on automobile speedometer markings that exceed 90 miles an hour.

Mr. Percy contends that speedometers with

markings indicating 110 miles an hour, 120 miles an hour, and beyond serve only to induce some drivers to try to approach such insane speeds—that they appeal to a "vehicular machismo" that is likely to have fatal consequences. His contention is borne out by the experience of a youthful acquaintance of ours who nearly killed himself on the Florida Turnpike trying to photograph a speedometer reading of 110 miles an hour.

Unless it is to sell cars by convincing prospective car buyers that they are getting a monstrously powerful, four-wheeled jungle cat speedster (as so much car advertising seems designed to do), the three-digit speedometer has no purpose. We know of no place in the country where you can legally drive in excess of 100 miles an hour, and very few where speeds exceeding even 80 miles an hour are tolerated. Some foreign imports have 100-mile-an-hour speedometers but would have difficulty traveling 80 miles an hour downhill.

We're not sure that we need the government telling us how high speedometers should read. But given the volume of traffic fatalities and the need to conserve fuel, the auto industry itself might well consider Mr. Percy's complaint.

[From the Kansas City Times, Oct. 11, 1973]

PAST 90 M.P.H. SPEED—WHO NEED IT?

It has been an abiding curiosity of the mechanical age that automobile manufacturers, appealing frankly to all that is least responsible in human nature, have persisted in building cars capable of traveling half again faster than they can safely be operated on any public road.

"Laid her on the peg"—that's the favorite boast of the juvenile (in age or judgment) anxious to impress with his derring-do behind the steering wheel. The "peg," is the upper limit of the speedometer dial. And on the run-of-the-mill U.S. model, that means 120 per.

In a letter to federal trade and highway safety officials, Sen. Charles H. Percy (R-Ill.) has suggested a limit of 90 miles an hour on the speedometers of new passenger cars. Beyond 90 would be an unnumbered zone with the caution "Extreme Hazard" lettered in red.

There can be expected a plaint from some drivers and possibly from the manufacturers as well that such a restriction would be improper federal intrusion into the rights of the consumer. Certainly it is less an intrusion than the present and future legal and mechanical inducements to fastening seat belts. In any case excessive speed on the highway is no private matter. It involved the right—a more basic right—of other motorists to share the road and live.

Any driver who would insist on the satisfaction of knowing when he has gotten his machine up past 90 on the open highway is one who has no business with a license to drive at any speed. The Percy proposal deserves a good and prompt look by government and the automobile industry.

WQUH RADIO EDITORIAL, OCTOBER 3, 1973

Senator Charles Percy of Illinois has come up with a proposal we think makes sense. He's called upon two federal regulatory agencies to require auto manufacturers to cease and desist the practice of calibrating speedometers to reach hazardous and unlawful speeds.

What the senator has in mind is limiting calibrations to no more than 90 miles per hour, with a red lettered "EXTREME HAZARD" area above that. In his letters to the Federal Trade Commission chairman and National Highway Traffic Safety Administrator Percy says "this built-up inducement to bravado subtly but surely encourages automobile owners to drive at dangerous speeds."

Currently the practice of manufacturers is to calibrate speedometers up to 120, 140, even 160 miles per hour. There are only a handful of states where it's legal to drive over 70 miles an hour. Iowa allows 75 during the day, and Kansas and Nevada allow higher figures, but in all other areas it's illegal to be driving over 70 miles an hour . . . regardless of the circumstances.

Considering this, we'd take Percy's proposal even a step further and suggest making 80 the cutoff figure. Let the highway patrol and state police advise motorists how far over that figure they may have strayed. The speedometer would still tell them what they need to know . . . they're over the posted limit and traveling at an extremely hazardous rate for a public highway.

The highway toll of some 56-thousand deaths annually has reached too high to pass up any opportunity of doing something to help save lives and reduce the tragic toll.

WBBM NEWSRAD EDITORIAL, OCTOBER 23, 1973

The speed limits on most of the nation's highways do not exceed 70 miles per hour. Yet, as Senator Percy recently pointed out, most automobile speedometers in this country are marked for maximum speeds of 120, 140 or 160 miles per hour.

And that, according to Percy, doesn't make sense. What's more, it's dangerous. The Illinois Senater believes the present practice of calibrating speedometers "is an invitation to recklessness, to hit-and-run accidents and to vehicular homicide." It "psychologically encourages people—youngsters especially—to drive faster" than is safe or lawful. He also believes it "was one cause contributing to the 56,000 deaths and 2.1 million injuries on the nation's highways in 1972."

We think Percy is on target. And if you think so, too—you can do something about it. You can write the automobile manufacturers and urge them to implement the Senator's suggestion to limit speedometer markings to no more than 90 miles per hour.

You can also write the National Highway Traffic Safety Administration and the Federal Trade Commission in Washington.

We urge you to do it now—because as Senator Percy said: "Further delay can only lead to more senseless slaughter on our highways."

WRAU EDITORIAL, OCTOBER 20, AND 21, 1973

Senator Percy has focused national attention on the excessive speed of cars. Percy is calling for restrictions on the calibrations above 90 miles an hour. The Senator wants to limit speedometer calibrations to 90 miles per hour with a red lettered "extreme hazard" area above that.

Channel 19 agrees with Percy's recommendation. The fact that 56-thousand Americans are killed every year on the nation's highways dictates that those of us still living must do everything we can to reduce this slaughter. The more than two-million persons injured every year undoubtedly will endorse attempts to improve highway safety.

This station has taken strong stands with respect to the drunk driver who is considered the number one reason for the high fatality rate. The number two explanation is speed, and I don't mean drugs.

While it would be more realistic to establish mechanical governors to restrict the speed of vehicles, this might take many years to accomplish. What Senator Percy is suggesting could be achieved within one year at no expense.

We endorse it. How do you feel?

ROBERT E. RICE,
Executive Vice President and General Manager.

STATE HIGHWAY COMMISSION OF KANSAS,
Topeka, Kans., October 19, 1973.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I have seen reports of thousands of horribly injured people from the actual traffic wreck reports that go across my desk, as we have the Central Accident Records Bureau and have had it since 1939. The larger percentage of those had as their primary cause speed and extreme speed has been the factor in the mutilations that occurred.

I have just had an opportunity to read an article that was in one of our local papers in regards to a letter that you have directed to the Department of Transportation relative to a matter that has been in my mind for many years, that is, why do we have speedometers or odometers on motor vehicles that show speeds over 90 m.p.h. or even over 80 m.p.h.

Since all racing units are timed electronically and since no racing vehicle on any recognized track would have any value from a speedometer or odometer that would be at least 10 to 15 miles off at the higher speed; I sincerely agree with you that to challenge each car owner with the speedometer that runs up to 130 and 160 m.p.h. is certainly stupid.

There are few vehicles both American and foreign that could go as high as 180 yet on some of our vehicles the odometer goes to 180 m.p.h. Now where in this country would there be any roadway that would be safe for the driver or their vehicle to travel at such speeds. The vehicle itself is not constructed for this type of speed in mind and the test drivers never attempt to reach such speeds on the very best test tracks of the manufacturers!

You are certainly to be complimented on your recommendation relative to this matter as the temptation especially for the younger driver is extremely prevalent when he sees such an odometer in his vehicle. No matter what the weather may be or what the conditions may be, it gives him a false feeling that he must sometime try the vehicle out.

We had one this past week where the officers estimated that the driver was doing 127 m.p.h. because his vehicle turned over fifteen times. He was 15 years old and he was plenty dead even though he was retained by a seat belt.

I hope that even your severest critic can see some real reasoning and hope that the law or restriction or standard whatever it might be will go through. Even if it is a matter of regulation that no odometer can be sold even for replacement that goes over the 90 m.p.h.

I would be happy to testify in support of such a restriction. Thank you for your real interest in such needed regulations.

Cordially yours,

CLAUD R. MCCAMMENT,
Director of Highway Safety.

FEDERATION OF INSURANCE COUNSEL,
November 6, 1973.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I have read with interest your comments relating to the need to reduce the calibrations on vehicle speedometers. I agree with the intent of your proposals; however, upon careful consideration, I am of the view that the speed you recommended is too high.

In addition to my personal views, our organization has given some study to this issue and has recommended to the Department of Transportation that the maximum speed be set at seventy miles per hour. Available statistics indicate that only a minority of drivers exceed this speed, even on the inter-

state system, and that a reduction to 70 m.p.h. could have significant benefits both in highway safety and in a lessening of the energy crisis.

I hope that you and members of your staff will take the opportunity to review various arguments made in the following portions of this letter, with the view of urging upon the Department of Transportation consideration of the F.I.C 's position in this matter.

The U.S. Department of Transportation, for over six years, has been considering the issuance of a standard relating to a maximum speed control of passenger cars and other motor vehicles.

Among the various standards proposed have been a 95 m.p.h. built-in speed limit, installation of a device which would activate the horn and lights when the vehicle exceeded a certain speed, or installation of a buzzer which would provide a warning in the interior of the car when a certain specified speed was exceeded.

The Federation of Insurance Counsel, having carefully reviewed these proposals, is concerned that the federal government will issue a standard which will add to the increasing cost of automobiles and other vehicles but will not accomplish its intended purpose. If a standard is to be issued, the F.I.C. believes it should be practical, based on sound evidence and strong enough to be effective; otherwise, any compulsory but ineffective equipment on motor vehicles is a fraud upon the consumer, who eventually has to pay for it.

The F.I.C., therefore, has proposed to the U.S Department of Transportation that any motor vehicle standard relating to maximum speed control should contain the following provisions:

1. That no passenger car, multipurpose passenger vehicle, truck, bus or motorcycle, manufactured or assembled on or after September 1, 1975, shall be equipped with a speedometer or other speed measuring device which is capable of indicating a speed in excess of 70 m.p.h.

2. That each passenger car, multipurpose passenger vehicle, truck, bus, or motorcycle, manufactured or assembled on or after September 1, 1975, shall be equipped with a speed limiting device which shall prevent such vehicle from exceeding a speed of 70 m.p.h. unless the manufacturer has certified in writing to the Secretary of Transportation that the vehicle, with or without factory options, cannot exceed such speed.

3. That the Secretary of Transportation shall have the authority to exempt any vehicle or class of vehicle from the standard for reasons of public health or safety.

In addition, the federal government or the states should enact legislation making it unlawful to alter or change any vehicle covered by the provisions of this standard in a way that would permit such vehicle to be operated at speeds in excess of 70 m.p.h.

Stringent and tough regulations? Perhaps so, but necessary for reasons of safety and conservation of our natural resources.

On its face, it is ridiculous to have a vehicle speedometer indicate a top speed of 120 m.p.h., as most foreign and domestic vehicles do, when the maximum speed limit in most states is some 40 to 50 m.p.h. less.

A staff report of the U.S. Department of Transportation (Maximum Safe Speeds for Motor Vehicles, January 31, 1969) pointed out tnat fatalities might be reduced in the order of 13% if the speed maximum were set as low as 60 m.p.h.; with a 70 m.p.h. maximum, an 8% drop in fatalities might be achieved. An 8% reduction in fatalities would mean approximately 4,000 lives saved, as well as reducing thousands of injuries per year.

The consumption of gasoline by motor vehicles has resulted, according to claims by the petroleum industry itself, in an energy shortage unparalleled in this country, a shortage which has been predicted to last for several years to come. It has been pointed out that this vehicle-oriented energy shortage has affected availability of fuel for home heating, industrial production, and is even playing a role in our country's foreign policies.

A number of claims have been made about the amount of fuel which can be conserved by lowering speed limits; however, no definitive study on the subject has been produced. Those available also usually concern themselves with speeds under 70 m.p.h., so specific data on fuel consumption at higher speeds is lacking. One point, however, does stand out consistently in the available data—that fuel economy drops rapidly at higher speeds. Controlling the maximum speed of vehicles by speed limiting devices or engine modification has an integral place in the overall program of conservation of our energy resources.

The argument undoubtedly will be raised that limiting of such speeds would create substantial inconvenience to the motoring public. In fact, the vast majority of vehicle use is under 70 m.p.h. A Federal Highway Administration report, "1972 Traffic Speed Trends" (October 1972), noted that the average speed on main rural roads was 60.6 m.p.h. Even on level, straight sections of the rural interstate system, the average speed was 64.7 m.p.h. There are, however, numbers of vehicles operated at speeds in excess of 70 m.p.h. The report showed that 14% of the vehicles operated on level, straight sections of main rural roads, including the interstate, were being operated at speeds in excess of 70 m.p.h. It is this 14% that would be most affected by the F.I.C.'s maximum speed control proposals.

In analyzing the relationships between speed, vehicle and driver capabilities and economy, one researcher concluded:

"Under the present driver-vehicle-roadway configuration, operating speeds above 70 m.p.h. are not desirable. Incremental increases in speed above 70 m.p.h. experience large increases in accident severity potential, while, in the same range, accident occurence potential and vehicle operating costs are on the increase and travel time for particular trip length is decreasing relatively slowly. In addition, speeds above 70 m.p.h. create situations which heavily tax vehicle stability and driver capability. Unless widespread technological breakthroughs can be accomplished, especially in the reduction of accident severity potential, speeds above 70 m.p.h. do not represent an optimum balance between road-user benefits derived and resources spent." (Glennon, John C., Texas Transportation Researcher, October 1970)

Although the available evidence strongly suggests that larger safety benefits would accrue and increased energy savings could be realized if the maximum speed limits were set in a 50–60 m.p.h. range, the F.I.C. does not believe that such limits would receive the necessary public acceptance.

We view our proposals as practical; and if implemented, we believe they would provide an increased margin of safety and a reduction in the utilization of natural resources, without any substantive reduction in personal mobility.

Your interest in this subject is sincerely appreciated. Hopefully, the Department of Transportation will move a little swifter on this issue than it has in the past, since the issue is being regarded by the people and their representatives with increasing concern.

Very truly yours,

BERNARD H. BERTRAND,
Chairman, Highway Safety Committee.

THE CASE FOR GASOLINE RATIONING

Mr. STEVENSON. Mr. President, the last tankers to arrive from the Middle East are only days away.

In the coming weeks, the Nation faces a petroleum shortage ranging from 10 percent to 35 percent. Unemployment could range from 6 percent to 10 percent by early next year. Minority unemployment could skyrocket to 35 percent. The gross national product could fall by 7 percent. Clearly it is time for action. The production of essential fuels for industry, agriculture and homes must be increased. The only way to do so significantly is by decreasing the consumption of gasoline. Every day the Government waits, it insures greater industrial shortages and tens of thousands more unemployed.

Yesterday, with 24 of my colleagues, I sent a letter to President Nixon urging him to immediately maximize the production of fuel oil distillates by reducing the refining of gasoline, and also to initiate a program of consumer-level gasoline rationing.

Mr. President, I ask unanimous consent that the full text of the letter be printed at the conclusion of my remarks.

The case for gas rationing has been recognized by leaders in industry, energy experts and Government officials. It is well put in a column by Hobart Rowen which appeared in the Washington Post last Sunday. I ask unanimous consent that this column also be printed in the RECORD at the conclusion of these remarks.

When the shortages are upon us, the homes cold, and the factories closed, it will be too late. I urge the President to act now.

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

U.S. SENATE,
Washington, D.C., November 19, 1973.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are deeply troubled by your unwillingness to increase the supply of fuels for essential purposes by limiting the production and consumption of gasoline. We believe the time has come for resolute action.

For every million barrels of petroleum products the nation is short per day, about one and one-quarter million people will be put out of work. When the last Mid-East oil tanker reaches our shores in coming days, the nation may be faced with a three million barrel per day shortage. That would mean almost a doubling of the unemployment rate to over nine percent and a seven-percent reduction in gross national product.

These figures are national averages. Hardships do not fall evenly on all sections of the country or all individuals. Suburban residents heavily dependent on the automobile could be severely inconvenienced by the fuel shortage. A shortage of three million barrels a day could drive unemployment among minority workers as high as thirty or forty percent. Human suffering, severe economic dislocations, even social disorders are threat-

ened. These effects of the fuel shortage could be felt by the first of the year. To minimize them, we first urge you to increase the production of essential industrial, agricultural and home heating fuels, like fuel oil, by decreasing the production and consumption of non-essential fuels.

A fourteen percent reduction in the refinery yield of gasoline could mean as much as a thirty percent increase in the supply of fuel oil. But the nation's 252 refineries are not maximizing their production of fuel oil at the expense of gasoline. Currently the refineries are turning only twenty-three percent of every barrel of crude oil into distillates, and fifty-one percent into gasoline. They could be turning thirty percent of every barrel into distillates if gasoline yields were reduced to forty-four percent. They could make this changeover in less than one week. Every day they wait, we lose another opportunity to reduce a growing industrial and home heating fuel oil shortage that may go as high as twenty-five percent of total demand.

By reducing gasoline production and consumption, you could keep America's factories and industries open this winter. To assure that non-essential gasoline consumption is reduced, and available supplies allocated fairly, we also urge you to ration gasoline.

Mr. President, we request that you exercise your authority to allocate scarce petroleum products under the Economic Stabilization Act Amendments of 1973 and the Emergency Defense Act of 1950 by immediately initiating the following two-part program:

1. Require all American refineries to immediately maximize their production of fuel oil distillates, reducing gasoline production to whatever extent necessary to accomplish this goal. Stringent monitoring of refinery performance in this regard is essential.

2. Initiate a program of consumer level gasoline rationing for the purpose of establishing an equitable distribution of reduced gasoline supplies.

A decrease in gasoline consumption can come out of non-essential fuel uses and create the necessary fuel for essential uses. Administration spokesmen, energy experts and industry leaders have acknowledged that limitations on gasoline production and consumption will be adopted sooner or later. We respectfully suggest that the nation has already waited too long. Every day the government waits, it insures tens of thousands more unemployed. Every day it waits, it increases the chances of social disorders and economic chaos.

The stakes are simply too high to wait a day longer. The personal sacrifices associated with limiting gasoline production and gasoline rationing are small when compared to the havoc and hardship resulting from shortages of home heating and industrial fuel oil and gasoline for essential uses.

We urge you to act now.

Sincerely,

SENATORS SIGNING LETTER TO THE PRESIDENT

Stevenson, Jackson, Ribicoff, Burdick, Cranston, Eagleton, Metcalf, Hughes, Muskie.

Haskell, Moss, Chiles, McIntyre, Hathaway, Hart, Abourezk, Proxmire, McGee.

Mansfield, McGovern, Randolph, Williams, Humphrey, Symington, Inouye, Kennedy.

FUEL CRISIS AND THE ECONOMY

(By Hobart Rowen)

Former Economic Council Chairman Walter W. Heller wisely observed in a special article for the Wall Street Journal last week that because of the oil crunch, all forecasts for inflation in 1974 are now "subject to change without notice." Let's go one step beyond that: all forecasts of any kind are useless.

The only realistic assumption that can be made is that the economy will be in some sort of recession next year and will continue to be depressed while the Arab oil embargo lasts.

Just how bad the economic slide here will be depends on a number of unknown factors, including the duration of the embargo and the wisdom of U.S. leaders in handling the shortage problem.

So far, there is little reason to be optimistic on either score: the Arabs seem interested in limiting their production and maximizing profits (already huge) regardless of the outcome of the Egyptian-Israeli negotiations; and the Watergated Nixon administration once again appears to be bungling an economic management job.

The clear need at the moment is to install a gasoline rationing program that would sharply cut pleasure driving, so that energy resources still available can be husbanded for essential industry.

But administration spokesmen are all over the lot on this issue, some trying to sweep the urgency of the problem under the rug. Others talk wistfully of a "free market" approach, letting prices skyrocket in order to create new production incentives as well as to diminish consumption.

The trouble with letting prices shoot up should be obvious. Not only would that mean the well-to-do could use and waste resources at will while people of modest means suffer, but such a "solution" would raise unholy hell with the economy.

Heller points out that fuel prices had been soaring even before the "sheik-down." Thus, the price index of fuels, related products and power (representing 7 per cent of the wholesale price index) had risen 20 per cent from September, 1972, to September, 1973. Refined petroleum products rose 35 per cent in that period.

Further price increases are certain. But unless rationing and price controls are made effective, costs will go out of sight.

Some administration officials, notably Economic Council Chairman Herbert Stein and Treasury Secretary George Shultz—who fear any kind of controls—would opt for a surtax system to reduce consumption of gasoline.

But Treasury experts admit that each penny of additional tax sucks $1 billion out of total purchasing power. If—as Gov. John Love suggested—the country needs a 30-cent tax to cut consumption of gasoline by 20 per cent or so, that would pull $30 billion out of individuals' pockets and into the Treasury.

Even if a chunk of that were rebated in various ways, it would be likely to throw the economy into a serious recession.

In any event, the administration has badly failed the nation in assessing and coming to grips with the energy problem. The most compelling energy statistic I've seen comes from Deputy Treasury Secretary William E. Simon:

Prior to the Middle East crisis, the administration's expectation was that energy consumption in the United States would increase by 4 per cent a year, doubling 1970's needs by about 1980.

And how did we plan to get that increased energy supply? From the Middle East, because oil there was cheap. The idea of considering national security in economic terms apparently never occurred to the administration. Now, Mr. Nixon talks of "independence" by 1980.

Back in April, the President sent a message to Congress in which he referred to an energy "challenge"—he wouldn't even use the word "crisis". Five years too late, Mr. Nixon abandoned oil quotas. Yet, there was no recognition that oil was an international problem, and that some day we would have to come to grips with an international cartel with a stranglehold on key supplies.

Meanwhile, the domestic oil industry, fat and comfortable, wasn't anxious to add to refinery capacity or to prove out new reserves. Some oil industry leaders confess they badly underestimated how fast demand would rise, but most tend to blame the conservationists for holding back new exploration.

Early this year, former Commerce Secretary Peter G. Peterson came back from a trip around the world and reported to the President that energy would be the United States' overwhelming problem for the next decade, but he was politely ignored.

Peterson tried to get Henry Kissinger's attention focussed on the problem, but Kissinger was too preoccupied.

In his report, Peterson sharply highlighted U.S. dependence on Middle East oil for the projected growth of the economy through the 1970s and early 1980s. In an interview with him published in the Washington Post on July 9, 1973, I reported:

"Peterson's figures assume that the Middle East countries will continue to be attracted by higher prices, increase their production and sell the West all the oil it wants to buy.

"But the Middle East countries, knowing that their oil resources are finite, may decide not to increase production so rapidly. And in any event, the Middle East countries broadly suggest that unless there is a solution to the Arab-Israeli conflict more satisfactory to them, they may not cooperate with the West at all."

The administration wasn't listening.

Around mid-year, Mr. Nixon appointed Love to head an Energy Policy Office, but a sense of urgency didn't emerge until the shock of the oil embargo that accompanied the outbreak of war in the Middle East.

Mostly, the past few months have been a time of fumble and stumble. Mandatory allocation of propane and middle distillate fuels was put in, but gasoline and electricity consumption are still subject to only voluntary restraint.

Above all else, the administration needs to act at once to put a mandatory rationing system in effect for private transportation and home heating oils.

At the same time, it must address itself to developing new sources of energy for the long haul, and to working with other Western nations in the short run to find ways of persuading the Arabs to lift their embargo.

There is no reason why the Western nations should not consider economic countersanctions, from food shipments to sales of manufactured products (including aircraft and arms) to technical aid and knowhow. A retaliatory embargo, of course, would require the Western World to act together. Given the Arabs' success in forcing Britain and France to make the right anti-Israeli noises, and the possibility of similar successful blackmail against Japan, prospects for the success of such a concerted drive look dim indeed.

NATIONAL KIDNEY FOUNDATION

Mr. THURMOND. Mr. President, the National Kidney Foundation is a major voluntary health organization that is working very hard to find the answers to kidney diseases. It has increased public awareness of the disease and raised money to support research in this area. Even though the foundation has made much progress, there is still a great deal to be done.

One reason for the difficulty in this area is that kidney disease is a "silent" killer. By this I mean that public awareness of this catastrophic disease is so low that attempts to eradicate it have been seriously hampered, in spite of its high mortality rate. Furthermore, this disease is such that it may inflict irreparable damage to the victim's vital

organs before he or she is aware that anything is seriously wrong.

Mr. President, the statistics of the disease are astounding. There are over 8 million people in this country who suffer from some type of kidney disease, and 60,000 of them will die from it this year. Dialysis is one answer to this problem, but it is costly, time-consuming and noncurative. The better solution is transplantation, but this technique is not fully utilized because of the shortage of kidney donors, facilities, and trained personnel. Out of the 6,000 to 8,000 "ideal candidates" for transplantation this year, 4,000 to 6,000 will be left to die because of these shortages.

The disease also has a great impact on the business community. Statistics compiled by the National Health Survey and reported by the National Kidney Foundation in 1965 reveal that the principal causes of workloss among American women are kidney-related diseases of the genitourinary system. The same diseases are the second highest cause of workloss in the United States for the population under 25. Furthermore, kidney-related diseases are the fourth highest cause of workloss for the population over 25.

Despite the magnitude of this problem, our scientists working in this area and on the verge of exciting new discoveries often find that many of these lifesaving investigations cannot be pursued due to the lack of funds.

Mr. President, kidney disease is the fourth leading health problem in America, but we will not be able to eradicate it without total commitment to a program of detection, research and prevention. For these reasons, I urge my colleagues to support the National Kidney Foundation and legislation which would help bring an end to this terrible and tragic illness.

A RESOLUTION ADOPTED BY THE SOUTH CAROLINA FEDERATION OF REPUBLICAN WOMEN

Mr. THURMOND. Mr. President, on November 10, 1973, the South Carolina Federation of Republican Women, meeting in Spartanburg, S.C., adopted a resolution calling for the immediate confirmation of the Honorable GERALD FORD as Vice President of the United States.

The resolution notes GERALD FORD's well-known reputation for integrity, forthrightness and courage, and further notes that there are many other pressing matters which demand the immediate and full attention of this Congress.

Mr. President, I join the South Carolina Federation of Republican Women in urging the immediate confirmation of GERALD FORD, and I ask unanimous consent that this resolution be printed in the RECORD.

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

RESOLUTION

The South Carolina Federation of Republican Women, in Convention assembled in Spartanburg, S.C. on November 10, 1973 adopted the following resolution:

Whereas the South Carolina Federation of Republican Women urges you most strongly to confirm the appointment of Gerald Ford as Vice-President of the United States at once, and

Whereas Mr. Ford has worked hard and long in the House of Representatives and is well known by all for his integrity, forthrightness and courage; therefore, that any long, drawn-out investigation gives the impression of extreme partisanship and/or possible retaliation against the President, and

Whereas there is urgent business, namely the long-delayed action on the energy crisis, the oil shortage, and the need for an oil pipeline to Alaska; that the war in the Mid-East is a matter which should claim your attention and your immediate action, therefore

Be it resolved that the South Carolina Federation of Republican Women urges the confirmation of Gerald Ford and the immediate return to the business for which the members of Congress were elected to perform.

OUR FAILURE TO PLAN FOR OUR NATION'S GROWTH

Mr. STEVENSON. Mr. President, the energy crisis now presented to Americans need not have been a surprise—it could have been predicted and at least partially alleviated by adequate planning. And the pressures which have led to the energy crisis—mounting demands for the use of finite resources—threaten a crisis in many other aspects of American life. Just as in the special case of our energy, only comprehensive planning can prepare us for the pressures of growth.

My colleague from Maine, Senator MUSKIE, spoke about the need for planning growth in a speech to the Planning and Conservation League, in Anaheim, Calif., on November 17. He dramatized the need for planning by pointing out that in each of the next three decades new urban growth will absorb an area greater than the entire State of New Jersey, generating tremendous demands for housing, highways, and essential services. But he explained that current planning mechanisms are woefully inadequate to deal with this growth: They tend to be negative rather than positive, localized rather than region- or statewide, single purpose, and without means for implementation.

Senator MUSKIE concludes that only a national growth and land-use policy, including all levels of government, can provide for the planning our Nation will need to guard its scarce resources.

Mr. President, I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE

I

America is awakening to a new age. I wish I could say it was an age of abundance and unlimited prosperity. It is not.

It is an age when we in America finally realize that our world is not a cornucopia. There are limits to its resources, limits to its air, water and land, limits to its ability to sustain human life.

Many Americans discovered only two weeks ago that there is an energy crisis. Most of us here in this room know that this energy crisis was the result of poor planning or worse, no planning at all, on the part of the Nation's energy companies.

We are reacting to the energy crisis with some long overdue energy conservation measures—too many of which are voluntary; with a vigorous Federal commitment to energy policy and planning—which will not show results until the end of the decade; and with a massive effort to increase the supplies—which will not be available to relieve our shortages for some time.

Most Americans don't realize that there is also a critical shortage of land in many parts of this country, and that the shortage is getting worse. Let us all hope that it will not take the kind of crisis we face in our energy supply to do something about it.

II

There are some encouraging signs of a growing awareness of the limited nature of our natural resources.

In just a few years, public concern has led to the enactment of effective Federal legislation to control the pollution of our air and water—legislation which requires land use decisions for the maintenance and improvement of environmental quality. The Federal awareness of environmental interests and issues has increased vastly.

At the State and local level this new awareness is also apparent and pervasive. In no fewer than nine States, statewide movements exist for protecting scenic areas, preventing over-growth, and slowing development processes that threaten to degrade the environment.

Last year in California this mood exhibited its political viability as well as its grass roots energy in several areas:

Passage of proposition 20, the coastline initiative;

Passage of height limitations for new buildings in Santa Barbara and San Diego;

Approval of open space purchases in San Mateo, Santa Clara and Marin counties;

And, rejections by citizens of the San Francisco Bay area of State highway efforts to construct a new bridge between Oakland and San Francisco.

The new mood indicates that this Nation has begun to realize how far its environment has deteriorated. But stronger efforts to retard future deterioration and to begin to improve the existing environment are urgently needed.

III

It is unfortunate that Americans have waited so long to recognize the relationship between urban growth and pollution. Twenty years ago all levels of Government could have established patterns to accommodate and guide urban growth in ways which would have minimized the harsh effects on the environment and the severe strain on our natural resources.

But the growth syndrome—not the adverse impact of that growth—dominated governmental decisions. A nation growing out of war and depression was not concerned with the by-products of exponential expansion. As with so many other crises, this country has waited and reacted to environmental deterioration when it could have anticipated and planned sensibly to avoid it.

IV

What we must now do is to take those steps necessary to repair the damage inflicted by this neglect and to make constructive plans to avoid future crises. Although our recently enacted Federal laws on air and water pollution have moved boldly in this direction, much remains to be done to control the most important causes of environmental deterioration—population expansion and urban growth.

V

With few exceptions, the varied and complex land use controls in use today by some 10,000 local governments are little more than refinements upon the land use controls developed and validated in the first third of this century.

They have enabled local governments for

the first time to place significant restrictions on private land use to protect the larger public interest. Yet, in keeping with the traditional concept of land, the larger public interest was—and still is—interpreted to be protection of property values and the economic value of land. Freely translated, protection of the public interest in land use has been and is protection of the private interest. The dependency of cities on property taxes reinforces this prevailing purpose of land use decisions.

VI

Despite refinements in the last 40 years, planning and regulatory controls have failed to address the pressures accompanying urban growth.

These inadequacies have left four areas where present land use controls and policies need major improvements.

First, to protect property values and to maximize their tax bases, local governments have taken an essentially negative approach to land use. They employ their land use controls simply to prohibit what they view as undesirable uses of land. Most cities have treated these negative local land use regulations as though they represented all the land use planning necessary. Thus, rather than guiding planned development, existing land use controls have protected development while neglecting more comprehensive planning on a metropolitan-wide basis.

Second, States, with few exceptions, have failed to accept responsibilitity for overseeing local land use planning. The regulations and development they themselves control too often fail to promote the public interest of the local community, and existing plans of local governments too often adversely affect the public interest of larger areas such as the region or the State as a whole.

Third, where planning has been conducted, it has too frequently served single missions or purposes. Planning of this nature has seldom related specific missions or purposes to a balanced range of regional, State or national goals.

Planning for particular kinds of activities has left the planner and the citizen with narrow "either-or" decisions, often on a haphazard case-by-case basis.

Consideration of long-term alternative uses of the land is seldom mandated and even less often achieved in single-purpose planning.

The highway planning of the recent past provides an excellent example of the failure of single purpose planning. Planners have routed highways through parks—where land is invaluable for recreation but cheap for roadbuilding. They have carved up low income districts with commuter access roads. They have poured additional highway lanes into cities unable to cope with more automobile traffic and air pollution. And they have sited major interchanges without regard to the unplanned and often unanticipated growth centers which they generate.

Fourth, many municipalities have land use plans but have failed to provide for their implementation. Throughout the country, in the smallest towns and the largest cities, plans lay collecting dust—mute testimony to the inability of planning alone to achieve land use goals.

VII

Let me give you an example of these shortcomings. A short time ago I received a detailed and elaborate brochure from a small community near Los Angeles which had acquired a large tract of cleared, undeveloped land. This suburb had devised a plan for the development of its new land. It designed the tract to be a congenial mix of houses, parks, lakes, schools and light industry. The new community promised to be very pleasant indeed.

Upon more careful analysis, however, I noted that there was no provision within the plan for disposal of solid waste, or for waste treatment facilities.

Consequently, all of the increased burdens generated by the growth of the new community would fall on existing facilities beyond its bounds.

Some other community must provide a landfill site; or perhaps some coastal town must tolerate the dumping of wastes in its estuary or off its beaches. Neighboring municipal treatment plants must bear an increased burden until the growing new community realizes the need for its own facility.

In a similar way, the new city would produce an increased localized demand for electric power, which must be generated elsewhere. Provision of water for the new community would mean renewed demands on the Colorado River, or the Sacramento, or any of a number of already hard-pressed sources.

Finally, the community plan had little provision for population growth. With the light industry projected, the number of housing lots will be just about adequate for the present decade.

But what thought has been given to the next decade, or the next after that?

This well-intended scheme does not, then, really represent an adequate plan for land use. Its local design was impeccable. But it failed to consider the broader impact to its own development on neighboring communities, neighboring states, and the nation as a whole. And it failed to include a policy for its own future development.

VIII

Perhaps, more than any other factor, the failure to provide implementation of land use plans illustrates the greatest weakness in our present land use practices.

This failure has one cause: no level of government is willing to accept the responsibility to plan comprehensively and to put those plans into effect by regulating the way private landowners use their land.

Courts never have to concern themselves with comprehensive planning in the nuisance and trespass cases which they decide.

States abdicated their responsibilities for this task when they delegated their powers to municipalities.

And cities avoid the problem by not planning on a comprehensive level or failing to provide the necessary implementation mechanisms.

IX

These kinds of responses are clearly inadequate. Sobering statistics suggest that unless our land use decisionmaking processes are vastly improved at all levels of government, the United States will be faced with a truly National land use crisis.

Over the next 30 years, the pressures upon our finite land resources will result in the dedication of an additional 18 million acres—28 thousand square miles—of undeveloped land to urban use.

Urban sprawl will consume an area of land approximately equal to all the urbanized land now within the 228 standard metropolitan statistical areas—the equivalent of the total areas of the States of New Hampshire, Vermont, Massachusetts, and Rhode Island. Each decade, new urban growth will absorb an area greater than the entire State of New Jersey.

The equivalent of 2½ times the housing in the Oakland-San Francisco metropolitan region must be built each year to meet the Nation's housing goals.

By 1990, according to estimates of the Department of Transportation, an additional 18,000 miles of freeways and expressways will be required within the boundaries of just the urbanized areas—more than double the total mileage existing in 1968.

Vast areas of land are required to meet plans for industrial expansion. In the next two decades, the electrical power industry alone will need three million acres of new rights-of-way—and more than 140,000 acres of potential prime industrial land for more than two hundred new major generating stations.

Not included here is the amount of land to be consumed by mining for resources—rights-of-way for gas and oil transmission—and land for second home and private home and private recreational development.

Moreover, there is no way to measure the severe effects and conflicts that will develop at the local, State and national levels from this rapid depletion of our land resources.

X

The enormity of these demands makes it mandatory that we begin a new phase of land use management—a phase that corrects failures of the present approach to land use planning and its regulatory mechanisms.

We need policies and programs that treat land use as a resource to be managed, and not a commodity to be exploited.

Realizing this great need, some States have already commenced such programs.

The State of Maine established the land use regulation commission in 1969 to zone and control development in the unorganized townships of the State, 49% of Maine's total land area amounting to more than ten million acres.

Coupled with the site selection permit program administered by the State's board of environmental protection, the land use regulations commission has provided the people of Maine an opportunity to protect their public property rights against private waste.

Likewise, California voters in 1972 approved a citizens' initiative creating the California coastal zone conservation commission with a carefully designed permit program to regulate changes in land use on the California coast.

Federal legislation concerning land use should encourage and, if necessary, require States to adopt regulatory programs similar to these. While the Federal Government may not be the best administering authority for such programs, Federal law should specify the criteria against which land use decisions should be made at the State and local level.

XI

I have proposed Federal criteria which the States should consider, although policies may vary from one part of the country to another.

These include:

Prohibition of public or private development which will result in violation of emission or effluent limitation, standards or other requirements of the Clean Air Act or the Federal Water Pollution Control Act.

Prohibition of residential, commercial, or industrial development on flood plains.

A requirement that major residential developments provide open space areas sufficient for recreation.

A requirement that utilities maximize multiple usages of utility rights-of-way.

Restriction of industrial, residential, or commercial development on agricultural land of high productivity.

Prohibition of industrial, residential, or commercial development which will exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal, and transportation.

XII

In addition to this, however, we need a *national* growth policy and a Federal land use policy that would guide the management of our land resources in conformity with the national growth policy. This Nation, and the world, continue to grow at exponential rates. If the present population ex-

pands at its present rate, the world's population in the year 2000 will be double the 1970 population. Furthermore, there appears to be little possibility of leveling off global population growth before the year 2000 because most of the prospective parents of that year have already been born.

The demands of this population on the earth's resources will undoubtedly produce serious social, economic, political, and environmental conflicts here in America as elsewhere. While we in America may take some satisfaction in the stabilization of our population, we should recognize that our own leveling off will only minimally affect world population totals and the demands of that population on world resources.

Despite the enormous efforts which will be required to meet known demands, and the consequent strains on our human activity, even this Nation has no present policy for directing its growth either to avert such crises or to mitigate the impact.

What we need and do not have is a national growth policy to guide and effectuate economic development, population control, housing distribution, the use of natural resources, the protection of the environment, and the location of government and private development. In short, we must face the larger question of how large and in what directions this Nation should grow.

All levels of government should begin to ask the questions which they have postponed for so many years. Where are we, and where are we headed? The answers will necessitate consideration of major changes in life styles and institutions. They will certainly necessitate changes in our attitudes toward land and land ownership.

Rights of land ownership can no longer be treated as absolute—rather they must be modified by society's larger needs.

The lesson is obvious—and is dramatized by the energy crisis. If finite resources are to serve the needs of more and more people, their use must be planned to insure that the available supply serves the best uses our common wisdom can identify, and those uses must serve the equities of a free society dedicated to the welfare of all its citizens. And that will not just happen.

THE NOMINATION OF GERALD R. FORD

Mr. PERCY. Mr. President, in the early days of our Nation, the first Vice President, John Adams, philosophized about his job this way:

In this job I am nothing, but I may become everything.

For years the office of Vice President was, indeed, considered "nothing," but history and a succession of Presidents who realized the importance of the position have changed our view of the office. We all realize now exactly how essential the Vice President is to this country.

We are aware that the Vice President is more than the oft-quoted "one heartbeat away" from the highest office in the land; we have come to see the Vice President as a molder of public opinion, an effective spokesman for our Nation around the world, and a proponent of domestic policy. Even more than that, the Vice President has the opportunity to work closely with the President in reflecting public opinion and being the President's "eyes and ears" as he travels around the country.

We are living in unprecedented times. For the first time in our Nation's history, we will utilize the 25th amendment to the Constitution which calls upon the President to nominate a new Vice President in case of a vacancy in the office. For the first time in our history a Vice President was forced to resign from office. It was a confidence-shattering experience for the American people.

For these reasons, Mr. President, I want to commend President Nixon on his selection of GERALD FORD as the Vice Presidential nominee. He will be responsive to the American people's feelings and needs. He will restore integrity and confidence to the second highest office in the land.

Mr. President, when I first met JERRY FORD a quarter of a century ago, he had already been elected to Congress for his first term, and I was in my first year as president of Bell & Howell. We were gathered in Peoria, Ill., where he was to receive the Junior Chamber of Commerce's award as "One of the Ten Outstanding Young Men in the Nation." I was impressed with JERRY FORD's gracious open manner and his straightforwardness. I have continued to be even more impressed over the years as I have seen him work.

Even as he has risen through the ranks in the House of Representatives and his scope of interest has naturally broadened, JERRY FORD has not lost sight of his first obligation—representing the people of the Fifth Congressional District of Michigan. Even as he became a national leader of the Republican Party, he never failed to put the views of his constituents before any other consideration.

JERRY FORD is a man of character and integrity. I am confident that he will take to heart the views of all Americans as easily and sincerely as he has the views of the people he represents in Michigan. I believe he will be as responsive to all Americans as he has been to the people of Michigan.

It was imperative that the Senate Rules Committee investigate Representative FORD's background closely. The American people deserved that and JERRY FORD deserved a thorough investigation so that any questions of misconduct might be dispelled before he assumed high office.

I was impressed with his performance before the committee. His candor and sincerity during the questioning only furthered my notion of what a good Vice President he will be. I believe that all Americans were reassured when, asked to define his concept of the Presidency, Congressman FORD replied:

I think the President has to be a person of great truth, and the American people have to believe that he is truthful. I think that the President has to lead by example, displaying the standards, morally, ethically and otherwise, by which most Americans live their lives.

I expect that JERRY FORD, in his capacity as Vice President, will live up to the high standards he sets for the Presidency. He will, I expect, be all that the American people would hope their Vice President would be.

SENATOR KENNEDY ON ISRAEL

Mr. RIBICOFF. Mr. President, earlier this month the American Committee for the Weizmann Institute of Science was privileged to be addressed by Senator EDWARD KENNEDY.

Speaking in the aftermath of the Yom Kippur war, Senator KENNEDY noted the sacrifices made by Israel and eloquently underscored the need for American military and diplomatic support for Israel.

He also reminded the Soviet Union that—

While America is willing to work for détente, there are limits beyond which we will never go.

Senator KENNEDY warned that our Nation's desire to maintain détente must not prevent us from recognizing the perils as well as the promise of détente.

Now that Egyptian and Israeli commanders are meeting to work out the truce arrangements, it would be well to keep in mind Senator KENNEDY's words that "the major powers must not seek to impose that peace" and that only by direct face-to-face negotiations between Arabs and Israelis can any genuine peace be achieved.

I ask unanimous consent that the text of Senator KENNEDY's speech be printed in the RECORD.

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

ADDRESS OF SENATOR EDWARD M. KENNEDY TO THE ANNUAL DINNER OF THE AMERICAN COMMITTEE FOR THE WEIZMANN INSTITUTE OF SCIENCE, NEW YORK CITY

I am pleased and honored to have the opportunity to join with you this evening at the annual dinner sponsored by the American Committee for the Weizmann Institute of Science.

I want to express my special appreciation to Arthur Krim for his kind introduction. Let me thank Abraham Feinberg, your Board Chairman, for this invitation and let me express my congratulations to your newly elected President, Morris Levinson.

In a very real sense, I feel a part of the Weizmann Institute, a part of its history and hopefully a part of its future. My brothers both knew Chaim Weizmann as a man of the highest political ideals, a man who had dedicated his life and energies to the dream of Eretz Israel.

Several years ago, when I visited the Weizmann Institute, I was deeply moved by the memorial to President Kennedy. The memorial Menorah stands as a beacon of hope and life, the burning bush a symbol of everlasting faith, faith in God and faith in man.

It is equally fitting that Dewey Stone, Harry Levine, Meyer Weisgal and so many of you here tonight understood the belief in youth and the passion for excellence that President Kennedy cherished and established a fellowship program in his name that continues today.

As I speak to you tonight, it is not Israel alone which faces a severe test in the days ahead. Our nation faces its own test, its own challenge. It is a challenge whether we can restore confidence at home and overseas in America's leadership and America's government. It is a challenge whether we can convince our own people that the laws of our land apply to all. It is a challenge whether our Constitution and our institutions of government are capable of correcting the abuses which have distorted the purposes and the ends of democratic government. I have faith

that we will meet and overcome these challenges just as I have faith that the people of Israel will meet and overcome the challenge now facing them.

And I come here tonight with the belief that the Weizmann Institute is one of the reasons why the people of Israel will not falter, because they are a people who already have overcome more challenges in the past 25 years than most nations endure in 200 years.

For more than a quarter century, the Weizmann Institute has sought to fulfill the promise of its founder, the promise "that science will bring to this land both peace and a renewal of its youth, creating here the springs of a new spiritual and material life."

Part of that promise has been achieved. Research underway at Rehovot spans the most advanced frontiers of experimentation in understanding and combating cancer. It spans the development and demonstration of high-yield wheat to meet the peculiar problems of Israel and other semi-arid climates. It spans the discovery of derivatives to break the web of drug addiction.

But the sad truth today is that experiments are halted. Laboratories are closed. Classrooms are empty.

The one part of the promise held out to the people of Israel by Chaim Weizmann that has not yet been fulfilled is the promise of peace.

For the Weizmann Institute, as for the rest of Israel, the savage violation of the Yom Kippur peace by Egypt and Syria meant a call to arms, a call to turn reluctantly from the pursuit of knowledge to the defense of Israel.

Over half of the scientists, over half of the faculty, over half of the students were mobilized. And those who remained, mobilized themselves. On the farms of nearby Kibbutzim, in the hospitals and in the plants, the scientists and scholars of yesterday became the harvesters, the aides and the factory workers of today.

Now, we have learned that at least four of the Weizmann Institute's family will never return to their laboratories.

We mourn tonight for Meir Ben-Ari, for Yaakov Leshem, for Yaakov London, and for Gad Reshef.

Their loss is a tragedy for Israeli and Arab alike. For the work left undone is not the work of any one nation, but the work of all mankind. It is the attempt to expand the limits of human knowledge. It is the attempt to shed light into the darkness. It is the attempt to discover new answers for a world where three-quarters of the inhabitants still awake each dawn to hunger, disease and despair.

That enterprise can begin anew only when peace returns to the Holy Land.

Three days ago, I met with Prime Minister Golda Meir in Washington. No man can come away from that meeting without a new understanding of what it means to say the words—Am Israel Chai—the people of Israel live.

Once again, she told me, the attackers have been driven back.

Once again, she told me, the spirit of freedom is alive.

Once again, she told me, the dream of Chaim Weizmann has been preserved by the courage and sacrifice of the people of Israel.

But the burden and the cost have been enormous. The vast loss of life, the thousands of wounded, the prisoners who remain under enemy control, the families who wait for word whether their sons are alive or dead—how does one measure that cost to a nation? she asked.

Yet through it all, the people of Israel showed the same heroism, the same courage, the same spirit that have become the birthright of the State of Israel.

Their heroism on the battlefield, Mrs. Meir said, was matched by the heroism at home. Those in the factories and shops worked twice as hard to make up for those who were on the front. And throughout the land, the people of Israel pledged a month's pay to a reconstruction loan fund to repair the damage of the conflict.

It was the continuing evidence of a readiness to sacrifice by a people whose history has been marked by sacrifice. It was the continuing evidence of faith by a people whose destiny has depended on faith.

No symbol of that faith is as forceful as the sight of Soviet Jews landing at Lod airport throughout the past month. Those new arrivals had a choice between staying in Europe or continuing on their journey to a nation at war. Not one held back. Not one remained behind. All chose to become new olim, new immigrants, new citizens.

All chose to become part of the biblical prophecy, the prophecy that "I will bring them out from the peoples and gather them from the countries and will bring them again into their own land."

For free men around the world, the spirit at work in Israel is the spirit of hope and the spirit of life. And none who cherish the ideals of freedom and justice can turn their back on her destiny.

For Israel is not only a firm friend of the United States; Israel is also the continuing embodiment of the ideals of democracy and the ideals of freedom. Israel is not only a force for stability; Israel is also a nation of hope to millions of oppressed people around the world; Israel is not only a center of science and development; Israel is also the haven of the survivors of the Nazi holocaust.

The American people have not yielded in the past to demands that they forsake the cause of Israel and I am convinced that neither the sword rattling of the Soviet Union nor the oil boycott of the Arab nations will alter that commitment.

At a moment when armies stand poised on the edge of a fragile ceasefire, no man can predict whether we are on the road toward a permanent peace or merely experiencing the brief respite before new and more tragic violence. But there is much that we can do to reaffirm our commitment to peace and to reaffirm our commitment to the security of Israel?

First, we must join with the people of Israel in demanding that all prisoners of war be returned at once and that the provisions of the Geneva Convention be respected and adhered to. Israel has turned over the list of Arab prisoners. But where are the lists of Israeli prisoners?

Israel has given safe conduct to the Red Cross. But where are the safe conduct slips for the Red Cross to visit Israeli prisoners?

The full moral force of the United States must be exerted in public and in private to achieve the immediate release of all prisoners and the return of all prisoners to their homes. Our voices must be raised to protest an attempt to hold prisoners of war hostage to territorial concessions.

Second, we must demand an end to the blockade of the Bab El Mandeb straits that has closed the international waters of the Red Sea. The United Nations ceasefire resolution contains an unambiguous mandate for an immediate end to all military activity. And it is part of our responsibility to make clear to the United Nations and to all the parties that the resolution must be fully respected.

Third, we must insure that Israel continues to have the means to defend herself. For crucial days following the attack on Israel, the United States hesitated. For crucial days, the Soviet airlift went on unbalanced. And today, the Soviet pipeline still pours missiles and weapons into Egyptian and Syrian airfields and seaports.

A short time ago, I joined with 67 of my colleagues in introducing a resolution urging immediate resupply of arms to Israel. At the same time, the Administration responded with a request for emergency assistance for Israel.

I pledge to you my full and complete support for that measure.

I pledge to you that the Congress will act swiftly on that measure.

I pledge to you as well that the assistance in material and equipment that Israel needs to maintain its ability to defend itself will be forthcoming.

Fourth, we must not allow the legitimate desire to maintain a strategic detente with the Soviet Union, a goal in the interests of all mankind, from preventing us from recognizing the perils as well as the promise of detente.

Although the Soviet Union finally joined in the ceasefire resolution, its actions in the Middle East have been designed to increase its influence rather than to promote peace. It must now recognize the profound risks in seeking to use detente as a weapon of national advantage, risks that cannot be taken by responsible men in a nuclear era.

For while America is willing to work for detente, there are limits beyond which we will never go.

We are not willing to pay a price that jeopardizes the lives of the people of Israel.

We are not willing to pay a price that jeopardizes the rights of Soviet Jews to live without fear in the Soviet Union and to emigrate without opposition from the Soviet Union.

We are not willing to pay a price that jeopardizes human rights and individual liberties.

Finally, we must stand for immediate direct negotiations between Israel and the Arab nations to secure an end to the current confrontation and to begin the journey that leads to a permanent peace, a signed peace, a peace that guarantees the security of Israel and its neighbors forever.

The major powers must not seek to impose that peace. As concerned governments, we can and should play a role in assisting those negotiations, in helping them reach fruition. One can only wait and watch the results of Secretary Kissinger's efforts this past weekend and pray for the success of the mission that begins today. For only when nations talk with one another is it likely that they will understand and learn to live with one another.

Eight days ago, two rival generals met face to face in the desert night. It was the first official contact in more than 15 years between Egypt and Israel. It can mark the beginning of a new bond of communication and negotiation. Or it can mark the end of a brief moment of reconciliation.

There is a choice to be made, a choice of whether the people of the Arab lands and the people of Israel will spend the next generation as they have the last, waiting for their sons to be called, waiting for the sound of battle to be heard, or whether they will commit themselves to finding peace.

Hopefully, the day will come when all Arab leaders will accept the existence of Israel and the future of Israel as part of their own future.

Hopefully, the day will come when Arab leaders will recognize fully the tragedy that for the fourth time in 25 years has befallen their own people as well as the people of Israel.

Hopefully, the day will come when Arab leaders will share a desire that all nations may live "each beneath its vine and fig-tree with none to make them afraid."

For peace is all that Israel seeks. Peace to make the desert bloom again. Peace to permit the young to live without fear, peace to turn the energies of man and the resources of a nation to building life anew.

That was the belief of Chaim Weizmann 25 years ago when he was inaugurated as President of this Institute and when he was inaugurated as President of the State of Israel. It was the same belief that Ephraim Katzir brought with him when he left the Institute to become the fourth President of the State of Israel.

It was the belief that "There are . . . sublime values and that only through them shall we cure the ills of mankind—values of righteousness and justice and peace and brotherhood."

Like a surging river of life, those values course through the history and heritage of the State of Israel. They are the values of humanity. They are the values of civilization. They are the values we must preserve for ourselves, for our children and for our children's children. They are the values that we must seal in the book of life forever.

REFORM OF CONGRESSIONAL PROCEDURES

Mr. ROTH. Mr. President, as the report on S. 1541 from the Government Operations Committee goes to press. I want to voice my concern that we are sending to the floor legislation which has, in my opinion, some serious loopholes.

The reporting of this bill represents the culmination of many thousands of hours of work by members of this committee and a very diligent staff. For me, it goes well beyond the intense congressional interest in the issue of budget reform this year. It represents the most concrete evidence toward major accomplishment of a goal I have sought since I first joined Congress in the House of Representatives in 1967.

It has become a well-documented fact that Congress has rarely, if ever, considered the President's budget with a comprehensive meaningful debate. We have worked in a piecemeal fashion, turning our attentions one day to the procurement of military arms, and the next, coping with the nagging problems of poverty through various social programs. We have often been surprised, and perhaps some even embarrassed, by the overall results of our many hundreds of separate decisions.

Last year, for example, the Congress authorized a debt limit of $465 billion, consistent with some $250 billion in Federal outlays for fiscal year 1973. Yet we simultaneously authorized spending of more than $260 billion, in apparent contradiction of our earlier economic directions. The ambiguity of our position and a period of intense inflationary pressure, caused the President to act unilaterally to impound more than $12 billion in funds for the past fiscal year.

I have argued consistently that this step, though by no means the most desired ultimate course of action, was in the short term a necessary remedy. Though Congress has authorized a joint committee to study and report on our economic well-being, its reports have no force of legislation. And though individual Members have from time to time decried the relative ranking of our Nation's priorities, Congress has never been faced with a full fledged debate to determine its collective preferences. The President, therefore, has acted because of a congressional vacuum rather than in spite of an orderly budget process.

It is this systematic consideration of national priorities and available resources to meet them that this bill seeks to establish. We have called for a new Congressional Office of the Budget to provide skillful, impartial analyses of the financial impact of existing and proposed legislation. We have all too often awakened to major cost escalations or overruns after the die has been cast. An office of this sort will be able to provide Congress with the professional scrutiny of spending plans that we so badly need. Its Director and personnel will be expected to perform their duties with the highest degree of professional integrity, and we can all look forward, I am sure, to the enormous benefit of this newly created resource.

Second, this committee has wrestled with the very complex problems of a new congressional timetable for budget consideration. The recent increase in the number and size of continuing resolutions is a certain barometer that the present time frame simply does not conform to legislative realities.

On July 1 of this year, none of the 13 regular appropriation bills for fiscal year 1974 had been enacted into law. Many agencies and their constituencies have come to expect government by procrastination—a sorry commentary on Congress inability to cope with its yearly responsibility.

I fully agree that Congress should be under new constraints to complete action on authorizing bills by a date certain. This added discipline, set in the context of a change in the fiscal year to October 1, should help to steer the Congress through an expeditious, but thoughtful consideration of authorization bills and subsequent appropriations.

And lastly, I heartily applaud the concept of an overall budget resolution in which Congress attempts to assign meaningful parameters to various legislative measures. A congressional budget resolution would seek to spell out limits on spending and debt, as well as drawing attention to needed changes in the sources and/or amounts of Federal revenues. It is this concurrent resolution which is supposed to bring the many parties at interest into direct contact with each other—the crucible in which current congressional thinking is forged.

But I take strong exception to the committee's decision to have this resolution only a target, rather than a firm restraint. This bill establishes a procedure under which total spending and revenues are tacitly agreed upon in Congress by July 1 of each year. But nowhere does the bill require that Congress enact new tax legislation if it is called for. Nor does it place a meaningful lid on Federal spending.

When Congress settles on total spending figures, it is free to exercise its will on subsequent spending bills without regard to any serious threat of curtailment. This is precisely the methodology we use today. Granted, Congress can attempt to rescind spending which exceeds the total set in the first concurrent resolution, but is that honestly a realistic assumption?

The bill calls for all authorization bills to be completed by May 31 each year, and assumes that all spending measures—both appropriations bills and "backdoor" spending authority—will be completed by September 30 in time for the beginning of the new fiscal year. Even though there is a proscription against appropriating funds before the first concurrent resolution is adopted, if spending decisions have been made throughout the summer, will Congress realistically rescind part of them later in the fall?

I cannot accept this scenario as a realistic political outcome. Even though the committee bill places all spending bills in escrow, awaiting the trigger mechanism of the ceiling enforcement bill, the American people will have been notified that Congress has acted by voting a certain level of spending for any given program. If the appropriation has been signed by the President, Congress need only to vote to raise its overall spending in order to accommodate the results of yet another string of separate spending decisions.

The fact that this supposed rescission process will coincide with the election season every 2 years makes me all the more incredulous. If Congress, in an early display of discipline, voted to keep outlays within revenues, but exceeded its initial spending ceiling, can we really expect the entire House and one-third of the Senate to vote for retroactive cuts on the eve of their election? Will favored programs simply not burgeon as they do now? Can we not just look forward to a perfunctory process later in the fall when Congress reconciles spending excesses by adopting a new resolution consistent with the sum total of its earlier spending bills?

If this proves to be the case, the earlier debate on priorities will lose much, if not all, of its meaning. Will Senators and Congressmen fight hard for their share of the budget if they know a subsequent resolution will simply confirm their future spending excesses? Will the integrity of the first resolution not be meaningless if it is always changed a second or even a third time? Will the new congressional office of the budget be performing difficult cost analyses and scorekeeping just to have the discipline of this new information waved aside in last minute appeals to emotion rather than good economic judgment? And will Congress not have created an admittedly cumbersome and somewhat torturous process to confuse the public and tempt them into believing the essence of the spending process has really changed?

I raise these questions only because history provides a good analogy. The public debt limit was first conceived as means of exercising spending control. But our frequent increases in this ceiling clearly demonstrate that Congress will accede to the reality of its earlier spending decisions.

I have often posed several alternatives to this committee language which seem to me to offer a greater prospect for a

meaningful debate on priorities and more sincere resolutions to hold spending within an economically feasible limit. Should Congress really desire that extra spending increment, let them say so by adopting a second resolution with a two-thirds vote. Or let them call for an automatic increase in taxes to pay for the added programs. Or if developments subsequent to the first resolution make increases in one area necessary, let Congress decide where compensating cuts can be made in others. True national emergencies could always be handled by a suspension of these rules pursuant to a declaration by the President and endorsement by a sense of the Congress.

It would be inaccurate for me to endorse this legislation with an unqualified vote of approval; I have emphasized my strong commitment to many of its provisions, but feel equally strong in my opposition to others. It is my intention to offer amending language to those sections of the bill when most appropriate.

RESOLVING WATERGATE: AN INDEPENDENT SPECIAL PROSECUTOR, AND THE POSSIBILITY OF IMPEACHMENT

Mr. STEVENSON. Mr. President, in a speech to the University of Nevada on November 16, my colleague from Maine, Senator EDMUND S. MUSKIE, delivered a thoughtful analysis of the crisis of confidence posed to the Nation by Watergate. Taking note of developments since the President fired Special Prosecutor Cox October 20, Senator MUSKIE pointed out that:

> The prospect of full disclosure is yet only a hope, and without more assurance than the President has given us so far, we cannot have the necessary confidence that all the facts of Watergate will be laid bare, and that all Watergate wrongdoers will be brought to justice.

Mr. MUSKIE pointed out that a special prosecutor who was made truly independent, by legislation now pending to vest his appointment and dismissal in the Federal District Court of the District of Columbia, might suceed in providing the exposition of Watergate that the American people demand. And he added that if a special prosecutor failed to uncover all the facts of Watergate, and if the facts show that the President "may have violated the trust of his office," impeachment of the President might be appropriate.

Mr. MUSKIE concluded with a careful analysis of the Founding Fathers' decision to establish the impeachment process in the Constitution, and the application of that decision to our current situation. He expressed faith that if impeachment became necessary today, it would see the triumph of principle over partisanship.

Mr. President, I commend Senator MUSKIE's speech to my colleagues, and ask unanimous consent that it be printed in the RECORD, together with an article in the Las Vegas Sun of November 17 summarizing Senator MUSKIE's speech.

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

SPEECH BY SENATOR EDMUND S. MUSKIE

I.

The two issues I want to deal with are the need, in my view, to establish by law an independent prosecution of the Watergate scandals and the requirement that the House of Representatives continue the process it has now begun to inquire into the possibility of impeaching the President.

Four weeks have passed since the traumatic events of October 19 and 20—when President Nixon announced his original decision not to comply with or appeal the order of the United States Court of Appeals to produce Presidential documents in answer to a subpoena, and shocked the Nation by dismissing Special Prosecutor Cox.

Those events brought to a climax a whole series of actions, charges, and statements which had weakened Americans' confidence in the integrity of the Presidency. And those events finally confronted us with the question—regrettable but unavoidable—of the President's fitness to remain in office. For whatever one's party, and whatever one's answer to that question at this time, there is no doubt that it is now a question foremost on the minds of Americans.

II.

Beginning with the firing of Special Prosecutor Cox, recent developments in the Watergate case have returned us again to the question of whether there will be a full investigation, in which the American people could have confidence, of the complex of corruption identified by the term Watergate. Three days after the Cox firing, the President announced his decision to comply with the Court of Appeal's order, and to submit to Judge Sirica the subpoenaed tapes and documents.

That decision was demanded by the American people with almost unanimous voice. That it was even in doubt demonstrates the gravity of the crisis the President has created—that there was even a question of whether the President would disobey the law in such a clear confrontation—proved to Americans that the fundamental principles of our government of laws were truly being challenged.

By his decision to comply, the President avoided one confrontation, and by his subsequent moves toward cooperating with the Watergate investigation he has partially revived the hope that the rule of law will bring us the entire truth of Watergate. But the prospect of a full disclosure is yet only a hope, and without more assurance than the President has given us so far, we cannot have the necessary confidence that all the facts of Watergate will be laid bare, and that all Watergte wrongdoers will be brought to justice.

We had once before been given such assurances by the President. In his public statement of May 22, 1973, the President said: "Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up."

Yet it was the President's claim of Executive privilege, to avoid providing full disclosure which led to the tapes decision, and the dismissal of the special prosecutor.

III.

The President's offense of firing Special Prosecutor Cox has still not been corrected. This act, and the resignations of the Attorney General and Deputy Attorney General, violated the understanding of the American people that there would be no interference with the Watergate investigation.

And now a Federal district court has told us that this act was illegal. But the court decision makes it seem that the President can legally rescind any regulations he chooses, including the new ones that supposedly protect Mr. Jaworski's independence. So the new prosecutor is still not safe in his job—not yet certain that the President has finally bound himself to observe fixed rules for the inevitable contest between the investigations and the White House.

Congress is now considering legislation to insure that the special Watergate prosecutor is made genuinely independent by being appointed and subject to removal only by the Federal district court. This procedure is well within our constitutional framework. Indeed, the possibility is given express sanction by the language of the Constitution, which provides that "Congress may by law vest the appointment of such inferior officials, as they think proper, . . . in the courts of law. . . ."

I hope that Congress will shortly pass this measure, and that the President will accept it in the spirit of accommodation he has so recently adopted. It would give the American people added confidence that the true facts of wrongdoing in Watergate will be exposed to public scrutiny.

For despite the President's new disclosure policy, the American people continue to demand a full and thorough exposition of those facts.

Missing and nonexistent tape recordings, and lax control of evidence held by the President, raise increasing doubts that any disclosure controlled by his discretion will ever be satisfactory.

It is not enough for the President to engage in private conversations, at his pleasure and in his domain, with Members of Congress.

For the American people have had enough of political maneuvering behind closed doors. Only an independent and open investigation process can provide the exposition they demand. An independent special prosecutor, or the Watergate committee, may provide that forum.

And if they fail—or if they uncover facts which suggest that the President, in fact, may have violated the trust of his office—our Nation has an ultimate forum: an impeachment by the House of Representatives, and a trial in the Senate, to give us a final resolution of accusations against the President.

IV.

For the charges which raise the question of the President's fitness to remain in office involve acts which challenge the fundamental nature of our democracy. To the list of charges and suspicions has been added the question of the integrity of evidence in the President's possession. But the list, extending backward in time, already includes charges of an unparalleled conspiracy to defraud the people of their rights to an honest election, to independent and thorough criminal justice, to constitutionally guaranteed civil liberties, and to an impartial and fair administration of public affairs, the list includes:

Charges that burglaries committed against a private doctor's office and a political party's headquarters were officially authorized.

Charges that suspects and key witnesses were offered bribes to keep them silent or promises to encourage them to lie.

Charges that journalists, Government officials, and private citizens illegally lost their privacy to official wiretappers, acting without court warrant.

Charges that independent Government agencies were pressured to abandon their impartial responsibilities in order to harass and intimidate critics of the administration and to show favoritism to friends.

Charges that the head of the F.B.I. was ordered to destroy evidence.

Charges that top officials of the C.I.A. were ordered to violate their agency's charter against interference in internal affairs.

Charges that a Federal judge was offered

promotion while presiding over a crucial and controversial case.

And charges that a secret police agency was established in the White House with authority to break the law in order, supposedly, to protect national security .

Some of these acts allegedly involved the direct participation and decision of the President. Most of them involved men in the White House acting with what they took to be Presidential authority and approval, much of their behavior appears grossly improper and some of it, in the preliminary judgment of grand juries, was illegal.

v.

But the overriding concern about all these actual and suspected breaches of law is the degree to which they were proper or improper exercises of Presidential authority.

These questions are among those which the full investigation of Watergate will explore. And while we withhold our judgments of them as that exploration proceeds, preparations for impeachment are going forward in the House of Representatives. But no decision has been made to proceed with a vote on impeachment.

Hopefully, that decision will never be necessary. But the possibility that it will requires that we consider carefully exactly what we mean by the impeachment process, and when and how it might reach culmination and the removal of the President.

VI.

Impeachment itself is no more than a majority vote by the House of Representatives that a trial should be held on removing the President from office. A House decision to impeach—in effect—to indict the President on specific charges—would lead to a trial in the Senate, with the Chief Justice of the United States presiding, requiring, a two-thirds majority vote to convict the President and dismiss him from office.

This process of impeachment by the House and trial by the Senate is no more and no less than a means for making a final judgment on whether official conduct by a Chief Executive violates fundamental rules evolved in our system for setting limits on the conduct of public officials.

Our founding fathers' decision to include in our Constitution this process for making such judgments helps us understand the prospect of impeachment today. They knew the dangers of providing for removal of the Chief Executive, but they agreed that the possibility of Government lawlessness required a remedy.

VII.

The authors of the Constitution first considered the basic question of whether the President should be impeachable at all. In creating the office, they attempted to strike a balance between independence of Executive action, and the separation and checks of powers among our three branches of Government. With sophistication and understanding they decided that the President should be subject to the ultimate check, removal from office, outside the normal electoral procedure.

In this decision they had in mind the experience of British history, especially the British people's actions in the preceding century against oppressive monarchs and corrupt officials. They knew that during the 17th century impeachment had been used as an important tool for removing chief ministers of the king. There had been more than 50 impeachments in Britain in the past two centuries to reflect upon.

VIII.

With this history behind them, and the outlines of the United States Government before them, the framers decided for two basic reasons to adopt the principle that the President should be removeable through impeachment.

First, they felt that impeachment and removal was necessary to check abuses of the President's power.

For instance, James Madison, according to the records of the convention debates, "Thought it indispensable that some provision should be made for defending the Constitution against the incapacity, negligence, and perfidy of the Chief Magistrate. The limitations of the period of his services was not a sufficient security." In short, they wanted a means to put the President out of office in order to protect the Nation from the consequences of his wrongful actions.

And a second reason for including impeachment in the Constitution was to furnish a procedure for passing judgment on the President's conduct. Aside from stopping any abuses, the procedure would allow the Nation to affirm the high standards of official conduct it expected.

Elbridge Gerry of Massachusetts expressed the hope of the Founders that "the maxim would never be adopted here that a Chief Magistrate could do no wrong." George Mason of Virginia declared that when great crimes were committed he was for punishing the principal as well as the accomplices. Edmund Randolph of Virginia declared that guilt, wherever found out, should be punished.

We hear this sentiment echoed everywhere today—that high officials, including the President, should not—because of their office—escape judgment for wrongs they commit.

Ben Franklin, drawing on his European experience, told the Philadelphia Convention of a Dutch prince suspected of treachery: "Yet as he could not be impeached and no regular examination took place, he remained in his office, and strengthening his own party, as the party opposed to him became formidable, he gave birth to the most violent animosities and contentions. Had he been impeachable, a regular and peaceable inquiry would have taken place and he would, if guilty, have been duly punished, if innocent restored to the confidence of the public." Franklin concluded that: "It would be the best way therefore to provide in the Constitution for the regular punishment of the Executive when his misconduct should deserve it, and for his honorable acquitial when he should be unjustly accused." The impeachment and removal process thus was seen as a mechanism for resolving a national crisis of confidence.

So the Convention voted to make the President impeachable, and subject to removal from office. It was on another day, six weeks later, that the convention made the final decision on exactly how that process of impeachment and removal should operate.

Again, the Framers drew on British practice—impeachment by the House of Commons, and conviction by the House of Lords, on broad categories of charges, such a subversion of the Constitution, betrayal of trust, negligence of duty, corruption, and encroachment on the prerogatives of parliament.

X.

The Framers established three classes of offenses as a standard for impeachment and conviction: treason, bribery, and high crimes and misdemeanors. Treason was defined in the Constitution; bribery was defined by common law. And by high crimes and misdemeanors the Convention consciously and specifically referred to the categories of political offenses, against the State, which had already been given meaning by the British experience.

The category of offenses embraced by the term high crimes and misdemeanors, according to that British experience and to our own limited history of impeachments, covers far more than acts which might be indictable under normal criminal law. The category includes political crimes—offenses which amount to a violation of the trust of the office.

James Madison gave one example of such an offense when he argued that a President, having the sole authority to dismiss subordinate executive officials, would also be accountable for their actions in office. The President's authority over his appointees. Madison said, "will make him . . . responsible for their conduct and subject him to impeachment, if he suffers them to perpetrate with impunity high crimes and misdemeanors against the United States or neglects to superintend their conduct so as to check their excesses."

XI.

These and other political crimes violate the trust of office because they offend the political compact essential to the grant of high Government office.

This compact includes understanding that citizens shall obey the acts of Government reached through due process, and that the Government shall respect the rights of the people expressed in our laws and Constitution. And fundamental to this compact is the principle that the men who occupy high office shall also respect these standards—both as men subject to the law and the Constitution, and as representatives of the Government to which the law and Constitution also apply. Violating those standards—or negligently allowing them to be violated—destroys the understanding that permit a free government to operate.

The Framers thus established that a political transgression against the American people—violations of the trust of office in the form of treason, bribery, or high crimes and misdemeanors—should be met by the impeachment and removal process, so that through the Congress the American people could protect against abuses in office, and so that the highest standards of political conduct, and the political compact, could be affirmed.

This is the process to which we may be forced to turn. But that course will never be enforced on us blindly, and we must judge whether the dangers of partisanship and division in that process could be more harmful than the evil it would correct.

XII

The framers knew that allowing judgment on the most fundamental of political questions through the impeachment and conviction process raised the danger that partisanship would overwhelm philosophy. But they provided us the option of impeachment in the hope that principle would transcend partisanship.

We had an experience with a partisan impeachment in the case of President Andrew Johnson. Attacked by the reconstruction Congress, and trapped into disobeying a tenure of office act which most now agree was itself unconstitutional, the Johnson impeachment lasted three full months in the spring of 1868. Of that time, seven weeks were taken up by a trial in the Senate on the impeachment charges. And at the conclusion of that trial, the Senate declined to give in to partisanship and acquitted the President.

I do not believe it likely that the partisanship of the process will ever be repeated. I have faith that an impeachment proceeding today—although it may have its partisan elements—would see the triumph of principle. I believe that it could grant us a resolution of the lack of confidence throughout the Nation in the adherence of the Presidency to the rule of law.

The American people demand and deserve a resolution of this crisis of confidence. It could result in a President vindicated—perhaps with the country still debating his policies, but with the trust of his office intact.

Or it could end in the departure of the

President from office—to be succeeded by a new Vice President confirmed under the 25th amendment, or by a special election to be established by law.

The process of impeachment offers us a means to resolve the drama of Watergate. We may be spared that prospect. But we must be prepared to face it if necessary to preserve the integrity of our constitutional system.

[From the Las Vegas Sun, Nov. 17, 1973]

IMPEACHMENT MAY BE BEST: MUSKIE

Sen. Edmund S. Muskie (D-Maine) said last night the American people "demand and deserve" an end to the Watergate drama and impeachment of President Nixon may be the only answer.

He stopped short of calling for impeachment but said the events of recent weeks and months have "confronted us with the question—regrettable but unavoidable—of the President's fitness to remain in office."

His remarks were made in a speech at the University of Nevada, Las Vegas.

"The American people demand and deserve a resolution of this crisis of confidence," Muskie said. "It could result in a President vindicated—perhaps with the country still debating his policies, but with the trust of his office intact.

"Or it could end in the departure of the President from office—to be succeeded by a new Vice President confirmed under the 25th Amendment—or by a special election to be established by law.

"The process of impeachment offers us a means to resolve the drama of Watergate. We may be spared that prospect, but we must be prepared to face it if necessary to preserve the integrity of our constitutional systems."

He said "the gravity of the crisis the President has created" is such that it cannot be resolved solely by Nixon's current efforts to take his case to Congress and the people.

"The prospect of full disclosure is yet only a hope, and without more assurance than the President has given us so far, we cannot have the necessary confidence that all the facts of Watergate will be laid bare, and that all Watergate wrongdoers will be brought to justice," he said.

"For despite the President's new disclosure policy, the American people continue to demand a full and thorough exposition of those facts. Missing and non-existent tape recordings and lax control of evidence held by the President raise increasing doubts that any disclosure controlled by his discretion will ever be satisfactory.

"It is not enough for the President to engage in private conversations, at his pleasure and in his domain, with members of Congress. For the American people have had enough of political maneuvering behind closed doors."

Only impeachment, he said, "could bring us a final resolution of accusations against the President" if investigation of the scandal fails or if facts suggest Nixon has violated the trust of his office.

AUTO SAFETY

Mr. HARTKE. Mr. President, on October 3, 1973, my colleague from Kentucky (Mr. COOK) and I introduced legislation (S. 2530) which would prohibit the removal or rendering inoperative of safety related equipment on motor vehicles required by Federal motor vehicle safety standards. I introduced that legislation because it made little sense to me for the Federal Government to require the installation of safety systems on motor vehicles and for those systems to be defeated at will. As I pointed out when I introduced this bill, the Clean Air Act contains similar prohibition against modification of emission control devices.

Mr. President, I ask unanimous consent to print in the RECORD a copy of an ad which appeared in the Berne Witness of September 26, 1973. It is a clear example of the urgent need for this legislation.

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

WANTED

Owners of 1974 Ford products unhappy with buzzers and interlocks. For a safe and quick removal, call 334-5655.

WEST VIRGINIA AGAIN LEADS NATION IN REHABILITATION

Mr. RANDOLPH. Mr. President, during fiscal year 1973, the West Virginia Division of Vocational Rehabilitation regained its first-place ranking among the 50 States in the number of persons rehabilitated per 100,000 population. As a West Virginian, and as chairman of the Senate Subcommittee on the Handicapped, I am understandably proud of this achievement. Final reports for the fiscal year show that 483 persons per 100,000 population and 648 per 10,000 disabled population were restored to employment and productive lives. A total of 27,932 persons were referred to the West Virginia agency during the year, and 19,510 were provided one or more rehabilitation services. Both are new highs for the agency.

In addition to cases served by the field program, the division disability determination section processed 17,950 cases, and 9,500 were allowed social security benefits. A total of 30,294 beneficiaries received $7 million monthly in benefits during the year.

The division's black lung section received 42,634 applications and processed 35,536. There were 14,224 cases allowed benefits. During fiscal year 1973, a total of 38,240 black lung beneficiaries received $8,481,000 monthly. Since the beginning of the program, in January of 1970, a total of $242,128,000 has been paid to black lung beneficiaries.

Mr. President, these are programs that work. Diligent efforts to maximize the State and Federal rehabilitation dollars that actually go into the hands of the needy and the helpless make rehabilitation one of the best services government can offer. The aim to restore those who are handicapped or who suffer job-related illness to tax-paying, self-sufficiency is the best social and economic investment we can make.

The accomplishments of the West Virginia Division of Vocational Rehabilitation are the result of much hard work, of pride in the program, and teamwork on the part of every dedicated staff member throughout the State. I congratulate Division Director Thorold S. Funk and each member of his staff on their achievements. They have developed close working relationship with sister agencies in behalf of persons for whom there is shared concern, to assure that no person in need of services shall be overlooked.

THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. PELL. Mr. President, as the ranking Democratic member of the Senate Rules Committee, I voted today to recommend approval by the Senate of the nomination of Representative FORD to be Vice President of the United States.

With the other members of the Senate Rules Committee, I have conducted a searching inquiry into Representative FORD's public and private record. I am satisfied based upon the inquiry and my own interrogation of Representative FORD that he is a man of integrity, character and probity, and one who will not abuse the powers and prerogatives of his public office.

And I would add that integrity—basic honesty—is a quality in very high demand in the highest reaches of our Government these days.

I have some very basic philosophical differences with Representative FORD on Government policies. But I also believe that the President of the United States, elected by the majority of the people, has a right under the 25th amendment to the Constitution, to nominate a Vice President who is in agreement with him on basic policies.

In recommending approval of the nomination, therefore, I am supporting the nomination of a man of integrity and am respecting the wishes of the people as expressed in the 1972 national election, but I am not endorsing what I consider to be Mr. FORD's conservative philosophy of Government.

THE ENERGY CRISIS AND THE ENVIRONMENT

Mr. STEVENSON. Mr. President, at the University of California-Riverside on November 15, our colleague from Maine, Senator EDMUND S. MUSKIE, delivered a speech putting in perspective the relationship of the energy crisis and the environment. Senator MUSKIE's expertise on environmental matters is well known to us all. His work on environmental legislation has helped convince the Nation that we must place a high priority on protecting the resources of the world in which we live. But he also displayed an understanding that environmental considerations are not absolute, but must be measured against other needs.

Senator MUSKIE brought this same approach of balancing environmental against other needs to his analysis of the relationship between the energy crisis and the environment. But he concluded in his recent speech that—

With wise use of wasted energy and improved conversion efficiencies, the standard of living of our country need not be reduced and the environment need not suffer.

Senator MUSKIE's analysis of our national "energy budget," points out that energy used in transportation, for instance, is 85 percent wasted, and that current American construction practices lead to unnecessary overuses of energy.

A comprehensive national energy

conservation program—including direct Government action, and research—may meet our energy needs. But Senator MUSKIE warns us that if we ignore the need for Federal leadership, and "if we sacrifice environmental standards as the first offering to our energy appetite, we will soon pay a much higher tribute in the form of damaged public health, destroyed water quality, more noise and congestion and, inevitably, an energy crisis worsened by neglect of its basic causes."

Mr. President, I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE

I

A recent study by the Stanford Research Institute ominously predicts that a mishandling of our energy crisis could yield an economic slow-down to a growth rate of 1.6% per year in the next few years. No unemployment prediction is made, but the conclusion is obvious: Jobs and income would shrink.

This report is even more shocking because it appeared months before the Middle East war and the cut-off of Arab oil.

II

We are facing an intense period of adjustment, and though we act under the cloud of crisis and rhetoric, we must recognize the deep societal shifts that are impending in changing our models of energy allocation and consumption.

We must ask ourselves some very difficult questions, the first of which is: How do we provide for the growing needs of society when that growth requires more energy than the available resources will provide? How can we best reevaluate our definition of needs and our allocation priorities?

In the past, the economics of scarcity have created great wealth and great poverty. For thousands of years slavery sustained the ruling class. Slavery was displaced by low cost labor. And low cost labor has been in large measure replaced by low cost energy.

We are entering a period in which there appears to be no readily available next step to sustain the economic growth and the equities of our society. We will be forced to rely on technologies not yet invented. To survive until then, we will need to discipline our profligate use of energy.

Our failure to make decision in this half of this decade may well result in catastrophe in the next decade.

It is easy to be overwhelmed by the irony of our plight. We cannot just turn off our economy—we cannot even reverse present trends without generating uncertainty and recession.

So we build and sell cars which get less than 15 miles per gallon where we should require 20 miles per gallon as a minimum.

We build highways for cars to travel 70 miles per hour when every responsible person suggests that wisdom dictates a rational 50 miles per hour.

We de-emphasize public transit even though most of our current energy crisis could be resolved if we relied on the efficiencies of buses and trains rather than the waste associated with private cars.

It is obvious that some in America would use the energy crisis to delay and or even the environmental standards developed in the past three years. For more than a year the energy companies, in anticipation of their failure to meet our energy needs, have been building a case against pollution control.

I have confidence that the American people will see past this shabby attempt to create a scapegoat for failure. No amount of relaxation of pollution controls will invent new oil or new natural gas. Relaxation would only dangerously delay addressing the real changes we must make to protect our health and our environment.

If we sacrifice environmental standards as the first offering to our energy appetite, we will soon pay a much higher tribute in the form of damaged public health, destroyed water quality, more noise and congestion and, inevitably, an energy crisis worsened by neglect of its basic causes.

III

We are faced today with an immediate energy crisis in the winter ahead—and we as a people will be forced to make painful adjustments in our pattern of energy consumption to permit us to get through this period with minimum damage to our economy. In the long term, our energy problems may be solved by new energy sources such as solar energy, nuclear fusion, coal gasification and the like.

I want to talk to you tonight not about the immediate crisis we face in the months ahead, nor about long-term prospects for exotic new sources of energy. I want to talk instead about the conservation of energy which is now an urgent requirement that will be with us in the immediate future and for at least two decades to come.

In the short, medium, and long-run, we need to do all that we can to stop the accelerating growth in energy consumption in the country. This winter we will "conserve," which may mean deprivation. But for the immediate future, we must end waste. It is this process and this process alone which will permit economic stability.

Unless we can curtail the 4.5% annual overall energy consumption growth rate now in process and the 7% growth rate in electrical use, we will create impossible conflicts in many parts of our society.

IV

A recent article in Science magazine revealed that 60% of all energy is now wasted. For example, the average rate of energy conversion in coal fired thermal electric power plants is less than 40%. In nuclear plants the conversion rate is even less. We can obviously make substantial improvements. If we were merely wasting 10% to 20% of our energy, the task should be much more difficult. But 60% waste means we have tremendous options available through improved technology. With wise use of wasted energy and improved conversion efficiencies, the standard of living of our country need not be reduced and the environment need not suffer.

The energy budget is composed of many small areas of impact, and the only way to make substantial gains is to seek improvements in a wide range of activities.

V

The transportation sector is the worst offender in energy consumption. It is only appropriate that we begin our conservation measures there. Transportation activities waste 85% of the energy they consume. Only 15% actually goes to turning tires, grinding wheels, or spinning propellors. And the trend for many decades has been in the wrong direction.

We have moved from energy-lean transportation modes to energy-fat vehicles. Airplanes are eight times worse than railroads in energy consumption for every passenger mile traveled. Automobiles are more than three times as wasteful as rail transportation. Yet we have been moving steadily and rapidly towards increased air and automobile travel. And the auto itself has become increasingly energy fat. For example, a 50% reduction in automobile weight could yield a 100% increase in fuel economy.

If Americans purchase lighter weight cars this year in greater numbers than anticipated, we will all receive immediate benefit from such action, for lighter cars consume considerably less gasoline than their bulky counterparts.

Think about this: If the average weight of automobiles purchased today were to drop to a level of 2,500 pounds, total gasoline consumption in 1985 would be reduced to the level we now project for 1975!

If this goal was realized, crude oil imports could be reduced by 2.1 million barrels per day in 1985. The balance of payments savings would be $2.3 billion annually in current prices.

Governmental efforts to shift to other travel modes have been meager and infrequent. Amtrak is really little more than a gleam in the public eye when compared with the massive public investments we have made in highways and airline subsidies. We can make substantial energy gains in the near term by making sizable shifts in transportation emphasis. A number of these changes could be made quickly without capital investment, because most of our public transportation systems run below capacity.

Disincentives for personal transportation such as limits on parking or higher priced gasoline and fare-free transit could cause an immediate shift.

Simple operating subsidies and reduced fares would have immediate impact.

Even where capital investments are required, much could be done in one to three years—in the acquisition of buses and rolling stock to use existing roads and rights-of-way—and could have substantial impact before the end of this decade. And the savings in energy and consumer dollars would, of course, be even greater by the year 1985.

We could save significant energy resources if we were only to reverse the shifts that have occurred in travel patterns and move back to lean energy travel modes. If that shift occurred at the same rate as has been occurring in the opposite direction in the last twenty years, we could, according to a Senate report, save 1.3 million barrels of oil per day by 1985. Such a shift would reduce by one-tenth the projected need for crude oil imports in 1985.

VI

Changes in the building and construction sector of our economy can yield substantial savings. Lighting accounts for 24% of all the electricity sold in the United States. A number of engineers have indicated that adequate lighting in commercial buildings could be reached at only about 50% of current lighting standards by using less lighting, changing to fluorescent lights, and spacing lights more appropriately. If this is coupled with other design changes, electrical consumption in commercial buildings could be cut to less than half the present level.

If construction concepts were adopted that matched the pilot project now being conducted by H.U.D. wherein materials and energy are recycled in development complexes, an estimated 40 percent energy saving could be attained over present practices with significant reductions in solid waste and in air and water pollution. In this project, the waste heat—a byproduct of energy production which is now emitted into the atmosphere or discharged into water—is used for space heat and hot water heating.

Similar kinds of conservation and recycling activities could apply to other industrial and residential developments. Such ideas do not imply drawing board experiments; in 1972, there were 22 plants in America using waste heat from electrical power generation for hot water and space heating. The idea is available now. To the extent that

it is applied in new construction activities, it could drastically reduce the capital investment for environmental controls imposed on new power plants.

VII

Many of the steps needed require direct action by government. Let me use the utility industry and electricity as an example. We are not talking about a new governmental presence here, for government has traditionally been part of the rate-making process. We are simply speaking of changes the government can require through that presence.

Under present regulatory actions, a utility company's profits or earnings will be determined by the investment made in plant and equipment. Therefore, no matter what environmental constraints are imposed, it makes economic sense for the company to seek growth in customers and in the amount of use per customer.

The companies are trapped by the system. The utilities cannot be expected to behave differently unless fundamental changes occur in their rate structure. Electric rates must be based on higher prices for higher consumption. Not only will this protect people who consume little, but it will encourage large consumers to be more conservative. Rates must become a function of something other than capital investment in plants.

VIII

I must emphasize that to be successful, an energy conservation program must be comprehensive. An attempt to save energy in one sector without counterbalancing action in a competing energy-use sector would simply shift consumption rather than yield net energy savings.

Even-handed pressure across the board is an absolute necessity if energy conservation goals are to be attained. It is for just this reason that substantial attention to medium-range energy conservation activities is necessary. Otherwise, short-term energy fixes are likely to yield the same kind of chaos that has accompanied the uneven application of economic controls under phase I, II, III, and IV.

IX

Finally, U.S. energy policy must encourage a more equitable distribution of the worldwide consumption of available energy.

We can do this by fostering technology that develops energy resources that are publicly available on a worldwide basis. Solar energy, geothermal resources, ocean tides, and fuels for fusion power can be distributed in a much more equitable pattern. Not only are these resources renewable, but they aren't susceptible to traditional patterns of ownership.

We can help other countries develop these sources of energy through investment in new technology. To pretend that such aid is not needed is to perpetuate an inherently unstable situation that may send severe shock waves through this country when the quake of readjustment occurs. How long can one nation use one-third of the world's energy—especially when that consumption level can only be sustained by use of imported fuel?

For a few more years, perhaps. But we would be ill-advised to wait until the end of that period before we seek readjustment.

We need cleaner and more abundant sources of energy. They will not come by writing a blank check to the oil industry or destroying the environment. They will only come if the Federal Government takes the leadership in developing energy sources as it did in the moon program to put man on the moon. A research and development effort with an Apollo-type commitment can get the job done. And if we set deadlines and mount the intensive effort that is needed it can get done in time, especially if we take the conservation measures that I have discussed today.

X

You in this audience are living in a laboratory example of what our civilization faces as a result of unrestrained and undisciplined growth. In southern California, you have a transportation system designed to facilitate the freedom of movement of the people who came to the West to escape the confines of the overcrowded East. But the by-product of that system is an environment which is increasingly unliveable for its growing population.

The people of Californina had an early opportunity to learn about the meaning of limited resources. Nearly two decades ago, political leaders in this State began to recognize that supplies of fresh water were not adequate to serve the population growth.

Your leaders chose to find new water supplies—to develop a *water import program* for southern California.

Todays dilemma is a limited air resource. The existing quantity has been exhausted and present quality is unacceptable. Unfortunately, we lack the technology of air reuse. And, there isn't any air to import from anywhere else.

The response to this crisis cannot be the engineering of new works or the application of new inventions. The solution lies in change in activities, lifestyle and the patterns of growth. One such area of change is in personal transportation.

Unfortunately, Detroit appears to be unable at this time to build an automobile that will meet the criteria which the Congress proposed as necessary to protect the public health.

They argue that the capability to reduce pollutants in cars is limited by present engine technology and by limitations on the supply of available energy to power cars.

Thus, if an adequate, viable economic base is to be maintained, this region is going to have to develop alternative strategies to move people about.

And if you doubt the necessity of this proposition, let me cite for you an interesting fact: Even if every single automobile on the road today in California, and in the future, met the purportedly impossible clean Air Act standards for clean cars, this basin would still require a 50% reduction in vehicle miles traveled.

So I repeat, the question is not *if*, but at *what cost* and *how long?*

XI

And while this decision is being made, two other realities must be considered: The limitations on the available land and the limitations on available energy.

The energy crisis and environmental crisis are interrelated. The tremendous increase in demand for energy has a significant adverse impact on the quality of air and water.

Energy use is a direct measure of our growth, and air and water pollution are a direct by-product of that growth. What appears to be less well understood is that the shortage of energy and the shortage of air, water and land are not in conflict but rather are reflections on the finite nature of the resources which support human activity.

But fossil fuels, like land, water and air, are not being manufactured anymore.

The finite nature of these resources forces us to become reliant on ingenuity. We must assume that invention like consumption will grow at exponential rates—a nice but risky assumption. It is this kind of risky assumption which has created our present dilemma.

Thus, the people of these United States have to make some hard decisions. We may have time even in the hysteria of the current crisis to make decisions which will minimize disruption, maximize the availability of limited resources and maintain an economic system which supports our population in a reasonably prosperous manner.

This will not occur in the kind of climate that exists today. We have to come to grips with scarcity and the need to distribute limited resources equitably.

We need to alter our transportation patterns to rely on public mass transportation where that is a viable alternative in order to assure the availability of personal transportation where there are no options.

We must recognize the limits on growth and expansion and begin to consider our communities in terms of capability to assure essential transportation, communication, educational and environmental services to our citizens.

The crucial challenge laid down for man in the last quarter of this century was aptly stated by Dr. George Woodwell of Brookhaven National Laboratory in hearings I chaired this year.

"We are the richest nation and we should at the moment be building the capacity to address correctly the questions of how to reconcile the needs of 20th century man with the facts of a living but finite earth.

"Instead we are watching the dismantling of science. We would be terrified, if we were thoughtful."

I concur.

EIGHTH ANNIVERSARY OF THE SECOND REPUBLIC OF ZAIRE

Mr. HARTKE. Mr. President, today marks the eighth anniversary of the Second Republic of Zaire. This huge African country, formerly known as the Belgian Congo and more recently the Democratic Republic of the Congo, has made enormous progress toward achieving the good life for all its citizens.

Since its most difficult beginnings in 1960, the Republic of Zaire has achieved political and economic stability under President Mobutu and has taken its place as one of the leading nations of Africa.

For over 13 years Zaire has been a staunch friend of the United States. Recognizing the need for foreign investment to bring about the full realization of its economic potential, President Mobutu has made a special effort to attract U.S. business to Zaire.

At the luncheon held on October 3, 1973, in New York, hosted by chairman Wriston, of the First National City Bank of New York, President Mobutu Sese Seko addressed U.S. business leaders and once again invited the participation of the U.S. private sector in Zaire's development.

Zaire's progress in the past 8 years is a significant achievement. I am confident that Zaire's development will continue.

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. KENNEDY. Mr. President, I was unable to attend the session of the Senate yesterday in which the National Energy Emergency Act of 1973 was approved. As a cosponsor of that legislation, I previously had indicated my full support for that measure and was recorded as being in favor of its timely passage, in support of amendments which sought to strengthen that measure and in opposition to proposals to dilute its effectiveness.

I ask unanimous consent that the statement I had intended to give in sup-

port of that measure be printed in the RECORD.

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

STATEMENT OF SENATOR KENNEDY ON S. 2589

I rise in support of the legislation now before the Senate, the National Energy Emergency Act of 1973.

This legislation is critically needed today in the United States. Only through immediate implementation of energy conservation measures that mandate a reduction in the consumption of energy will we be able to maintain an adequate supply to priority needs during this winter.

Although events in the Middle East have dramatized the situation, the shortage that we are now facing was anticipated as long ago as last January when Massachusetts was forced by a shortage of low sulfur fuel to dilute some of the Clean Air Act air quality standards.

It was anticipated when the Congress gave the President authority last April to allocate the supply shortage among different regions and to priority customers. It was anticipated when I and other Senators introduced legislation in May to mandate a sharing of the short supply of fuel among regions, priority customers and between major oil companies and independents. It was anticipated when the Senate in early June passed the Mandatory Allocation bill. It was anticipated throughout the summer as witness after witness told of the failure of the voluntary system the Administration had set up and called instead for mandatory action. It was anticipated throughout the summer as the Administration blocked action in the House of Representatives on a mandatory system.

Not until November 1, after 10 consecutive weeks in which distillate fuel stocks were below the level of 1971, did the Administration put into effect a mandatory allocation system. Even then it was not fully adequate, not fully staffed and not fully prepared.

Throughout this period, the Administration stuck with the major oil companies in rejecting a mandatory allocation system and watched as they forced the disappearance of independent gasoline stations, watched as they denied fuel oil supplies to independent wholesalers, and watched as they raked in the highest profits in more than a decade. In that regard, I would note that the Gulf Oil Company reported a third quarter profit rise of 91 percent, Exxon, 80 percent and Mobil 64 percent. I ask unanimous consent that a table showing the profits of major oil companies in the third quarter and over the past 9 months be placed in the Record.

Nor did the predictions of serious shortfalls in New England, the Midwest and other regions of the country convince the Administration to undertake any steps for the conservation of energy.

Only last week was there an expression of dawning recognition by the President that the situation was critical and that homes might go cold, businesses might close, schools might suspend, and the entire economies of whole regions of the nation might suffer severely.

According to testimony before the Senate Interior Committee, the nationwide shortage of petroleum is expected to reach over 20 percent of our requirements during the next 6 months, reaching close to 3 million barrels per day. In some regions, such as New England, the impact of the shortage will be far more severe.

In New England, for heating oil alone, the most optimistic estimate has been that we will be short some 600 million gallons of home heating oil. The most pessimistic estimates are nearly double that figure. The impact of that shortage can be best understood when that figure of 600 million gallons is related to use. That quantity of home heating oil would provide sufficient fuel oil to heat 345,000 homes for a full year. Thus, we are facing a crisis of immense proportions in New England, one which requires emergency measures even to alleviate the situation.

The legislation now before the Senate is such an emergency measure. I would hope it would be treated as such by the members and that we could move to final passage of this measure today.

I want to commend the chairman and the entire membership of the Senate Interior Committee for the diligence with which this legislation, which I am pleased to cosponsor, has been brought before the full Senate for final action.

I also am pleased that amendments I suggested in testimony before the Committee have been included.

The legislation now directs the President to implement emergency fuel storage contingency programs instead of merely authorizing him to take such action.

It provides for the reduction in the original time period for development of those plans.

And it provides for assistance in the form of low interest loans to homeowners and small businessmen to instill storm windows, insulation and other methods of reducing energy consumption for heating purposes.

I believe these changes in the bill are refinements that increase the likelihood that its purposes will be achieved.

The critical elements of the bill are the requirement placed on the President to devise and implement a plan for a nationwide emergency energy rationing and conservation program within 15 days after the act becomes law.

This two-pronged plan first must provide for a priority system and plan for rationing scarce fuels with a particular emphasis on the distribution of low sulfur fuels to those sections of the country where a health hazard would exist in the absence of such fuels. With sharp divergences between the available supplies of fuels in different sections of the country and the level of need in those regions, a national plan to insure an equitable sharing of the current shortage is essential.

The second prong of the plan must provide for energy conservation measures designed to reduce the level of consumption by 10 percent within 10 days and 25 percent within four weeks. The bill provides for a series of conservation measures but does not limit the President's authority to order additional measures into effect.

Other provisions of the bill are also vital including the increased assistance to mass transit, raising the federal share under the Highway Trust Fund to 80 percent, and directing the President to develop and implement incentives for public transportation including operating subsidies to provide for reduced fares.

We know that the largest energy burner is the automobile, accounting for 55 percent of all energy used for transportation. And we know the automobile is less efficient than railroads or buses as a way of moving people. Thus, all measures to transfer passengers from the automobile to mass transit will produce substantial energy savings.

Finally, the bill both authorizes the President to bring into production the Naval Petroleum Reserves and to direct private refineries to adjust their output to maximize the production of scarce fuels. Both measures hopefully will mean additional supplies vitally needed if we are to meet the crisis facing the nation.

The earliest possible implementation of this measure is crucial if we are to act to prevent the full severity of the current shortage from hitting during the coldest part of the winter. Only by conserving energy today and only by rationing supplies today are we going to be able to find sufficient supplies to heat our homes, our schools, our hospitals and our businesses in January and February.

I urge my colleagues to give their support to prompt passage of this measure.

THE QUALITY OF MEDICAL DEVICES

Mr. HATHAWAY. Mr. President, legislation giving the Federal Government authority to regulate the quality of medical devices—authority which it does not have—is currently pending before the Senate Labor and Public Welfare Committee and the House Subcommittee on Public Health and Environment.

A major concern is the extent to which medical devices shall be required to be pretested, or scientifically reviewed, before they are marketed.

A bill introduced by Senator NELSON, the Medical Device Safety Act (S. 1337) would require "premarket testing" of devices that are implanted or that emit various kinds of energy, which contacts the human body.

A bill introduced by Senator KENNEDY, S. 2368, would require "scientific review" for devices "intended for use in life threatening situations."

An article in Science magazine, November 9, 1973, clarifies some of the differences in the bills pending before the committees.

It also describes the extent of problems that have occurred with medical devices in recent years, as reported by the Food and Drug Administration.

I ask unanimous consent that the article by Barbara Culliton be printed in the RECORD.

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

MEDICAL DEVICES: SHOULD THEY BE CLEARED BEFORE MARKETING?

There are an estimated 12 million medical devices on the market in the United States. A lot of them don't work.

As things stand now, there is nothing much the government can do to protect the public from defective devices until after they have appeared on the market and injured unsuspecting patients. For several years, there has been legislation before Congress to remedy the situation, but it has never gotten very far. This year, however, it looks as if a medical device bill will get through, once congressmen work out their disagreements over what the bill should say and how tough it should be.

It is impossible to produce accurate records of how many devices are faulty and how much injury they have caused—there is no requirement for reporting and, therefore, no way of knowing how many device accidents are covered up. Nevertheless, there are some figures on the subject and they are disconcerting, to say the least. For example, a Food and Drug Administration (FDA) survey of the literature from 1963 through 1970 revealed that there had been 676 reported deaths and more than 10,000 injuries from medical devices. The data included these specifics: 512 deaths and 300 injuries associated with artificial heart valves—

89 deaths and 186 injuries from cardiac pacemakers.

More than 8000 injuries associated with intrauterine devices.

A glance at the list of medical devices that have been subject to FDA recall once defects had been spotted is also revealing. One brand of oxygen cylinder was recalled for leaking. A portable cardiac defibrillator was recalled for what the FDA describes as a "self-discharge hazard." Even tongue depressors made the recall list; one brand was cited for "suspected bacterial contamination."

Medical devices are big business. According to FDA estimates, retail sales—to hospitals, physicians, and directly to individuals—total more than $3 billion a year and are expected to double by 1981. There are approximately 5000 different types of devices, ranging from highly sophisticated equipment employing ionizing radiation to routine operating-room machines to contact lenses to simple steel pins.

There seems to be a consensus among FDA, congressional, and industry people that regulations governing medical devices must be flexible for a couple of reasons. One is that different classes of devices should be treated differently; procedures covering steel pins should not be as complex as those applying to nuclear powered, fully implantable pacemakers. Another reason is a desire not to cut off research in the field, much of which is conducted by relatively small companies that, theoretically, would go out of business were the government to subject their products to months or years of delay while forms are filled out and passed around bureaucratic channels. But how one creates regulations that are both flexible and yet worthwhile as far as protecting the public interest is concerned has yet to be demonstrated.

THE KENNEDY, ROGERS BILL

The bills that are receiving the most attention in Congress at the moment are two nearly identical pieces of legislation that have been introduced by Edward M. Kennedy (D-Mass.) in the Senate and Paul G. Rogers (D-Fla.) in the House. [An administration bill, introduced by Senator Jacob Javits (R-N.Y.), is also receiving consideration by the Congress.] Apparently, the FDA, which will have to administer the medical device law once it is passed, can live with the provisions in these bills. In fact, sources on Capitol Hill claim that Peter B. Hutt, chief counsel of the FDA, had a hand in drafting the Kennedy legislation—an allegation he emphatically denies. Of course, as a member of the Administration, he was involved in preparation of the bill Javits introduced.

The basic argument surrounding the various device bills has to do with the matter of premarket clearance and the presumption that legislation which does not require FDA approval of certain categories of devices before they are marketed is soft on industry. In the Senate, Gaylord Nelson (D-Wisc.), who has been introducing medical service legislation since 1969, is adamant about premarket clearance and intends to fight to get some of his language in the Kennedy bill when it is taken up by the Labor and Public Welfare Committee.

Nelson wants the law to require premarket clearance of any medical device that:

"(A) is intended to be secured or otherwise placed, in whole or in part, within the human body on into a body cavity, or directly in contact with the mucuous membrane, and is intended to be left in the body or such cavity, or in such direct contact, permanently, indefinitely, or for a substantial period or periods (as determined in accordance with regulations issued after notice and opportunity to present views), or (B) is intended to be used for subjecting the human body to ionizing radiation, electromagnetic, electric, or magnetic energy (including, but not limited to, diathermy, laser, defibrillator, and electroshock instrumentation), or heat, cold, or physical or ultrasonic energy, or is intended for physical or radio or electronic or electric communication in either direction with any part of the human body or with a device placed within or connected with the human body."

Thus Nelson, who has the support of several consumer groups in this matter, is explicit about what he wants to be subject to premarket clearance—virtually any device that touches the body or emits energy. In testimony before the health subcommittee, he explained how his premarket clearance proposal varies from those in the Kennedy, Rogers (by implication), and Administration bills. "The Kennedy and Administration bills require 'scientific review' [which amounts to premarket clearance], but with restrictive caveats," Nelson said. "In the Kennedy bill, only those devices which the Secretary [of Health, Education, and Welfare] determines pose 'unreasonable risk of illness or injury' would have to have 'scientific review.' In the Administration bill, only those 'intended for use in life threatening situations' would require such review." Nelson does not want to leave that much up to the discretion of the Secretary or the FDA.

Dissatisfaction with the premarket clearance provisions of the Kennedy and Administrations bills was also expressed in testimony before the health subcommittee by Sidney M. Wolfe, an M.D. with the Health Research Group, in Washington, D.C., consumer organization. He claims what the Kennedy bill calls scientific review of a product can only be initiated after an outside panel of experts meets and decides that a certain product should be cleared before marketing and after a further determination by FDA that scientific review is really necessary. Said Wolfe, "These determinations could be made by FDA only if it had extensive evidence about the device. But it could not have extensive evidence about the device unless testing had already been conducted. This is the Kennedy bill Catch-22." And he argues that the scientific review panels "cannot make recommendations for premarket testing because there is no mechanism to call their attention to the existence of recently developed or developing devices before they are in the market." Wolfe calls premarket clearance "an elementary mark of human decency."

The Kennedy and Administration bills emphasize standard setting as the primary means of regulating medical devices. A major issue here arises over the question of who should set standards—Nelson wants the bill to state that persons who have financial interests in medical devices are excluded from standard-setting panels—and whether standard-setting itself is reasonable in a field in which technology is rapidly changing. The inevitably cumbersome procedures, involving scientific panels and committees for establishing standards, could not possibly keep up with device technology, it is argued. Standards could be out of date before they are set.

Therefore, Nelson is adamant about wanting premarket clearance, although he is willing to leave the details of its implementation to the discretion of the FDA, largely to allow for the measure of flexibility that is said to be essential to workable device legislation. Indeed, none of the bills spells out just what premarket clearance should be, in contrast to the Food, Drug, and Cosmetic Act, which is quite explicit in setting forth requirements for new drugs.

FDA lawyer Hutt is not sympathetic to the scope of Nelson's premarket clearance amendment. "If it comes down to whether we should do premarket testing on all dental devices marketed during the last 50 years, or on all implantable steel pins, rather than on more sophisticated devices," Hutt says, "it is not hard to imagine where I stand." The FDA, he believes, simply is not able to undertake such a massive venture. Nor does he believe it necessary.

Whatever the final nature of the legislation, FDA will have to gear up in order to even attempt to implement it and forecasts of what will be required in terms of manpower and money have already been made. FDA figures it will have to take on 330 people and have a device budget of more than $12 million in 1975. By 1979, the agency anticipates needing 500 people and $15 million to carry out the medical device law.

—BARBARA J. CULLITON.

THE PROPOSED SPECIAL ELECTION FOR PRESIDENT AND VICE PRESIDENT

Mr. PELL. Mr. President, the Congress is now in the process of implementing, for the first time, the provisions of the 25th amendment to the Constitution, to fill a vacancy in the office of Vice President of the United States.

One of the more troubling potential problems posed during public debate over this process has been the possibility that a Vice President, not elected but appointed, could succeed to the Presidency, and in turn, nominate a new Vice President.

There is a strongly held opinion, with which I agree, that the office of President should not long be held by a person who was elected by the people to neither the Presidency nor the Vice Presidency, but who rose to the office through an appointive process.

My senior colleague, the distinguished senior Senator from Rhode Island, last week introduced a proposed constitutional amendment, Senate Joint Resolution 172, providing a solution to this problem.

Under his proposal, a special election for President and Vice President would be held in the event that a Vice President, appointed under the 25th amendment, succeeded to the Presidency with more than 12 months of the Presidential term remaining.

Mr. President, I believe Senator PASTORE's proposal is excellent and important improvement in our electoral, democratic system of government. It is a proposal that could well avert a future constitutional crisis. The proposal has my full support, and I hope it will receive early and favorable attention by the Senate.

AUTO REPAIR

Mr. HARTKE. Mr. President, on several occasions during the past 2 years, I have spoken of the need for Congress to enact auto repair legislation. Earlier this year, I introduced S. 1950, the Motor Vehicle Repair Industry Licensing Act, which encourages States to adopt a licensing system for auto repair shops. That legislation is now pending in the Commerce Committee, and I expect to have hearings on it early next year.

Recently, WMAL–TV did an extensive survey of repair shops in the Washington metropolitan area. They took a car in perfectly good condition, then made one minor adjustment which created a defect which could have been repaired at very little cost. The car was then taken around to several different repair shops. By the time WMAL was finished, the repair bill on a car with only a minor defect came to over $1,000. It is interesting to note that the car came out of this experience in worse condition than it began.

Mr. President, I ask unanimous consent that the text of an article which appeared recently in the Washington Post describing the WMAL–TV survey be printed in the RECORD.

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

CAR REPAIR RIPOFF

(By William Raspberry)

Now and then, television will do very well what television does better than any other medium. Which is by way of belated commendation to WMAL–TV's Jim Clarke for his recent series, the Auto Repair Go-Round.

The basic premise wasn't new. It involved taking a used car (this one a 1970 Ford Maverick), having top-flight mechanics put it in A–1 condition, then taking it to various garages to have it checked out. The expectation, naturally, was that an awful lot of mechanics would replace things that didn't need replacing, charge for new parts that weren't installed and in general take advantage of a supposedly naive motorist.

And, naturally, the expectation was amply fulfilled.

The difference between this series and others of the ilk was that the Clarke crew made no attempt to shield the garages that made the unnecessary repairs. While the team was careful to provide the opportunity for responsible spokesmen to offer their own explanations, Channel 7 viewers knew at every moment who it was that appeared to be doing the ripping.

Pat Goss, a nationally recognized mechanical expert who some viewers may have remembered from a similar report on the CBS "Sixty Minutes," was the Channel 7 expert who put the blue Maverick in near-perfect shape. Then he put on a pair of rusty but new front shock absorbers and took it to a Firestone store in Fairfax. The driver said he was going on vacation and wanted a front-end and brake check.

Goss said he wasn't surprised when the garage replaced not only the shocks but a left-side upper ball joint. The bill was $65.10, not including the brake job the service manager said the car needed.

That's how it went for the first week of the series: Call Carl rotated and balanced the tires, gave the car its second alignment in two days, installed eight new brake liners and two front wheel cylinders (also charging for overhauling two rear cylinders although Goss says the work wasn't done). The bill came to $149.63.

MEMCO in Fairfax got $79.60 for a front-end alignment and tire balancing, new shock absorbers and tie-rod end bushings which, according to Goss, not only were unnecessary but could conceivably have been dangerous.

The next day, a Firestone garage in Riverdale performed $201.75 worth of work, including, naturally, new shock absorbers and a front-end alignment, in addition to new tie rod ends and tie rod sleeves.

In nine days and five visits to repair shops the WMAL team counted up a total bill of $519, including four front-end alignments, ten shock absorbers, eight brake shoes, two brake drums, two brake cylinders, new tie-rod ends and sleeves and new wiper blades. All of it, according to expert Pat Goss, was unnecessary.

The total climbed past $1,000 by the time the team made some other garage visits after deliberately disabling the car—disconnecting a wire or bending a connector out of shape.

Said Clarke: "Representatives of all the companies visited by our car told us the policy is not to sell the customer anything he doesn't need. We accept those claims in good faith. However, our test car was sold hundreds of dollars worth of parts and labor it did not need.

Sad to say, hardly anyone was surprised. Sadder, it's hard for an individual car-owner to know what to do with the knowledge that he's likely to be ripped off. Surely not every mechanic at every garage routinely does unnecessary work. Further, there can be some question as to whether work is necessary or not; for instance, should brake shoes be replaced when they are 50 per cent worn? 60 per cent? And while it's true you shouldn't have to pay more than a nominal fee for having a loose wire reconnected, what about the time it takes the mechanic to find that loose wire in the first place?

To be forewarned, then, is not necessarily to be forearmed.

But the story isn't totally sad. Because the station had the guts to name names and point fingers, it already has triggered some reactions.

Firestone initially complained that its garages had been unfairly singled out but later requested a video tape of the series to show at a meeting of regional and district managers. Ford wanted to use it for an "internal session" with its top executives. Call Carl dismissed some employees who had worked on the car and also instituted a policy of returning the customer's used parts in a plastic bag.

And, coincidentally or otherwise, Jim Clarke got a tire slashed.

GOVERNMENT, BUSINESS, AND THE CONSUMER: A MUTUALITY OF INTERESTS

Mr. PERCY. Mr. President, it gives me great pleasure to take note of the new more open attitude of some of the Nation's business leaders toward government involvement in the area of consumer affairs and of consumerism in general.

A growing percentage of businessmen have come to the realization that it is in their short-term and long-term interest to cooperate with the various public efforts currently being made to regulate a wide variety of industry products and practices. As Edward S. Donnell, the president of Montgomery Ward, stated in an address to the 38th annual meeting of the American Retail Federation last May:

For business to always oppose whatever consumers or their representatives propose, strains the credibility of our public statements that for us the consumer always comes first. Selective, well reasoned support for certain consumer legislation proposals, even if not ideal, will do much to enhance our prospects for fair and reasonable government regulations during the rest of the 70's, as well as the prospects for eliminating altogether the need for further regulations in certain areas.

In line with this sentiment, many business leaders now take an expansion view of which proposals they can and should endorse. Support has been forthcoming for such reasonable consumer legislation as a Consumer Protection Agency bill, truth-in-lending, warranty/guarantee legislation, and the Uniform Consumer Credit Code. I applaud these efforts by responsible leaders in the business community and am confident that they will attract increasing support in the future.

Let me also take this opportunity to call attention to the fact that the parent company of Montgomery Ward, Marcor, Inc., has recently reiterated its strong support and endorsement of the Consumer Protection Agency legislation now before the Congress. In testimony before a House Government Operations Subcommittee, Patrick J. Head, vice president, said:

We supported the creation of the CPA and re-affirm that position today, because we believe that consumers who don't feel so suspicious of business and government—who don't feel shut out and unrepresented in government proceedings which affect the pocketbooks, their well-being and the quality of their lives—will be better customers of ours and other businesses which are in fact trying to serve them well.

A revised CPA bill will shortly be reported out of the Senate Subcommittee on Reorganization, Research, and International Organizations. That bill will reflect the various discussions which we have held with the administration and which should result in endorsement by the Wnite House of this legislation in the very near future.

Mr. President, I ask unanimous consent to print in the RECORD excerpts from Mr. Head's testimony as reprinted on the Washington Post editorial page Monday, November 5, 1973. I also request that excerpts from Mr. Donnell's thoughtful remarks be printed in the RECORD.

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

CONSUMER PROTECTION

From testimony before a House Government Operations subcommittee by Patrick J. Head, vice president of Marcor, Inc., on Oct. 10:

There is far more self-policing in business today than there was 30 years ago. By improving the quality of its products, by better training of its personnel, by management policies insisting that the customer be satisfied, business is becoming increasingly responsive to consumer demands.

Yet there is no doubt that consumer skepticism toward business persists. One reason, as I have suggested, is the sometimes impersonal nature of selling, credit arrangements, and customer service, which is a by-product of computerization and of modern urban life itself. Another is the all-pervasive presence of advertising, some of it exaggerated, or inadequately informative.

A third reason, more relevant here, is the great number of government decisions in which business and consumers each have a

stake, but in which consumers feel they have an inadequate voice. In truth, as members of this committee know, each of the federal regulatory agencies has as a prime responsibility the protection of the general public's interests, and most have counsel whose principal job is to speak for that public. Yet the problem, is not simply one of what is, but what appears to be. And it often appears to consumers that no one is looking after their particular interest in decisions wherein other interests are well represented.

It seemed to Marcor that the presence of a consumer advocate in government decision-making processes might reduce this cause of consumer skepticism. We recognized that many businesses felt sufficiently challenged and investigated today to require no further intervention by government-sponsored parties in their affairs. We knew that a Consumer Protection Administration, if created by loosely drafted legislation could become, not just an advocate, but a possible source of harassment to legitimate business which outweighed its service to consumers.

Yet we supported the creation of the CPA and re-affirm that position today, because we believe that consumers who don't feel so suspicious of business and government—who don't feel shut out and unrepresented in government proceedings which affect the pocketbooks, their well-being and the quality of their lives—will be better customers of ours and of other businesses which are in fact trying to serve them well.

RETAILING AND GOVERNMENT IN THE 1970's

(By Edward S. Donnell)

As we entered the late sixties, we suddenly found people's expectations were exceeding our performance capability. The consumer bill of rights—to be informed—to be safe—to choose and to be heard—became a reality.

Most of us became fully aware that our business can only be as good as the environment in which we operate, and I mean total environment—economic, social, and political as well as physical and ecological.

With regard to consumerism and the explosion of government legislation, regulation, investigation and litigation that has hit us to date, if past is prologue, we're in trouble for rest of the 70's.

And past is prologue and we are in trouble for the rest of the 70's. However, the quantity and quality of that trouble, and the degree to which we can convert trouble into opportunity will be largely up to us.

The April issue of Fortune indicates the depth of the problem in an article entitled "The Legal Explosion Has Left Business Shell-Shocked." This article covers the geometrically exploding, often conflicting, state, county and municipal regulations we all must comply with. It also covers the resulting rapid rise in litigation that has driven legal expenses and exposures right through the ceiling.

In the Securities regulation field, lawsuits filed in the past 6 years in Federal district courts have increased 400%, reaching 2,000 in 1972 alone. During the 70's we may expect that security regulation standards will be more demanding and that legal expenses for compliance, and damages and other penalties for non-compliance will be more costly.

Lawsuits on environmental issues have doubled in the recent past to 268 cases in 1972. In our industry the International Council of Shopping Centers recently called a special session to discuss possible effects of pollution controls on future expansions.

Lawsuits on Fair Employment practices have begun to mushroom—over 1,000 in 1972 alone. Settlements with the Equal Opportunity Commission in cases charging discrimination against women and minorities has important implications for retailing in the 70's. It is a fact that labor intensive retailing has historically been one of the better providers of job opportunities, training and advancement for minorities and other disadvantaged persons. Despite this I can offer no more useful advice to anyone tonight than to make certain that our own houses are completely in order. Equal employment opportunity for all Americans is so vitally important to our achieving a cohesive society that we must give this matter the highest priority.

Truth in Lending legislation and regulations put us all on one fair and reasonable standard in keeping our customers accurately informed as to the terms of consumer credit.

I can only hope that those few states which have imposed credit rate ceilings below the roughly break-even monthly service charge rate of 1½% will soon realize that to drive credit rates to an uneconomic level makes it very difficult to extend credit to those who need it most. In addition, it often forces retailers to raise the cash price of some merchandise to help absorb credit costs, an increase which hurts all citizens in those states. We expect consumer credit issues will continue with us on the Federal and State level the remainder of the 70's.

Product safety is now covered in a new Federal law and the new commission and staff are a reality. Thus, greater effective emphasis will be put on product safety for the rest of the 70's.

Advertising substantiation has become a major focus of consumerism in the recent past and will be receiving even greater attention during the rest of the decade. Growing emphasis on warranties-guarantees indicates this activity also is likely to be the subject of required, fuller, more uniform disclosure in the near future.

If we can take a leaf from Europe's recent experience, perhaps the most important change we will see during the next 8 years will be the extent to which government tries to impose rising standards of clear information disclosure on product performance, product life and even product content.

How, the nature, extent and fairness to all concerned of these rising standards of consumer service is in significant part up to us. Past is prologue in this realm, too. We have learned that where we simply oppose in toto a new consumer bill or regulation our impact on its final content, its degree of reasonableness for all concerned, its degree of practicality, is usually very limited.

For business to always oppose whatever consumers or their representatives propose, strains the credibility of our public statements that for us the consumer always comes first. Selective, well reasoned support for certain consumer legislation proposals, even if not ideal, will do much to enhance our prospects for fair and reasonable government regulations during the rest of the 70's, as well as the prospects for eliminating altogether the need for further regulations in certain areas.

All of us here tonight have been and can increasingly become consumer advocates. For 32 years in retailing I've regarded the customer as my real "boss," and I know you feel you have the same boss. Or, here in Washington, we might say the same constituency.

We are a highly competitive industry. All of us have been observing and evaluating the same trends, the same forces, in the same marketplace. Consequently, I know we agree that in this fast-moving industry, the retailer who is not a sincere practitioner of consumerism simply is not going to survive. We are the most knowledgeable and demanding customers in history. In fact all of us here tonight have had a great deal to do with educating them and raising their expectations over the years.

If you will forgive one note of American History close to home, it was, I believe, the need for consumer protection that prompted Aaron Montgomery Ward, a century ago, to break the back of "Caveat Emptor"—"Buyer Beware"—with his new promise to America's consumers—"Satisfaction Guaranteed or Your Money Back." Today, you can see consumer advocacy in action as American retailers and our suppliers expend billions of dollars in market research, product development, quality control, product safety, protective packaging, informative labeling and computerized merchandising distribution systems. We are providing the American Public with the most efficient, responsible and protective marketing system in the world.

Yet, we believe it can be further improved.

Because of this belief we have supported such consumer legislation, as the Consumer Protection Agency Bill, truth-in-lending, Warranty/Guarantee, and, of course, The Uniform Consumer Credit Code which we all support.

But far more important than this is retailing's overall commitment to the protection of the rights of the consumer to be informed, to be safe, to choose and to be heard through our industry's support of the President's National Business Council for Consumer Affairs.

The Council, chaired and co-chaired by Robert E. Brooker, Chairman of Montgomery Ward's Executive Committee and Don Perkins of Jewel Companies has been the work of over 100 Chief Executive officers of the nation's leading companies. Their unstinting dedication has produced council guidelines covering these key areas—Packaging and Labeling, Product Safety, Advertising and Promotion, Guarantees and Warranties, Tire Inflation and the Consumer, Credit and Related Terms of Sale, and Consumer Complaints and Remedies.

The guidelines are tough, but we all can and should live by them because they encompass the specific consumer protection principles to which we all subscribe.

However, because voluntary guidelines can be, and sometimes are, ignored by a few companies to the detriment of all the others, there is a move afoot to recommend that the Federal Trade Commission hold public hearings on those parts of the guidelines which are suitable as substantive rules. This would be a prelude to their adoption—after all the responsible inputs have been received—as official FTC standards. Such standards will be more comprehensive, effective, and fair and reasonable to all concerned, than many government regulations currently in effect or under consideration.

Moreover, they will give the force of law to the voluntary product of thoughtful and committed business, government and consumer leaders at a time when our nation badly needs to develop a positive consensus for the benefit of all our people. We therefore support this move.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MILITARY CONSTRUCTION APPROPRIATIONS, 1974

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, Calendar No. 522, H.R. 11459, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, reported with amendments.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, I present today for the consideration of the Senate—and, incidentally, there will be a rollcall vote on final passage—H.R. 11459, together with the report from the Appropriations Committee, No. 93-548, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The Military Construction Subcommittee of the Appropriations Committee held joint hearings again this year with the Military Construction Subcommittee of the Armed Services Committee, chaired by the able Senator from Missouri (Mr. SYMINGTON). These joint hearings were most productive in saving time for Senators and the witnesses from the Department of Defense. Additional hearings by the Appropriations Subcommittee were held to hear testimony on items in the bill which were from previous years' authorizations and other important matters.

It is not my intention in presenting the bill to give detailed figures concerning each line item. The line item breakdown and explanation are contained in the report which has been placed on each Senator's desk.

Before going into the recommendations of the Appropriations Committee, I would briefly like to summarize the pertinent facts pertaining to the bill.

The fiscal year 1974 budget estimates as submitted to the Congress for military construction last January were $2,944,090,000 broken down as follows: Army, $664,900,000; Navy, $685,400,000; Air Force, $291,900,000; Defense agencies, $19,100,000; Army National Guard, $35,200,000; Naval Reserve, $20,300,000; Air National Guard, $20,000,000; Air Reserve, $10,000,000; Army Reserve, $40,700,000; family housing, $1,150,400,000; and homeowners' assistance fund, $7,000,000.

The total of the military construction appropriations bill as reported by the Committee on Appropriations is $2,670,972,000. This is an increase of $61,882,000 over the $2,609,090,000 provided by the House. The total bill as reported to the Senate is $273,928,000 under the budget estimate or $2,944,900,000, or somewhere between 9 or 10 percent below the request of the administration.

ARMY

The major thrust of the Army portion of this bill is in support of soldier-oriented facilities. Bachelor housing, primary medical facilities, and community support facilities total about $456.2 million. This continues the emphasis begun in last year's bill and the committee supports this effort.

The bill includes construction of 23,425 new barracks spaces and 185 new bachelor officer spaces, mostly at permanent installations in the United States. Of the total, 380 enlisted spaces are for isolated locations overseas. Additionally, the committee allowed funds to modernize 45,188 enlisted spaces and 528 officer spaces to bring these existing facilities up to present-day standards. The Army continues their program to eliminate the old World War II woodframe mobilization structures built in the early forties and now long beyond their economical life. Concurrently, maximum effort is being made to modernize and extend the useful life of existing permanent housing facilities.

The committee allowed $39.6 million for medical facilities. The major facilities are a 100-bed hospital at the U.S. Military Academy and an addition to the hospital at Fort Lee, Va. A significant item, although not actually for a medical facility, is the approval of $10.8 million for the underground parking facility at Walter Reed Army Medical Center in the District of Columbia. This parking structure is an integral part of the 1,280-bed hospital and was authorized in Public Law 92-145, fiscal year 1972. As part of the sequential development of the new hospital center, construction of the parking structure is scheduled to begin this summer.

The particular medical facilities plus additional planning and design funds in this bill mark the beginning of a multiyear defense program to improve service medical facilities.

The committee has approved all pollution abatement projects requested by the Army and authorized by Congress. This includes $7.3 million for air pollution abatement projects and $7.1 million for water pollution abatement control. The Army program is smaller than in recent years but significant increases are anticipated in future requests to meet the requirements of the Federal Water Pollution Control Act Amendments of 1972.

The committee continues to be a strong supporter of the U.S. Military Academy expansion plan and is pleased that the Army is following a viable and realistic program. Three projects totaling approximately $25.1 million were approved, the major item being the new hospital previously mentioned. The committee recognizes the need for and strongly endorses early construction of this new medical facility. Despite commendable Army efforts to reduce costs, the committee feels there is potential room for further reduction. Therefore, the Army request of $25 million for the hospital was reduced by $5 million. The committee will expect the Army to construct the hospital within the $20 million approved.

The committee approved $20 million in new obligational authority for NATO infrastructure support. This is a reduction of $20 million from the service request and the amount approved by the House. The committee concurred with the House in approving the transfer of $35.65 million in unobligated prior year Safeguard funds to NATO Infrastructure toward meeting unbudgeted costs stemming from recent dollar devaluations.

Approval has been given to the Army for $56 million for general authorization which includes: $39 million for planning and design; $15 million for urgent minor construction; and, $2 million for access roads.

Included in this bill are $40.7 million for the Army Reserve facilities and $35.2 million for the Army National Guard. This is consistent with the Army's continuing recognition of the need to provide adequate facilities for the effective training and improved readiness of its Reserve components. The committee agrees with this approach.

NAVY

The portion of the military construction budget proposed for the active forces of the Department of the Navy was $685,400,000. The committee approved for the Navy $608,467,000, which is $20,826,000 greater than the amount allowed by the House and a decrease of $76,533,000 from the budget estimate of $685,400,000.

I will discuss in the following broad categories since that is how the Navy presented its program this year. These are: strategic forces, all-volunteer forces, major weapons systems, pollution abatement, new technology—research, development test and evaluation—and training facilities

Under "Strategic forces," the committee approved $112 million for the initiation of construction of a Trident submarine refit complex and facilities for flight testing the Trident missile The facilities approved are essential this year for meeting the initial operational capability date of late calendar year 1978 for this weapons system.

Projects that will assist the Navy in achieving and maintaining the all-volunteer force are for bachelor housing, community support, medical, and cold iron facilities. Cold iron facilities are shore utilities which enable a ship in port to shut down its boiler plant and electrical generation equipment. Projects approved for the all-volunteer force are approximately one-fourth of the total.

This year $66 million was approved for bachelor housing and messing facilities. This is a reduction from last year's appropriations for bachelor housing, but still a substantial program with bachelor housing constituting about 11 percent of this year's appropriations.

The committee approved $13 million for community support facilities which have received a minimum of funding the last several years.

The medical program approved in the amount of $38 million is a slight reduction from the program for which funds were appropriated last year.

The cold iron program is directed toward reducing watch standing requirements when a ship is in port in order to increase the amount of time ships' personnel may spend with their families. The availability of utilities from the shore also provides benefits in shipboard equipment maintenance and fleet readiness and conserves scarce petroleum resources. This year $26 million was appropriated for cold iron facilities.

Ten million dollars has been provided for major weapons systems, excluding Trident. This year's appropriation for major weapons systems is slightly less than the $11 million appropriated last year.

The Navy is concerned with the prevention of environmental pollution and actively seeks to: First, control and abate emissions of pollutants from Navy sources; second, design and construct facilities to meet recent environmental quality standards; and third, cooperate with local, State, and Federal agencies.

The present energy crisis, which may result in the temporary lowering of pollution standards, does not reduce the need for the Navy air pollution abatement facilities.

The total pollution abatement program approved for the Navy is $82.7 million.

Four percent of the appropriation is for projects in support of research, development, and test and evaluation associated with underwater acoustic surveillance, communications, manned underwater systems and coastal region warfare.

The Navy is taking several concurrent actions to strengthen, modernize and vitalize its training programs. One action was the recent establishment of the Chief of Naval Training Office with the responsibility of overseeing and managing all Navy academic, applied, shipboard, aircraft, and submarine training. The committee supports this endeavor and has provided $62 million for training facilities. Appropriations of $12 million were added for this category to match the amount authorized for the relocation of the Atlantic Fleet Weapons Range from Culebra.

Funding in the amount of $51 million was approved for the Marine Corps facilities. As in last year's program, major emphasis was placed on personnel support facilities, which comprise 54 percent of the Marine Corps program. The provision of adequate bachelor housing is a high priority requirement. The committee fully supported the bachelor housing program of the Marine Corps.

The committee allowed $20,300,000 for Naval Reserve facilities, the amount of the Navy request.

The committee placed the Navy request under especially careful scrutiny. The major new considerations posed by the base realinements announced by the Secretary of Defense in April of this year, the effects of inflation on construction costs, the beginning of shore support facilities for the new Trident submarine system, and the first year of implementation of the All-Volunteer Force—all these impacted heavily on committee discussion and decisions.

AIR FORCE

The Air Force portion of the bill provides $291,198,000 which includes $249,452,000 for projects in fiscal year 1974 and $41,746,000 for planning and design, minor construction, and projects authorized but unfunded in fiscal year 1973. There has also been a reduction of $1,800,000 to compensate for the fact that this amount is available in Air Force prior year appropriations for Southeast Asia that can be applied against fiscal year 1974 requirements elsewhere. The committee's total reduction from the original request of $321,900,000 is $30,702,000.

The bill covers essential facility projects for the Air Force and a few others where national policy, such as in the case of pollution abatement, other strong cases of economy, and projects with a potential for energy conservation.

A case of the latter point is the aircraft engine component research facility at Wright-Patterson Air Force Base, Ohio. The prime purpose of this item is to test and provide data and knowledge to prevent compressor "instability" in aircraft gas turbine engines especially under transient conditions. Presently, this test capability does not exist in the military or civilian aircraft community. This facility will process data 3,000 to 6,000 times faster than existing facilities by utilizing computer control of the test article, the test facility and the data acquisition system. By locating the facility at Wright-Patterson Air Force Base, Ohio, it is possible to utilize a complete precision controlled 30,000 horsepower drive unit already in place and thereby save from $12 to $15 million that would be required to locate the facility elsewhere. Finally, by determining transient effects to be avoided during engine operation as much as a 15- to 20-percent improvement in fuel economy can be realized and the knowledge gained can be made available to the entire aircraft industry. The avoidance of just one engine compressor development problem would result in savings that would amortize the cost of this facility investment.

The largest portion of Air Force funds is for urgent operational facilities. They consist of airfield pavements, aircraft fueling and support facilities, flight operations buildings, communications facilities and navigational aids. They total $52.4 million or 18 percent of the recommended amount. Important items approved by the committee are: $11 million for a second increment of the technical intelligence operations facility at Wright-Patterson Air Force Base, $13.5 million for special aircraft support facilities at Andrews Air Force Base, and $4.5 million for a station composite support facility at Cape Newenham Air Force Station, Alaska.

The second largest portion of the bill provides for bachelor housing. This category totals $40 million and is viewed as a priority objective by the Air Force. This is 13.7 percent of the amount recommended by the committee and will provide for the construction of 3,524 new dormitory spaces at a cost of $25.7 million, and 60 new officers' quarters at a cost of $1.2 million. The Air Force will also modernize 4,757 existing dormitory spaces for $11.3 million. Included in the program are a student housing composite building at Keesler Air Force Base, Miss., and a composite recruit training and housing facility at Lackland Air Force Base, Tex. Buildings of these types provided in earlier programs have proven to be very effective.

The third largest portion of the bill, $31 million, is for maintenance facilities, predominantly for aircraft maintenance. Included are 10 projects comprising another increment for modernization of the Air Force Logistics Command's depot overhaul facilities. This category also provides various maintenance and storage facilities for short-range attack missiles at two locations for $1 million.

Another large portion of the recommended amount is directed toward expansion, alteration and replacement of medical facilities to provide proper clinical and dental care within a regionalized framework. Projects of this type have been supported by the committee in recent fiscal year programs and as far back as fiscal year 1965. In the current bill, the committee is supporting 12 health care facility projects. Two of the projects involve total replacement of the aged, professionally obsolete, composite medical facilities at F. E. Warren Air Force Base, Wyo., and Laughlin Air Force Base, Tex. These facilities have been in use for 86 years and 18 years, respectively. For the other items approved by the committee, work involves additions and alterations principally addressing the problem of inadequate space for outpatients in the clinics, pharmacies, laboratories, X-ray departments, and other areas servicing these patients.

The construction proposed by the Air Force to support the Air Force R. & D. program is $10 million, of which $4.9 million failed to survive the authorization reviews. However, that which remains is essential to a vigorous R. & D. effort as an investment in our future security. Earlier the committee discussed at some length an aircraft engine component research facility at Wright-Patterson Air Force Base, Ohio. Other R. & D. projects are: expansion of a human impact laboratory, a weapons guidance test facility, and alteration of a rocket propulsion research laboratory.

Other significant amounts are recommended for facilities in support of training, supply, administration, community and support facilities. In this latter category, the committee is providing $35 million, of which $18 million is for the design of facilities in this and future programs, $15 million to fund minor construction

projects that are to be individually determined to be urgent by the Secretary of Defense or the service Secretaries, and $2 million is provided for access roads.

Approval is also recommended for $20 million for the Air National Guard and $10 million for the Air Force Reserve by the committee.

DEFENSE AGENCIES

For the Department of Defense agencies, the committee recommends an appropriation of $12,000,000. This is $7,100,000 below the budget estimate of $19,100,000 and is $12,000,000 above the House allowance. It is $24,704,000 below the appropriation for fiscal year 1973.

The program breakdown is as follows: Defense Nuclear Agency, $574,000; Defense Supply Agency, $8,370,000; National Security Agency, $8,156,000; general support programs, $2,000,000.

A wide range of project is encompassed in the approved program. The Defense Nuclear Agency has received approval for two projects at Kirtland Air Force Base, N. Mex., and at the Atomic Energy Commission Nevada Test Site. The Defense Supply Agency has received approval for 15 projects at 9 installations. The National Security Agency has received approval for four projects at Fort Meade, Md.

The Department of Defense indicated a program, or anticipated requirement, in the amount of $30,000,000 for projects which would qualify for funding under DOD emergency construction authority. The Department further indicated that no additional funds were required for this purpose on the basis that unobligated prior year funds were considered adequate to finance fiscal year 1974 requirements. The unobligated balance in the Secretary's emergency fund totaled $54,429,500 as of June 30, 1973.

The program approved by the committee, as tabulated above, provides for essential facilities of the agencies listed. The committee's allowance of $12,000,000 is the maximum possible in view of action by the House and Senate Armed Services Committees which gave their approval for the full program requested for the agencies, but made a general reduction of $7,100,000 in the authorization for appropriation. This action has the effect of applying additional prior year unobligated emergency construction funds to partially finance the fiscal year 1974 program.

The House has recommended a further reduction of $12,000,000, which deletes funding in the amount of $3,529,000 for a logistic support facility at Fort George G. Meade, Md., and provides that the balance of the program be financed entirely from unobligated prior year funds. The committee does not agree with the House action, and recommends approval of the Defense agencies program as submitted, subject only to funding constraints resulting from the Armed Services Committee's actions.

FAMILY HOUSING

The committee has approved $1,188,539,000 in new appropriated funds for the fiscal year 1974 military family housing program. This amount comprises approximately 44 percent of the entire funds appropriated in this bill and is $93,128,000 lower than the revised defense budget request for family housing.

To provide maintenance and operation funds for defense housing, approval has been given in the authorized amount of $622,913,000 to maintain and operate an estimated 380,006 housing units during fiscal year 1974. In addition, the committee has approved $44,703,000 for leasing of 10,000 domestic and 7,262 foreign family housing units for assignment as public quarters.

The committee has recommended a $381,603,000 family housing construction program. The approved program will provide for the construction of 10,541 new permanent units, which is 1,147 units less than requested. New construction approved includes 5,369 units at 12 Army installations, 3,460 units at 11 Navy and Marine Corps bases, 1,700 units at 8 Air Force bases and 12 units for the Defense Intelligence Agency. The committee did not approve the 150-unit Navy project authorized for construction at Iceland because of questions remaining in the need for the project. A total of $309,733,000 is required for the approved new construction program. Other construction approved by the committee includes $5,700,000 for mobile home facilities; $240,000 for acquisition and connection of a utility system serving Wherry housing, $62,510,000 for improvements to family quarters, $2,720,000 for minor construction and $700,000 for planning. The committee recommends that $361,746,000 in new appropriations be provided for this construction program and that the balance of the program amounting to $19,857,000 be financed from savings. Savings are available in funds appropriated in prior years but not needed because of project cancellations due to base closures, realinements or other changes in requirements. Sufficient funds remain to provide adequate construction for the valid fiscal year 1972 and 1973 housing projects.

The funding allowed by the committee for debt payment is the budget estimate of $159,177,000. This includes $100,167,000 for the payment of debt principal amount owed on Capehart, Wherry, and Commodity Credit-financed housing. In addition, $53,024,000 is approved for the payment of interest on mortgage indebtedness on Capehart and Wherry housing and for other expenses relating to the construction and acquisition of these houses in prior years. The committee approved $5,986,000 for payment to the Federal Housing Administration, for premiums on Capehart and Wherry housing mortgage insurance and for the payment of premiums on insurance provided by the FHA for mortgages assumed by active military personnel for houses purchased by them.

With respect to the inadequate quarters legislations, section 508 of Public Law 92-545, which authorized the designation as inadequate of not more than 20,000 family housing units, in addition to inadequate units already in the inventory, Defense reported that the services and the Defense Supply Agency had designated 19,282 units as inadequate as of July 1, 1973, and had placed them on a rental basis at fair rental values, not to exceed 75 percent of the occupant's basic allowance for quarters.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

The base realinements announced April 17, 1973, are of such magnitude that resources in the homeowners assistance fund will be insufficient to take care of the requirements of the homeowners assistance program in fiscal year 1974. Accordingly, Defense requested an additional $7 million in appropriations for the program. This amount will also provide a modest expansion of the program to cover certain personnel not now covered by the program because of statutory technicalities, but who suffer the same losses in disposing of their homes as the personnel covered by the program at the same installation.

The committee has approved the revised request for funds in the amount of $7 million. Spending of agency debt receipts, authorized in permanent legislation, will provide an additional $17,443,000.

Mr. President, I ask unanimous consent that the committee amendments to the pending bill be considered and agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point or order shall be considered to have been waived by reason of agreement to the order.

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

The committee amendments, agreed to en bloc, are as follows:

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 4, strike out "$551,575,000" and insert "$567,735,000".

On page 2, line 14, after the word "appropriation", strike out "$587,641,000" and insert "$608,467,000".

On page 2, at the beginning of line 22, strike out "$239,702,000" and insert "$261,198,000".

On page 3, at the beginning of line 6, insert "$12,000,000"; and, in the same line, after the word "expended", insert "and in addition".

On page 4, at the beginning of line 17, strike out "$22,900,000" and insert "$20,300,000".

On page 5, line 8, after the word "law", strike out "$1,194,539,000" and insert "$1,188,539,000".

On page 5, line 15, after the word "Construction", strike out "$103,947,000" and insert "$97,947,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a comparative statement of the appropriations for fiscal year 1973 and the estimates and amounts recommended in the bill for fiscal 1974.

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

[In dollars]

Item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority, recommended in the House bill	Amount recommended by Senate committee	Senate committee bill compared with— New budget (obligational) authority, fiscal year 1973	Senate committee bill compared with— Budget estimates of new (obligational) authority, fiscal year 1974	Senate committee bill compared with— House allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Military construction, Army	413,955,000	[1] 664,900,000	551,575,000	567,735,000	+153,780,000	−97,165,000	+16,160,000
Military construction, Navy	517,830,000	685,400,000	587,641,000	608,467,000	+90,637,000	−76,933,000	+20,826,000
Military construction, Air Force	265,552,000	291,900,000	239,702,000	261,198,000	−4,354,000	−30,702,000	+21,496,000
Military construction, Defense agencies	36,704,000	19,100,000	0	12,000,000	−24,704,000	−7,100,000	+12,000,000
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)			
Military construction, Army National Guard	40,000,000	35,200,000	35,200,000	35,200,000	−4,800,000		
Military construction, Air National Guard	16,100,000	20,000,000	20,000,000	20,000,000	+3,900,000		
Military construction, Army Reserve	38,200,000	40,700,000	40,700,000	40,700,000	+2,500,000		
Military construction, Naval Reserve	20,500,000	20,300,000	22,900,000	20,300,000	−200,000		−2,600,000
Military construction, Air Force Reserve	7,000,000	10,000,000	10,000,000	10,000,000	+3,000,000		
Total military construction	1,355,841,000	1,787,500,000	1,507,718,000	1,575,600,000	+219,759,000	−211,900,000	+67,882,000
Family housing defense	1,064,046,000	[2] 1,250,567,000	1,194,539,000	1,188,539,000	+124,493,000	−62,028,000	−6,000,000
Portion applied to debt reduction	−96,666,000	−100,167,000	−100,167,000	−100,167,000	−3,501,000		
Subtotal, family housing	967,380,000	1,150,400,000	1,094,372,000	1,088,372,000	+120,992,000	−62,028,000	−6,000,000
Homeowners assistance fund, Defense		[3] 7,000,000	7,000,000	7,000,000	+7,000,000		
Grand total, new budget (obligational) authority	2,323,221,000	2,944,900,000	2,609,090,000	2,670,972,000	+347,751,000	−273,928,000	+61,882,000

[1] Due to lack of authorization does not include additional $4,300,000 requested in H. Doc. 93-155.
[2] Due to lack of authorization, does not include additional $31,100,000 requested in H. Doc. 93-155.
[3] Includes $7,000,000 requested in H. Doc. 93-155.

Mr. MANSFIELD. Mr. President, I want to say that I am indebted to the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) for his cooperation, for his understanding, for his dedication to duty, and for the tremendous assistance he has rendered the subcommittee and the whole committee in the hearings under this legislation, and in being responsible in large part for such a tremendous reduction.

I have an idea that the bill may well signify the deepest cut of any, so far as appropriation measures are concerned, as related to any of the other appropriation measures which have come before Congress to this date.

Mr. President, again I want to say how much I am indebted to the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) for his cooperation and understanding.

Mr. President, now I yield to the distinguished Senator from Pennsylvania, the ranking Republican member of the subcommittee.

Mr. SCHWEIKER. Mr. President, I should like to add my remarks to the statement of the distinguished majority leader concerning the Military Construction bill for fiscal year 1974.

Although this bill is $61.8 million greater than the House bill, it is significantly below the budget estimate of $273,928,000.

In this day of budgetary and monetary crisis, it is important, as the majority leader just underscored, that the committee was able to stick well below the budget estimate. I commend the majority leader for his work and leadership in this area.

Mr. President, the bill provides more funds for the respective Services than was provided in the fiscal year 1973 program. In some cases, this increase reflects the fact of inflation. In other cases, it reflects new facilities provided to support justified requirements. A portion of the additional requirements and recommended appropriations support the respective Services attempt to attract sufficient volunteers to satisfy manpower goals without the draft. These requirements involve new barracks for men and women, family housing, and work facilities.

I commend the Defense Department in its efforts to implement all-volunteer Armed Force.

Mr. President, contained in this appropriations for military construction is $5.2 million for the construction of administrative facilities to accommodate the transfer of the Marine Corps Supply Activity, Philadelphia, Pa. to Albany, Ga. I oppose this specific appropriation on the basis that adequate justification for the transfer of this facility was not provided to the committee.

Although the record of the two hearings on this item, both of which I chaired, contain some questions regarding the correctness of an appropriation of $5.2 million to meet the cost of construction for a facility at Albany, Ga., the basis of the computation using the standard Department of Defense space and construction criteria seem to provide a realistic cost estimate.

However, whether the cost estimates regarding the savings to be realized as a result of this transfer are accurate or realistic is for me the central issue. It was suggested to the committee during the hearing's that it's concern with the relocation of the supply activity should relate primarily to the question of whether or not the relocation will result in a savings of Federal dollars, and whether or not such a move will improve the efficiency of the Marine Corps supply system.

Mr. President, the primary savings to be realized from the transfer according to the Department of Defense is the cost avoidance of approximately $4.6 million programed for installation of air-conditioning at the Philadelphia facility over the next 4 fiscal years.

In my judgment that is not a credible justification. It seems questionable that $4.6 million for air-conditioning could be legitimately claimed as a cost avoidance since this item has never been incorporated into the military construction budget for the Marine Corps Supply Activity, Philadelphia.

In fact, the Commandant of the Marine Corps in a letter dated August 3, 1972, published his "Guidance for Facility Planning and Programing," in which he stated he was providing a 6-year dollar control for each facility and command with a single year limitation. His letter stated:

> It should be noted that, for purposes of flexibility, the total of these controls is in excess of the amount that can be anticipated for the next 6 years. Therefore, to assure that limited construction dollars are expended on the most urgent requirements, the controls should not be exceeded.

For the Marine Corps Supply Activity, Philadelphia, the 6-year dollar control—fiscal year 1974 through 1979—was $2 million. No funds were projected for fiscal year 1974.

Nevertheless, the Department of Defense cites a cost avoidance of $4.9 million as a justification for this transfer. I seriously question how bona fide is this claimed cost avoidance.

Mr. President, the Defense Department has indicated that the transfer will permit a functional consolidation in the personnel administration procurement, comptrollership, civilian and military personnel administration procurement and personnel services. The annual savings claimed by Defense Department in operating costs is projected at $2.6 million. However, in order to do this, DOD plans to reduce its civilian manpower in Philadelphia by 184 positions and its military personnel by 50. This is in addition to a total reduction of 205 military and 2,894 civilian positions in Philadelphia.

The Philadelphia area impact from these base closings is approximately a loss of 8,000 jobs. Most of these are civil-

ian jobs and most are being transferred to other areas. The immediate impact will be on those whose jobs are abolished and on those who cannot or choose not to transfer.

The indirect impact from those who are transferred, is the loss of payroll. This, of course, impacts on the entire Philadelphia area economy, and if one estimates an average annual salary per position of $8,000 or $10,000, the annual payroll loss may come to $60 or $80 million.

In outlining this personnel cost having the Department of Defense failed to adequately take into account the costs to the Government of the retirement expenditures to these affected employees. In fact, the $2.6 million savings does not include the increased costs of early retirements. Thus the $2.6 million should be reduced by the retirement costs of the people no longer on the payroll. In addition, $708,000 in the cost of severance pay should also be deducted. The Defense Department stated that by 1978 the saving would be $2.6 million since by then "these other factors of changeover have been taken up or assumed in this period, have been amortized." Mr. President, that strikes me as awfully vague.

In October, 1970, a study was prepared by the Marine Corps as an internal study within the Supply Department, Headquarters, U.S. Marine Corps, to analyze a conceptual plan for the relocation of the Marine Corps Supply Activity, Philadelphia, to Albany, Ga. Although the Marine Corps claims the study was never approved by the Quartermaster General, it concluded, in part, "within the parameters addressed by the study panel, the benefits to be potentially derived do not warrant incurring the risks involved." Also, the study stated:

> Some benefits will accrue from the increased computer utilization and a more efficient working environment, but no beneficial factors concerning operational performance will be realized which will overcome the retardation of progress towards attainment of a fully operationally effective Material Management System.

The panel report was dated November 10, 1970, and recommended "that the relocation of the Inventory Control Point from Philadelphia to Albany not be initiated at this time."

Mr. President, if the Marine Corps disavows this study it seems to me it was incumbent on the Marine Corps to make available to the committee the study used as the basis for its decision to move the supply activity from Philadelphia to Albany, Ga.

Mr. President, I do not feel the Department of Defense has adequately made its case and I am opposed to this transfer. Overlooked in the planned transfer is the affect it will have on the people involved, the employees of the facility. Spokesmen for the employees testified at the hearing conducted by the Appropriations Subcommittee on Military Construction and I ask that the statements submitted by Royal L. Sims, national vice president, and Forrest Sellers, president, Local 89, American Federation of Government Employees, be inserted at this point in the RECORD. Also, Mr. President, I ask that a letter from my distinguished colleague from Pennsylvania, HUGH SCOTT, be inserted in the RECORD.

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

STATEMENT OF ROYAL L. SIMS, NATIONAL VICE PRESIDENT AND FORREST SELLERS, PRESIDENT, LOCAL 89 AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES BEFORE THE SUBCOMMITTEE ON MILITARY CONSTRUCTION OF THE SENATE COMMITTEE ON APPROPRIATIONS, OCTOBER 9, 1973

I am Royal L. Sims, National Vice President, Third District, American Federation of Government Employees; I am accompanied this morning by Mr. Forrest Sellers, the President of American Federation of Government Employees Local 89, which directly speaks for the civilian Federal employees directly affected by the issue you are deliberating today.

We are most grateful to the Subcommittee for the opportunity to appear before you in opposition to the proposed transfer of the Marine Corps Supply Activity, Philadelphia, to the Marine Corps Supply Center, Albany, Georgia. In presenting our opposition, we are speaking, in the first instance, on behalf of the civilian employees of the Philadelphia Marine Corps Supply Activity, whom we represent both through our American Federation of Government Employees Local 89 and through our AFGE Third National District. Additionally, we are speaking as taxpayers who are concerned about the expenditure of Federal tax revenues for a transfer which is both unwarranted and unjustifiable. Finally, we speak for those residents of Philadelphia and its suburbs, who will suffer serious economic and social consequences as a result of this unnecessary and imprudent action by the Marine Corps.

The principal argument proferred by the Marine Corps for this questionable undertaking is budgetary. Among the arguments which have been developed in support of this action, it is alleged that by 1978, that is, five years from now, the cumulative savings resulting from this action will overtake the additional costs of transferring this facility. In other words, the Marine Corps concedes that for the next five budgetary years, the U.S. government will have to spend more for these services by the transfer to Albany, Georgia, than maintaining the facility at Philadelphia.

What are the other risks of undertaking this transfer? In a letter to Mr. Forrest W. Sellers, July 19, 1973, Assistant Secretary of the Navy (Installations and Logistics) Jack L. Bowers conceded that there are serious risks to the national security involved. He stated:

"It has always been recognized that in accomplishing this consolidation a risk of temporary degradation of supply support to the Fleet Marine Forces could be encountered. During the Southeast Asia conflict, this risk was unacceptable. Now, with the culmination of the conflict and the drastic realignment of operating forces, it is mandatory that the costs to maintain the Marine Corps support establishment be reduced."

I believe anyone reading the papers today must realize that the world situation is potentially just as explosive now as it has been in the past several years during the Southeast Asia conflict. Our nation is already concerned about the oil fuels shortage we are already threatened with rationing of heating oils and gasoline. The conflict in the Middle East has already resulted in major naval forces realignment and alerts. It is an imprudent and irresponsible act, therefore, to experiment with transferring such an essential and efficient facility as the Marine Corps Supply Activity on the hypothesis that fives years later there may be, perhaps, some savings in budgetary costs.

Assistant Secretary Bowers concedes further difficulties which have not been properly reflected in the planning estimates—costs of recruiting employees. He wrote as follows to Mr. Sellers:

"The Marine Corps realizes that it may not be an easy task to recruit and train people to replace those current employees who choose not to exercise their right to transfer with their functions to the consolidated activity at Albany. However, it is believed that this difficulty will be minimized by the long lead time allowed for recruiting and training; i.e., from the present to January 1976 and the availability of required skills through the Department of Defense Priority Placement Program. In this regard, the Marine Corps is currently developing a time-phased plan for the consolidation of the Marine Corps Supply Activity at Albany. Requirements for recruiting and training will be an integral part of this plan."

But Assistant Secretary Bowers makes no provision for such contingencies as the current conflict in the Middle East. The availability of civilian employees is much, much greater in such a large community as Philadelphia, a major international seaport and airport as well as a major industrial and commercial center, than in Albany, Georgia. But what would happen if the Marine Corps Supply Activity would have to expand rapidly, as it was required to do so during the height of the Southeast Asia conflict. In brief, we believe that Philadelphia can afford a much better employee environment both during periods of rapid expansion and during periods of de-employment than a small community such as Albany, Georgia.

The foregoing considerations apply to the basic problem, seen from the standpoint of the national interest. As taxpayers and citizens we are concerned with that issue. We are also concerned with the issue of the impact of this action on the human beings directly affected—residents and citizens of Philadelphia and its environs.

According to the Marine Corps, on December 4, 1972, there were 1,132 employees of the installation. It is claimed that, after transfer to Albany, Georgia, and consolidation, there will be a need for only 948 of these employees, with 184 positions being reduced. Let us take these figures at face value, even though there are many reasons to believe they are inaccurate and overstate the reductions in force that will take place solely because of the geographical transfer of the activity.

Taken at face value, 948 employees are confronted today with serious problems of livelihood, uprooting, and expenses incidental to transfer. To what end? Supposedly, because five years from now the transfer allegedly will begin to save the United States money.

Moreover, the greater part of these savings comes from the alleged reduction in personnel costs arising from the firing of 184 employees. These are hypothetical savings, reflecting only alleged presumptive payroll costs. They leave out of account the costs of recruiting of new personnel; their training; travel and per diem for training and orientation; problems arising if the facility suddenly has to expand to meet a national emergency; and the host of other contingent costs, both in dollars and in human welfare, following such a transfer.

The transfer of this facility can be defended only if one takes a short-sighted and narrow view of costs. Even then, it can be scarcely justified, except by taking the further risk of assuming that the Supply Activity will be faced only with a diminishing

program, based on demobilizing the American military forces. It can be defended only if one takes a naive attitude that we have the end of all crises in the world and from now on the future is only one of coasting along.

Who is to pay the price for this attitude. First, the American people and taxpayer. Secondly, immediately and personally, the 184 employees who will be reduced in force and the 948 other employees who will be faced with problems just as great, perhaps greater, than those who were fired. These 948 employees must face the fact of being uprooted, dislocated, removed from the community where they now live and integrated into a community much smaller and less able to provide them with housing, schools, and other facilities available in Philadelphia.

In short, it is not 184 employees who are being reduced in force. There are 948 other employees who will have the order and rhythm of their homes and families disrupted, solely to carry out the alleged, unproven saving of money five years from today. The social costs are alienation, poor education, family disruption, reduced efficiency of the work force. In short, the costs are much greater to the United States than any potential savings, five years hence, which the Marine Corps can allege.

For these reasons, we earnestly ask your Committee to deny the Marine Corps the funds, which were generated out of the taxes of the American people, including the taxes of these employees, to carry out this imprudent and unwise experiment in budgetary planning. The American people can use those $5.2 million to better advantage. Put them into schools; put them into social security benefits for the aged; put them into urban renewal; put them in cleaning up our air and water. Do not waste them on an unnecessary transfer of any activity which may not save any money in the future despite allegations of economy and will divert funds today from an efficient, proven facility.

Our nation must preserve its human, natural and fiscal resources. We cannot afford to squander any of these as we have done in the past. For this reason, we urge that the Marine Corps Supply Activity remain in Philadelphia, both in the national interest and in the interest of the community which has supplied its personnel for many years and which has built up a viable resource around it for our nation.

STATEMENT OF FORREST W. SELLERS

I am Forrest W. Sellers, President, Local 89, American Federation of Government Employees, which represents the civilian employees of the Marine Corps Supply Activity under the provisions of E.O. 11491. On behalf of these employees I should like to submit to you testimony which analyzes the alleged savings the Marine Corps claims will arise from this transfer. As you will recognize from this analysis, these savings are illusory and are predicated on assumptions which are invalid.

Mr. Sims has already indicated to you some of the considerations, including national security, why this transfer should not be authorized. Besides challenging the costs figures, I shall concentrate my summary on the impact this transfer will have on human beings.

4.9 MILLION "COST AVOIDANCE" FIGURE: IS THIS AN ACCURATE PROJECTION?

The 4.9 million dollar "cost avoidance" figure includes the following:

1. $191,000 for a standby generator for Data Processing equipment.
2. $67,000 for a sprinkler system.
3. 4.66 million dollars for air conditioning various buildings.

It appears questionable that 4.9 million dollars could be legitimately claimed as a cost avoidance when 4.6 million for air conditioning has never been incorporated into the military construction budget. Only funds for a sprinkler system and a standby generator are incorporated into the budget. One wonders if the air conditioning would ever have been assigned high enough priority to be incorporated in the military construction budget if the cost avoidance factor would not have been conducive to the proposed relocation. The Department of the Navy stated MCSA is old and in need of a modernization program. In 1965 MCSA said the Philadelphia building is structurally sound and sufficient. The aforementioned statement was made in a letter written by General Butcher, Commanding General of the MCA and is contained in the Congressional Record, in 1965. Secondly, extensive modernization has been made to MCSA since that time. The modernization included but is not limited to: installation of new elevators, new lighting, tile flooring, new roofing, and new windows; painting and pointing of various buildings, relocation and renovation of bathrooms, and other modernization. Thirdly, Inspectors of the Northern Division, Naval Facilities Engineering Command, and Headquarters, Marine Corps make periodic inspection of the buildings at MCSA. I am advised that the 1972 report of NFEC listed only two principal items: the installation of the standby generator for data processing equipment and installation of a sprinkler system. As stated in the above paragraph, the projected cost to install these two items is only 258,000 dollars.

It is noted that Marine Corps Headquarters used as a justification for not effecting the program request for air conditioning the fact that there were higher Marine Corps priorities stemming from operational requirements and personnel facility requirements associated with Zero Draft/Project Volunteer. It should be noted of course that to attempt to justify the expenditure of more than 5.2 million dollars for construction in Albany, Georgia, the Department of the Navy uses this as cost avoidance.

The Acting Assistant Secretary of the Navy has stated that activities are curtailed or completely closed down during the summer months because of the lack of air conditioning in most areas. It should be noted that the times it has been necessary for employees to go home because of humidity/heat were *relatively few*, and at no time is the activity completely closed down due to lack of air conditioning in the building. However, I am advised that the conditions in Albany, Ga., in the nontemperature controlled warehouses and in the non-office space in the repair division, make it necessary that the employees be allowed to go home at various times because the temperature/humidity reaches a high proportion. It has also been stated by the Acting Assistant Secretary of the Navy that the efficiency of the employees drops during periods of high heat and humidity because of the lack of air conditioning. It is noteworthy that MCSA was given an award for efficient operation by Headquarters Unit from the Secretary of the Navy for exceptional meritorious achievement; this in itself shows the efficiency of the employees has remained high.

5.2 MILLION COSTS FOR CONSTRUCTION OF NEW BUILDING: IS THIS ACCURATE?

Based on our research, the figure of 5.2 million dollars to construct a building in Albany, Georgia is exceedingly low. If the building is constructed in 1974 or 1975, we project that figure could go as high as *8 million dollars*.

OPERATIONAL COSTS: ARE THESE ACCURATE?

In reference to overall costs of operations in Philadelphia, there has already been a sizeable drop in cost as a result of the reduction in workload because of the cessation of hostilities in the Southeast Asia area. Twenty-six civilian billets have already been eliminated at a cost of 10.5 thousand dollars each and this will amount to more than 260,000 dollars. We anticipate there will be additional billets in the Philadelphia employment as a result of new program changes that will be eliminated and this will increase this figure to over ½ million dollars.

EMPLOYEES: WHAT HAPPENS TO THEM?

Mr. Chairman, we would be remiss if we did not bring up the most important project in running this operation and that is the people. Here we have some 1100 employees well trained, well equipped to meet all of the operational needs. Some have worked in this one building for more than 30 years. The tremendous impact which will occur on the lives of these people by relocating this activity unnecessarily to Albany, Georgia should not be expected by those who have contributed dedicated, unselfish service to the United States Government in carrying out its mission. Sufficient employees will not be able to be secured in Albany to carry on this function and even if they could secure employees, it will take a considerable number of months to train them to work efficiently.

HOUSING: WILL IT BE AVAILABLE?

The average grade of the civilian employee at MCSA is 7.94 and as such they could not afford a three bedroom house in Albany as such house in the spring of 1973 was selling between $29,000 and $35,000. It is noted that 70% of MCSA employees are GS-9 and below and couldn't afford to purchase such a house. In fact, Mr. Chairman, there is insufficient low income housing to meet the needs. Although the average earnings are $10,000, I would like to bring to your attention some statistics in terms of lower grade employees:

Grade, Number of people:	Salary
GS-2, 25	$5,432
GS-3, 68	6,128
GS-4, 97	6,882
GS-5, 107	7,694
GS-6, 38	8,572
GS-7, 112	9,520
GS-8, 3	10,528
GS-9, 242	11,046

It appears as a result of conditions that will exist there so far as living some 800 of the 1118 employees on the rolls will not be able to transfer. Therefore it will cost the U.S. Government multiple hundreds of thousands of dollars in severance pay; when we add to that early retirement, the cost will run in the millions. None of this shows up in the budget project submitted by the Marine Corp, even though these are real cost which the American taxpayer will have to bear.

STATEMENT OF FORREST SELLERS, PRESIDENT, LOCAL 89 AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TO THE SUBCOMMITTEE ON MILITARY CONSTRUCTION OF THE SENATE COMMITTEE ON APPROPRIATIONS

I am Forrest Sellers, President, Local 89, American Federation of Government Employees, which represents the civilian employees of the Marine Corps Supply Activity, Philadelphia, Pennsylvania, under the provisions of Executive Order 11491.

I am most grateful to the Subcommittee for the opportunity of appearing before you on October 9, 1973 to express my opposition to the proposed transfer of the Marine Corps Supply Activity to the Marine Corps Supply Center, Albany, Georgia. I submit the following statement to you primarily to provide (1) written responses to questions regarding my statement of October 9th, (2) additions to comment upon data made available to me at and after the hearing of October 9th and (3) amplification of several of my re-

marks. Secondly, for purposes of simplicity and convenience, I have incorporated into this statement the substance of my previous statement. My sentiments, therefore, can be secured solely by reviewing this statement. I respectfully request that this statement be inserted into the record of these hearings.

On behalf of the employees at the Marine Corps Supply Activity I should like to submit to you testimony which analyzes the alleged cost and the alleged savings the Department of the Defense (DoD) claims will arise from the proposed relocation. As you will recognize from this analysis (1) the alleged savings have decreased significantly, (2) the alleged costs have increased significantly and (3) several assertions of DoD are in error.

TOTAL ESTIMATED COST, UP, UPI

The Fact Sheet which DoD distributed to interested Congressmen/individuals lists under "Funding Impact" cost of 5.2 million dollars in military construction (MILCON) funds required to relocate the Marine Corps Supply Activity. The Hon. Jack L. Bowers, Assistant Secretary of the Navy for Installation and Logistics, in an enclosure to a letter written on 29 June 1973 to Mr. Royal L. Sims, National Vice-President of the American Federation of Government Employees, listed costs of 9,748,000 dollars to relocate the Marine Corps Supply Activity. The total estimated cost consisted of 5,204,000 dollars in MILCON funds and 4,544,000 dollars in Operations and Maintenance, Marine Corps (O&M, MC) funds. A preliminary report of a Marine Corps Task Group dated 22 June 1973 listed under Section IV total O&M, MC costs of 5,719,000 dollars—$1,175,000 more than listed in Assistant Secretary Bowers' letter of June 29th. The Hon. John W. Warner, Secretary of the Navy, in his letter of October 2, 1973 to Senator Richard S. Schweiker listed total estimated cost to relocate the Marine Corps Supply Activity as 11.0 million dollars. The cost consisted of 5.2 million dollars in MILCON funds and 5.8 million dollars in O&M, MC funds. The report of the Marine Corps Task Group and Secretary Warner's letter show, therefore, that (1) cost as listed by DoD officials in the Fact Sheet has increased 5,719,000 dollars and (2) cost as listed by DoD officials in Assistant Secretary Bowers' letter of 29 June has increased 1,175,000 dollars.

ARE DOD ESTIMATES OF TOTAL COST COMPLETE?

Notwithstanding the fact that DoD estimates of total cost have increased a minimum of 1,175,000 dollars, it appears that several indirect costs to the Federal government and to the taxpayers have been *excluded* from the cost estimates. Where in the estimates are the costs to the Federal government resulting from the early retirement of employees who would not transfer if the relocation is consummated? Where in the estimates are the costs to the Federal government for economic adjustment assistance rendered to the adversely affected community by the President's Inter-Agency Economic Adjustment Committee? Where in the estimates are the costs to the Federal government for displaced employees who would be eligible for unemployment benefits? Where in the estimates are costs to the Federal government to retrain employees who will be placed in new occupations in other agencies in the government?

5.2 MILLION DOLLARS COST FOR CONSTRUCTION OF NEW BUILDING: IS THIS ACCURATE?

The Marine Corps estimates that the cost to construct the proposed building at Albany will be 5,204,000 dollars. Several knowledgeable persons have advised me that the estimate is exceedingly low. First of all, I have been advised that labor and material in the construction industry are increasing a minimum of eight to ten percent per year. Assuming that the Marine Corps' estimate of 5,204,000 dollars is accurate, the cost to construct the proposed building in 1974 considering labor and material increases would be between $5,620,320 and $5,724,400. If the proposed building was constructed in 1975, the cost would be between $6,036,640 and $6,244,800.

Secondly, I have been advised that it appears the cost estimate does not contain any allowances for probable cost over-runs, modifications and other contingencies. I was advised, further, that considering cost overruns, modifications and contingencies, the cost of the building might go as high as 8,000,000 dollars.

WHAT IS THE TRUE COST OF THE PROPOSED RELOCATION?

Why was not the total estimated cost of 11.0 million dollars contained in Secretary Warner's letter not contained in the Fact Sheet which was initially distributed to interested congressmen and individuals? Why have several indirect costs to the Federal government been excluded from the cost estimates? DoD has increased the cost estimates by a minimum of 1,175,000 dollars. Will DoD increase the cost estimates again? What is the true cost of the proposed relocation?

ESTIMATED SAVINGS DOWN

DoD officials have stated in a number of letters and documents that the proposed relocation would result in estimated annual savings of 2,610,000 dollars.

The Installation Facility Data, attached as an enclosure to Assistant Secretary Bowers' letter of June 29th, shows that 804,000 dollars of the alleged savings would result from a reduction in military pay, and the remaining 1,806,000 dollars of the alleged savings would result from a reduction in *civilian pay/other O&M, MC areas*. Secretary Warner shows in the aforementioned letter that the alleged savings would result solely from reductions in personnel. Sources of the alleged savings as depicted in the two preceding references are not in agreement. One wonders, therefore, how reliable are the estimates of alleged savings. Secondly, the civilian and military billets alleged to be eliminated have not been identified by DoD officials. I have been advised, moreover, that the Table of Organization (T/O), which would reflect reductions resulting from the proposed relocation has not been completed to date.

Thirdly, the Fact Sheet cites that the alleged personnel savings are predicated upon the following reductions in the T/O in effect on December 4, 1972: civilian billets being reduced from 1132 to 948 and military billets being reduced from 431 to 381. Fourteen civilian and six military billets have been eliminated already. This reduction—resulting in estimated savings of 210,000 dollars—is documented in the Civilian-Military Complement Record of the Marine Corps Supply Activity. An additional twenty military billets are scheduled to be eliminated in the Data Processing Division of the Marine Corps Supply Activity during the next two years. These reductions of 40 billets would result in total estimated savings of 420,000 dollars. It is to be emphasized that this savings of 420,000 dollars would occur before the time of the proposed relocation and is not related in any way to the proposed relocation. These savings would reduce the alleged savings resulting from the proposed relocation.

Fourthly, a preliminary report of an on-site manpower survey team from Headquarters, Marine Corps recommended several months ago that thirty-one civilian and military billets in addition to the forty civilian and military billets cited in the above paragraph be eliminated. If the latter mentioned thirty-one billets are eliminated, DoD alleged savings of 2,610,000 dollars resulting from the proposed relocation would be reduced by 745,500 dollars.

Finally, it is anticipated that there will be additional personnel reductions at the Marine Corps Supply Activity not related to the proposed relocation because of reduction in workload due to the cessation of hostilities in the Southeast Asia area.

$4.9 MILLION "COST AVOIDANCE" FIGURE: IS THIS A LEGITIMATE CLAIM?

DoD Officials stated in a number of letters and documents that military construction at the Marine Corps Supply Activity totaling 4,924,000 dollars could be avoided if the proposed relocation is accomplished. The 4.9 million dollar "cost avoidance" figure includes the following items:

a. 191,000 dollars for a standby generator for data processing equipment.

b. 176,000 dollars for a sprinkler system. The original estimated cost of this project was 67,000 dollars.

c. 4.6 million dollars for air conditioning various buildings.

Mr. Witt stated in his letter of June 12, 1973 to Senator Schweiker that air conditioning of the Marine Corps Supply Activity "has not been effected up to now because of higher Marine Corps priorities stemming from operational requirements and personnel facility requirements associated with Zero Draft/Project Volunteer".

It is questionable that 4.9 million dollars could be legitimately claimed as a cost avoidance when 4.6 million dollars for air conditioning has never been incorporated into the military construction budget. Only funds for a sprinkler system and a standby generator have ever been incorporated into the budget. One wonders if the air conditioning would ever have been assigned high enough priority to be incorporated in the military construction budget if the cost avoidance factor would not have been conducive to the proposed relocation.

Secondly, enclosure (2) to the Commandant of the Marine Corps letter of August 3, 1972 (Subj: Guidance for Facility Planning and Programming) stated that the six-year dollar limitation for military construction at the Marine Corps Supply Activity for Fiscal Years 1974 through 1979 would be $2.0 million. The aforementioned limitation renders it impossible to install air conditioning at the Marine Corps Supply Activity during the six-year period. The Director of MCSA Office of Supporting Services letter of 13 September 1972 to MCSA Chief of Staff collaborated the situation.

The Hon. Edward J. Sheridan, Deputy Assistant Secretary of Defense, stated in his letter of 14 June 1973 to Senator Richard S. Schweiker that the Marine Corps Supply Activity is old and desperately in need of a major modernization program.

Marine Corps Major General J. O. Butcher, Commanding General of the Marine Corps Supply Activity in 1965, stated in a letter that "the present permanent buildings at 1100 South Broad Street (Marine Corps Supply Activity) are structurally sound and are sufficient for orderly satisfaction of all anticipated requirements with remaining space still available for possible additional expansion."

The opinion expressed by General Butcher was subsequently incorporated into the Congressional Record.

Secondly, extensive modernization has been made to MCSA since that time. The modernization included but is not limited to: installation of new elevators, new lighting, tile flooring, new roofing, and new windows; painting and pointing of various buildings, relocation and renovation of bathrooms, and other modernization.

Thirdly, Inspectors of the Northern Division, Naval Facilities Engineering Command, and Headquarters, Marine Corps make periodic inspection of the buildings at MCSA. I am advised that the 1972 report of NFEC listed only two principal items: the installation of the standby generator for data proc-

essing equipment and installation of a sprinkler system. As stated in the above paragraph, the projected cost to install these two items is only 367,000 dollars.

Fourthly, if General Butcher's statements were accurate, it must be concluded that the buildings at MCSA are structurally sound and sufficient today because the buildings are in better condition today than they were in 1965.

HEAT/HUMIDITY DOES NOT COMPLETELY CLOSE DOWN MCSA

Deputy Assistant Secretary of Defense Sheridan in his aforementioned letter stated also that many of the supply operations at the Marine Corps Supply Activity are curtailed or completely closed down during the summer months because of the lack of air conditioning in most of the office spaces.

It should be noted that the times it has been necessary for employees to be released early because of the heat/humidity have been relatively few and at no time has the Activity been completely closed down due to lack of air conditioning in the buildings. Approximately 40 percent of the office/conference room spaces at the Marine Corps Supply Activity are air conditioned. Air conditioned spaces include the following offices: The Commading General, the Chief of Staff, the Deputy Chief of Staff, all division directors, and various other offices in each division. Persons in air conditioned spaces are not released early due to heat/humidity—only persons in non-air conditioned space are released. Thus, at no time is the entire Activity completely closed down due to heat/humidity.

Secondly, when management deems it prudent to release employees in non-air conditioned spaces, divisions normally retain one or more key employees in each branch—including persons in non-air conditioned space—to process emergency/priority work.

EMPLOYEES AT MCSA ARE EFFICIENT

Former Acting Assistant Secretary of the Navy Hugh Witt stated in his letter of 12 June 1973 to Senator Schweiker that the efficiency of the employees drops during periods of high heat and humidity because of the lack of air conditioning. It is noteworthy that the Marine Corps Supply Activity was awarded a unit citation from the Secretary of the Navy on June 15, 1968 for "Exceptionally meritorious achievement in the performance of outstanding service in carrying out assigned duties . . .". The award substantiates that the efficiency of the employees at the Marine Corps Supply Activity is high.

ARE SUFFICIENTLY TRAINED PERSONNEL AVAILABLE IN ALBANY?

Deputy Assistant Secretary of Defense Edward J. Sheridan in his letter of 14 June to Senator Richard S. Schweiker stated the possible loss of specific talents possessed by employees who cannot relocate was recognized as a major problem in the relocation.

Assistant Secretary of the Navy Bowers stated in his letter of 19 July 1973 to me:

The Marine Corps realizes that it may not be an easy task to recruit and train people to replace those current employees who chose not to exercise their right to transfer with their function . . .

A Marine Corps Task Group in a preliminary report of June 22, 1972:

"Certain critical functions most seriously affected by the non-relocation of key civilian personel require augmentation by military personnel in order to ensure a reasonable degree of continuity."

Why is the military augmentation required if there are sufficiently trained personnel in Albany?

In the event that the proposed relocation is consummated, who will staff the positions if it becomes necessary to pull out the military personnel in an emergency?

Is it not true also that a number of previous Marine Corps studies—including the Dillard Study of 1970–71—recommended against the proposed relocation because of the lack of sufficiently trained personnel?

IS THERE ENOUGH LOW INCOME HOUSING IN ALBANY?

Former Acting Assistant Secretary of the Navy Witt stated also in his letter of June 12th, that the cost of three bedroom homes in Albany in the Spring of 1973 ranged between $29,000 and $35,000. As shown below, more than 70 percent of the employees at the Marine Corps Supply Activity are GS–9 (or equivalent) and below:

Grade, number of people,[1] and salary		
GS–2	25	$5,682
GS–3	68	6,408
GS–4	97	7,198
GS–5	107	8,055
GS–6	38	8,977
GS–7	112	9,969
GS–8	3	11,029
GS–9	242	12,167
Wage grade	69	------

[1] Employees on board as of 30 May 1973.

These 771 employees normally would not secure or support a $29,000 to $35,000 mortgage based upon their income. Mr. Witt stated also that the cost of four bedroom homes in Albany in the Spring of 1973 ranged between $35,000 and $42,000. Four bedroom homes would, therefore, be limited to the select group of employees equivalent to GS–12 and above. Most of MCSA employees who lack sufficient income to purchase a $29,000 to $42,000 home in Albany now live in decent adequate row/semi-detached homes in Philadelphia and vicinity ranging between $12,000 and $22,000.

EMPLOYEES—WHAT HAPPENS TO THEM?

Mr. Chairman, we would be remiss if we did not bring up the most important project in running this operation, and that is the people. Here we have some 1100 employees well trained, well equipped to meet all of the operational needs. Some have worked in this one building for more than 30 years. The tremendous impact which will occur on the lives of these people by relocating this activity unnecessarily to Albany, Georgia should not be *expected* by those who have contributed dedicated, unselfish service to the United States Government in carrying out its mission.

In closing, I wish to reiterate that it is apparent that the rationale advanced by DoD officials to support the proposed relocation contains a number of defects. The major defect is that alleged savings of 2,610,000 dollars have decreased significantly, while total estimated cost has increased significantly. Another major defect is that several costs have been excluded from the estimates. A third major defect is that there are official documents to prove that the alleged cost avoidance of 4,924,000 dollars is invalid because Headquarters, Marine Corps was not going to allocate MCSA sufficient funds during Fiscal Years 1974 thru 1979 to air condition the buildings. A fourth major defect is that it is questionable that adequately trained civilian personnel are available to staff the proposed transferred positions.

I wish to emphasize that the abovementioned statements are not made to be critical of any individual or agency, and identification of individuals and/or various agencies was for purpose of required documentation. I served as a Budget Analyst and a Budget/Accounting Analyst for the Federal government for eight years, and I know the difficulty in compiling meaningful estimates three years in advance. In my opinion, however, it would not be prudent or in the best interest of the Federal government, the taxpayers or MCSA employees to recommend appropriation of the 5.2 million dollars based upon data presented by DoD to date. I respectfully request, therefore, that you, the members of the Military Construction Subcommittee, recommend disapproval of the proposed appropriation.

U.S. SENATE,
Washington, D.C., November 1, 1973.

Hon. RICHARD S. SCHWEIKER,
Ranking Minority Member, Senate Appropriations Committee on Military Construction, Dirksen Senate Office Building, Washington, D.C.

DEAR DICK: I am writing to let you know of my concern for the proposed appropriation of $5.2 million to relocate the Marine Corps supply activity from Philadelphia, Pennsylvania to Albany, Georgia.

As you know, the $5.2 million is needed to construct administrative facilities to adequately house Marine Corps supply activity personnel to be moved to Albany, Georgia. Reliable witnesses have appeared before your Committee to refute the overall estimates of cost and savings attributed to the move as presented to your Committee by the Department of Navy. This testimony shows the overall cost to the government, maintenance, construction, relocation, etc., will be less if the facility remains in Philadelphia.

Specifically, the $5.2 million cost of the needed renovation at Albany, Georgia, could go as high as $8 million when the construction is completed in 1974–75. Also, the Department of the Navy does estimate it will save $4.9 million in "cost avoidance" by moving the supply operation. $4.6 million of this estimate is for air conditioning—a cost never incorporated into the military construction budget.

Therefore, in view of the above, and other questions raised in the testimony, I respectfully request that the $5.2 million not be appropriated until it is clearly shown to be in the best interest of the Government.

With kind regard,

Sincerely,

HUGH SCOTT,
U.S. Senator.

Mr. SCHWEIKER. Mr. President, I am not satisfied that the Department of Defense has properly evaluated this proposal and I regret that funds are provided in this bill which will begin the transfer. As the ranking Republican on the Appropriations Subcommittee on Military Construction I conducted hearings on this important subject. Also, I was able to have this specific appropriation item deferred to the full Appropriation Committee for consideration. I felt that the full committee should have the opportunity to evaluate and consider the necessity for the transfer and thus the need for $5.2 million to begin construction of a facility in Albany, Ga. During the Appropriations Committee deliberations on this bill, I presented the various issues involved including the points of view of the employees, the content of the Dillard study I mentioned earlier, and the testimony presented at the hearings which I chaired. I requested a vote on this specific item and was disappointed that the committee by a vote of 10 to 6 failed to adopt my recommendation that the funds be deleted from the bill.

Mr. President, I repeat, this appropriation item is unnecessary, unjustified and will result in severe hardships for the city of Philadelphia and particularly for the many employees whose loyal service to the Federal Government is being overlooked for no good reason.

Mr. GOLDWATER. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. GOLDWATER. Mr. President, it has been my pleasure and privilege to serve on the Board of Visitors of the Military Academy, which we call West Point. I want to express my appreciation to the committee for having included $20 million to commence the building of a new hospital. This is very badly needed. The present hospital has been there since 1923. It has been enlarged sort of piecemeal from time to time, and I know that this is not a satisfactory way to produce the proper kind of hospital.

I speak with some experience in this matter, because I have been a member of the board of three hospitals in this country. I know the per-square-foot cost to be very high in their construction. I know that at West Point the per-square-foot cost to build anything is ridiculously high, because we have never been able to acquire the proper construction facilities, unions, and so forth, in the close proximity of the academy.

Mr. President, while $20 million will not exactly finish this hospital, it will get it started. I am very gratified, and I know that I speak the gratification of the entire Board of Visitors and the staff of West Point when I express thanks to the committee for this fine job.

Mr. MANSFIELD. Mr. President, I wish to express the thanks of the committee, to the distinguished Senator from Arizona, who has been leading the fight for this item for more months than, frankly, I care to remember. I think he and the Academy have achieved success. We have been assured by the Army that this will be sufficient to take care of its needs. They are very much pleased with the proposal, and we hope that the House will agree in conference.

May I say that the Senate figure, despite its almost 10 percent cut from the administration's request, is $61 million above that of the House. But of that $61 million, more than half is the result of new items—the $20 million for the hospital at the Military Academy at West Point and $12 million for Culebra, off Puerto Rico, by means of which a pledge given by three Secretaries of Defense is being honored. This matter, we hope, now is on the way to a final solution.

Other islands, uninhabited, have been found to carry out the gunnery practice and the like which the Navy considers desirable. It is our hope that the House will agree with what the Senate will do in the case of Culebra, that a commitment will be honored, and that this difficult situation finally will be brought to a head.

It was interesting to note that the chairman of the House Appropriations Subcommittee, Representative ROBERT L. F. SIKES, of Florida, stated that he would give the matter all consideration and keep an open mind if it was put into the Senate bill. He explained that he could not do anything because he had received no communication from the Navy. We did. This committee did receive a communication from the Navy. This request now has been honored and is in the bill. There, again, I want to say that a great deal of credit goes to the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), who, along with me, is managing the bill at this time on the floor.

Mr. SCHWEIKER. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. SCHWEIKER. I certainly agree with the distinguished majority leader's point on Culebra. I had the opportunity during World War II to serve on an aircraft carrier operating off Culebra, and we were using the island for bombing practice.

I also had the misfortune to see a very serious accident occur during World War II, when pilots from our carrier, by mistake, in bad weather conditions, bombed the observation tower, killing a number of men on the island of Culebra. This event did not receive wide publicity at the time because of war conditions. It did receive a Navy board of inquiry.

It seems to me that this is good, graphic proof of what can happen when somebody makes a mistake and you are near a population area. Fortunately, this did not affect civilians; but the fact that we bombed our own observation post, killing a number of officers and enlisted men at the time, shows how a bombing incident near civilians endangers civilian population.

I can well understand that the people who live there are concerned about it. So I am glad that we have bitten the bullet, and that we have, in fact, set a target date for phasing out the bombing operation there.

I hope, as the distinguished majority leader has said, that the House will listen to our point and will agree that this is a better way to proceed. I think it is only fair to the people of Culebra; and it is also a very good index of what we ought to be doing.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, because there will be a yea-and-nay vote. The bill is of sizable proportions. I think we ought to help some of our Members to be recorded.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, because of the fact that certain committees are holding important hearings this morning, I ask unanimous consent that the vote on the military construction appropriation bill occur at 12:15 p.m. today.

The ACTING PRESIDENT pro tempore. Does the majority leader ask that the provisions of rule XII be waived?

Mr. MANSFIELD. Yes.

The ACTING PRESIDENT pro tempore. Without objection, the appropriate section of rule XII will be waived.

Without objection, the vote will occur at 12:15 p.m. today.

Mr. THURMOND. Mr. President, the pending bill, which would provide $2,670,972,000 in appropriations for the fiscal year 1974 military construction program, deserves favorable consideration by the Senate.

This bill represents an increase of approximately $61 million over that approved by the House Appropriations Committee earlier this month but is nearly $300 million under the budget request.

It was pleasing to me that the Senate Committee approved a $1.3 million project at the Naval Station in Charleston, S.C., for a communication facility badly needed by naval forces there.

This facility would provide fleet broadcast communications and improve harbor control. The present transmitter buildings are overcrowded and in poor condition.

Mr. President, unfortunately the Senate committee did not approve about $6 million for enlisted and bachelor officer housing in Iceland. This request was taken out because the United States is presently negotiating for an agreement to insure retention of our forces there. While this money could be used only if suitable agreements are reached, it nevertheless would appear wise to provide the funds in the event a suitable agreement is reached.

Iceland is a very isolated area and our personnel there remain indoors most of the time. The present facilities are totally inadequate and if this funding is not restored and an agreement is reached, our servicemen will have to wait an extra year to receive suitable housing.

Mr. President, overall the committee has done an outstanding job on this bill. However, I hope the conferees will give serious consideration to the House position of leaving the Iceland projects in the bill, on the proviso that a suitable agreement might be reached.

Mr. BAKER. Mr. President, I wish to commend the chairmen and members of the Senate Armed Services and Appropriations Committees for providing $12 million in the military construction appropriations bill, presently pending before the Senate, to effect the transfer of the Atlantic Fleet Weapons Range from the inhabited island of Culebra to the two uninhabited islands of Desecheo and Monito.

This transfer was ordered by the Secretary of Defense on May 24, 1973, and it represents the fruition of efforts by many to end the Navy's use of this tiny island east of Puerto Rico as a target for naval weapons. For years, the Navy claimed that Culebra was essential to the national security as a target for ship-to-

shore and aerial bombardment until 1972, when two studies conducted by DOD concluded that there were other islands in the general vicinity that were uninhabited and that would serve the same purpose. Thus, Senator HUMPHREY and I introduced legislation, cosponsored by 38 Members of this body, to force the Navy to move elsewhere for their target practice; and I was very pleased to see Elliot Richardson, in his last action as Secretary of Defense, order the Navy to complete such a transfer by July 1, 1975.

The questions of how to effect the transfer and how to protect Culebra's unique environment from uncontrolled development remain to be answered. However, I am confident that the Department of the Interior, the Navy, and the Government of the Commonwealth of Puerto Rico can work out these details in the near future and that the transfer can be brought about as quickly and smoothly as possible.

The funds in the military constructions appropriation bill are essential to this purpose and I wish to thank once again the Senate Appropriations Committee for following through on this important matter.

ANNOUNCEMENT OF POSITION ON HELMS AMENDMENT RELATING TO BUSING

Mr. ALLEN. Mr. President, yesterday, November 19, 1973, it was necessary in the performance of my duties as U.S. Senator from Alabama to be absent from the session of the Senate. On that date, Hon. Howard H. Callaway, Secretary of the Army made an official inspection tour of Fort McClellan, one of the Nation's great military bases, near Anniston, Ala., as part of a survey that is being made by the Defense Department to determine the future mission of Fort McClellan and other military bases throughout the country. Along with Congressman BILL NICHOLS of the Third Congressional District of Alabama, I accompanied Secretary Callaway on his inspection trip to Fort McClellan to be of such assistance as I could in assisting the Secretary in arriving at a decision that would make the best possible use of Fort McClellan and its facilities and would best serve the national interest.

I regret that my necessary absence from the Senate yesterday caused me to miss the further deliberations of the Senate on the energy bill as well as the votes that were taken on amendments and on final passage.

I might state specifically as to the Helms amendment, which would have prevented the forced busing of schoolchildren and the use of gasoline for that purpose, I am a cosponsor of the amendment and had I been present in the Senate when the amendment was called up and the motion to table was made I would have voted against the motion to table in order that we might have then moved on to voting in favor of the Helms amendment.

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ORDER FOR PRINTING OF S. 2589, AS PASSED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2589 be printed as it passed the Senate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12:10 p.m.

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

Thereupon, at the hour of 11:50 a.m., the Senate took a recess until 12:10 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore (Mr. METCALF).

AUTHORITY FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT NOT LATER THAN MIDNIGHT, NOVEMBER 28, 1973

Mr. ERVIN. Mr. President, I ask unanimous consent that the Committee on Government Operations be permitted to file its report on S. 1541 no later than midnight, November 28, 1973.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MILITARY CONSTRUCTION APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on H.R. 11459.

Mr. MANSFIELD. Mr. President, this is the appropriation bill for military construction?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. STENNIS) would 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 New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. MCCLURE) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), and the Senator from Hawaii (Mr. FONG) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from Hawaii (Mr. FONG) would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 510 Leg.]

YEAS—88

Abourezk	Fulbright	Moss
Aiken	Goldwater	Muskie
Allen	Gravel	Nunn
Baker	Griffin	Packwood
Bartlett	Gurney	Pastore
Bayh	Hansen	Pearson
Beall	Hart	Pell
Bellmon	Hartke	Percy
Bentsen	Hatfield	Proxmire
Bible	Hathaway	Randolph
Biden	Helms	Ribicoff
Brooke	Hollings	Roth
Buckley	Hruska	Saxbe
Burdick	Huddleston	Schweiker
Byrd, Harry F., Jr.	Hughes	Scott, Hugh
Byrd, Robert C.	Humphrey	Scott, William L.
Cannon	Inouye	Sparkman
Case	Jackson	Stafford
Chiles	Javits	Stevens
Clark	Johnston	Stevenson
Cook	Kennedy	Symington
Cranston	Long	Taft
Dole	Magnuson	Talmadge
Domenici	Mansfield	Thurmond
Dominick	Mathias	Tower
Eagleton	McClellan	Tunney
Eastland	McGee	Weicker
Ervin	McGovern	Williams
Fannin	McIntyre	Young
	Metcalf	

NAYS—0

NOT VOTING—12

Bennett	Curtis	Mondale
Brock	Fong	Montoya
Church	Haskell	Nelson
Cotton	McClure	Stennis

So the bill (H.R. 11459) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill (H.R. 11459) was passed.

Mr. CANNON and Mr. ROBERT C. BYRD moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate insist on its amendments and requests a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MANSFIELD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. MCCLELLAN, Mr. SYMINGTON, Mr. CANNON, Mr. SCHWEIKER, Mr. MATHIAS, Mr. BELLMON, Mr. YOUNG, and Mr. TOWER conferees on the part of the Senate.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of calendar No. 388, S. 1868.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1868) to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community.

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

Mr. HUMPHREY obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senater yield to me briefly, without losing his right to the floor?

Mr. HUMPHREY. I yield.

PROGRAM

Mr. MANSFIELD. Mr. President, whether or not there will be any more votes this afternoon, I cannot say at this time. It is possible that there may be, so I would urge Senators to stay very close to the Chamber. There will be some matters taken up relative to the executive calendar, on which we are awaiting further information.

As the Senate knows, the two treaties which were reported by the Foreign Relations Committee unanimously will be voted on Monday. Again, we are awaiting word as to what time that vote will occur.

On the basis of the report made by the distinguished chairman of the Committee on Rules and Administration today concerning the nomination of GERALD FORD to be Vice President of the United States—and that nomination was reported unanimously, and debate on that nomination will begin immediately after the disposition of the two treaties on Monday next—the vote on the confirmation will not occur on Monday. Hopefully it will occur some time on Tuesday. The debate will not be too lengthy.

It is the present intention of the leadership, following the disposal of the nomination of GERALD FORD to be Vice President of the United States, to call up S. 2673, the so-called Saxbe pay bill.

That is the situation, as I see it, at the present time. As of now it does not look as if there will be any votes tomorrow. There will be a session, though.

I would hope that we could clean the calendar a little more today. I would hope it would be possible to dispose of the executive calendar. However, as I have indicated, that is a matter of waiting on events, and if an agreement is reached, announcement will be made as expeditiously thereafter as possible.

UNANIMOUS-CONSENT AGREEMENT TO TEMPORARILY LAY ASIDE PENDING BUSINESS AT ANY TIME

Mr. MANSFIELD. In view of the circumstances I ask unanimous consent that as the need arises—and the agreement will not be treated cavalierly—it be possible to lay aside temporarily the pending business at any time.

Mr. HUMPHREY. We understand that.

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

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

The Senate continued with the consideration of the bill (S. 1868) to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Don Henderson, of the Foreign Relations staff, Mr. Spiegel and Miss Albertson of my staff be allowed the privilege of the floor during the consideration of S. 1868.

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

Mr. HUMPHREY. Mr. President, the pending business relating to the restoration of the United States sanctions against Rhodesia as one of the important items of international policy, particularly at this critical time when we need to look towards the Continents of Asia and Africa for not only their cooperation but also, may I say, in terms of many of their resources.

Mr. President, U.S. violation of international sanctions against Rhodesia has seriously undermined some of our most fundamental foreign policy goals:

The United States is committed to the rule of law throughout the world and to upholding international treaty obligations. At a time when we are seeking binding international agreements in many areas—from international monetary reform to strategic arms limitations—we must do everything possible to make our own commitment to treaty obligations credible and to strengthen the international legal system.

Yet in violating sanctions we are breaking a treaty obligation to the United Nations and refusing to comply with international law. Article 25 of the U.N. Charter states that all member states are legally bound to comply with sanctions. The United States is a member state, and in fact we were the leading force in bringing about the United Nations and in securing the adoption of the charter. Section 5(a) of the United Nations Participation Act of 1945 gave the President express authority to implement sanctions when imposed by the United Nations.

The United States strongly supported the imposition of sanctions against Rhodesia in the Security Council—both in 1966 when the Security Council voted unanimously to impose partial mandatory sanctions and in 1968 when it voted unanimously to impose full mandatory sanctions.

So there it is, Mr. President, the law of the land. And a treaty is regarded as the supreme law of the land, just as is our Constitution. We are the only nation in the world to first support sanctions then pass a law requiring that we violate them.

This action can only weaken the international legal framework.

It should be clearly understood that the United States has more at stake in complying with international law than almost any other country in the world. For us to violate the law and abrogate international law in defiance of our treaty obligations is to invite international disorder and catastrophe.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. HUMPHREY. I would like to make my statement first. Afterward, I shall yield for a question.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator from Minnesota would yield very briefly, my only inquiry is whether the Senator from Minnesota intends to ask for a vote on this bill today.

Mr. HUMPHREY. No, I do not.

Mr. WILLIAM L. SCOTT. Mr. President, I thank the Senator from Minnesota very much.

Mr. HUMPHREY. Mr. President, I thank the Senator from Virginia.

We have the power to veto any United Nations resolution. When we refuse to comply with U.N. policy, we are setting a bad example for nations which do not even have a vote in the Security Council.

Our violation of international law has not gone unnoticed in the United Nations. The General Assembly has passed four resolutions calling on the United States not to implement the legislation

which requires our violation of sanctions. One resolution has been passed calling on us to repeal this legislation.

I am not arguing that the United States should allow the United Nations—even the international community as a whole—to determine our foreign policy. That is our prerogative. And in the sanctions on Rhodesia, we did determine our foreign policy under the terms of the United Nations Charter and under the United Nations Participation Act and by the vote in the Security Council. We must always have the courage to stand up for what we believe is right against international pressure.

But on this issue we have believed from the beginning that the international community was right, that sanctions should be imposed and made as effective as possible.

Mr. President, we must choose carefully the issues over which we are willing to run the risk of weakening international law and undermining the credibility of our treaty obligations. We must not run this risk to violate a policy which we have always believed in and participated in forming.

The United States is committed to the principles of human rights, racial equality and self-determination. These principles are basic to our philosophy of government. We believe we uphold them more rigorously than many other nations. We also believe that these principles have no boundaries—that human rights should be recognized by all nations.

As one of the world's largest multiracial states—with a black population second in size only to Nigeria's—we have a special obligation to promote racial equality both at home and abroad. The nonwhite nations watch our actions carefully to determine whether we are serious in our commitment to human rights and racial equality. If we do not uphold this commitment, we cannot expect these nations to trust our assertions that we are willing to work with them as equal partners in solving common problems.

By violating international sanctions against Rhodesia, we have seriously undermined the attempt of the world community to promote human rights, self-determination and racial equality in Rhodesia. Sanctions were imposed when the 5 percent of the Rhodesian population that is white declared independence from Great Britain for the purpose of maintaining and extending white supremacy. The United States now stands with South Africa and Portugal as the only three U.N. member states to openly and formally violate sanctions against this illegal minority regime.

We have given Ian Smith, the Rhodesian Prime Minister, considerable moral and economic support in his resistance to international pressure and in his determination to continue and strengthen white supremacy in Rhodesia. This is support he does not deserve, and surely it ought not to come from a nation that has committed itself in behalf of human equality and equal opportunity—"one man, one vote."

I understand the concern of those who argue that Rhodesia is being treated unfairly, not because the world should tolerate the denial of human rights, but because there are many other nations which deny these rights to their citizens and which are not subject to sanctions.

I want to explain what it is that makes the Rhodesian situation unique and why the United Nations, with the full support of the United States, decided to impose sanctions.

First, the world community is prevented from intervening where human rights are being denied in most nations, because of the principles of national sovereignty. The United Nations must be very careful about interfering in the internal affairs of sovereign states if it is to continue as an effective organization.

Rhodesia, however, is not a sovereign state. It has not been recognized by any nation in the world. It is still legally under the sovereignty of Great Britain—and Great Britain has come to the United Nations asking assistance in solving the Rhodesia problem.

Second, the United Nations has a special responsibility to promote human rights and self-determination in Rhodesia. One of the original purposes of the United Nations was to see that the transition from colonial rule to genuine self-determination be made as soon and as peacefully as possible. Because Great Britain could not bring about an end to colonial rule and assure self-determination for the people of Rhodesia without the use of force, she has asked the international community for support in fulfilling her obligation. Sanctions are the most powerful nonviolent weapon the U.N. has to perform this task.

Third, while it is true that human rights are violated throughout the world, racial domination is a particularly abhorrent form of oppression that has almost disappeared from the face of the Earth. The southern African States stand out as a tragic anachronism in a world that has recognized the injustices of racial domination and is committed to replacing it with self-determination.

It is true that in many African States rule by a white elite has been replaced with rule by an African elite. But nowhere in black-ruled Africa is a person prevented from entering the highest positions in government, because of the color of his skin. In the vast majority of African States, the farmers and the laborers exercise considerable power. Labor unions are especially strong in these states—while in Rhodesia those unions which are allowed to exist are rendered ineffective by harsh labor laws. Finally, nowhere in black Africa do elites have such a complete monopoly on power as do the Rhodesian whites; nor do black African elites exercise their power to enforce separate sets of laws for different racial or ethnic groups.

Mr. President, at a time when we badly need the cooperation of nonwhite states in resolving worldwide economic and political problems, we cannot afford to relax our position on racial equality and human rights. If, as Secretary of State Kissinger has stated, we want to build an effective world community, we must stand with the other states in the defense of these principles.

By the way, Mr. President, our distinguished colleague the Senator from Wyoming (Mr. McGee), who has served as a delegate to the United Nations and has worked very closely with many of the member states, particularly those from Africa and Asia, has told the Senate time and again that our position at the United Nations is slowly being eroded and destroyed, because of our violation of the U.N.-imposed sanctions on Rhodesia. Time and again we need the vote of an African State or an Asian State, and time and again we are reminded that we are in violation of international law and sanctions as imposed unanimously by the Security Council of the United Nations.

The United States is committed to encouraging international cooperation in bringing about the peaceful resolution of conflict. We have learned that violent conflict anywhere in the world can easily grow to involve the United States and other major powers. We have learned that conflict can be avoided or minimized through cooperation and negotiation with other countries.

The Vietnam experience has taught us that it is crucial that international negotiations be as effective as possible—and that the international peacekeeping function of the United Nations be strengthened. And might I add, Mr. President, at this very time when we are seeking cooperation from member states of the United Nations in the peaceful settlement of the critical and dangerous problems of the Middle East, it is ever more important that we manifest by our actions a respect for and an obligation to the United Nations Security Council position.

Yet, in violating sanctions, we are undermining the international community's attempt to bring about a peaceful resolution of conflict.

Sanctions were imposed on Rhodesia, because it was recognized that the attempts of the white minority there to govern the black majority by force posed a serious threat to international peace and stability.

Since that time, violence in Rhodesia has been steadily growing and has spread to surrounding states.

The minority regime in Rhodesia has used increasingly oppressive means to govern the majority. All avenues for the peaceful expression of political opinion have been closed to the Africans. Many have turned to violence as the only means left to win some part in governing their country. The liberation movements are growing daily more powerful. Killings of whites by liberation movements and Government killings of blacks in retaliation have increased markedly in the past few months.

For the first time, liberation movements are striking from within Rhodesia rather than from across her borders. They are receiving assistance from the African farmers and recruiting new members.

This struggle is not now contained within Rhodesia and has increasingly involved surrounding states. Land mines along the Zambia border have killed

many Zambian civilians. Land mines along the Rhodesian side of this border have killed Rhodesian soldiers. South Africa has sent troops to Rhodesia. In the last few months we have read reports of Rhodesian soldiers crossing the border into Mozambique and killing villagers there.

If sanctions fail to bring about a peaceful negotiated settlement to this conflict, the violence is certain to grow; and the threat to international peace and stability will become far greater.

But there is also more hope now than ever before that sanctions will bring about a negotiated settlement in Rhodesia.

Pressure is mounting within Rhodesia for a settlement. In the past year, a new African political party has won broad popular support in Rhodesia. This party, headed by Bishop Abel Muzorewan, is committed to nonviolence and a gradual transition to majority rule with minority rights.

International economic pressure is also growing. Although sanctions have not been entirely successful, they have resulted in economic stagnation for a country that was growing rapidly before they went into effect. The recent closing of the Zambia border, and the halting of all Zambian goods through Rhodesia, have significantly increased the economic pressure on the minority regime to negotiate.

International economic pressure is certain to become even greater in the future. On May 22, the Security Council passed a resolution calling for a strengthening of the sanctions program. The member states expressed a desire to make their own sanctions policies more effective; and the methods adopted to detect the shipment of Rhodesian products through other African countries should close the biggest gaps in the sanctions program.

The United States can now either join the other nations in the U.N. in the effort to make sanctions more effective—or become increasingly isolated as an importer of Rhodesian goods.

We can either continue to give moral and economic support to the minority regime's efforts to hold out against all pressure, or we can make that pressure more effective by depriving the regime of one of its few "allies." We can either contribute to this major international effort to bring about a peaceful resolution of conflict, or contribute to the growing violence.

A return to sanctions will not bring a negotiated settlement in Rhodesia overnight. But it will help. Our own violation of sanctions has convinced Ian Smith that the international community is not serious about sanctions. He hopes that eventually the other nations will follow the U.S. lead and abandon sanctions entirely. A return to sanctions by the United States will help convince him that the rest of the world is indeed serious in its commitment to bring about an end to force-imposed white supremacy in Rhodesia.

We have argued consistently for a peaceful transition to majority rule in southern Africa. We could much more effectively convince others to support this policy—rather than calling for a violent solution to the problem—if we were doing everything in our power to make sanctions work.

Finally, we have developed an effective system for keeping out those Rhodesian products still covered by sanctions. We could convince others to use these same methods in making international sanctions more effective if we did not have such a big hole in our own sanctions policy.

Mr. President, we cannot afford now to undermine one of our most important foreign policy objectives: International cooperation in bringing about negotiated settlements to conflicts.

I have just left a meeting of the Committee on Foreign Relations and have heard the distinguished, capable, and talented Secretary of State Kissinger remind every member of that committee of the great importance of international cooperation in bringing about a negotiated settlement in the Middle East. The United States is appealing to the whole world to help bring about a settlement based on the United Nations cease-fire and the United Nations resolutions relating to the Middle East.

This is no time for us to be a violator of the United Nations Security Council resolutions at the very time the safety of this country depends on the peaceful settlement of the dangerous and continuing problems in the Middle East.

We have committed our country to a course of negotiation and of peaceful conduct, in the hope of being able to bring about a just and enduring peace in the Middle East. We are using the United Nations, working through it, and backing it up; yet, in the instance of Rhodesia, we scorn the United Nations. We pass laws ordering the Government to violate the treaty obligations of this country, which is like passing a law to violate the Constitution of the United States.

Violation of sanctions has not brought the national security and economic benefits its proponents assumed it would.

Many believed that compliance with sanctions against Rhodesia made the United States dangerously dependent on the Soviet Union for a "strategic material"—chrome ore. Yet, violation of sanctions has not decreased our use of Soviet chrome. In 1972, the Soviet Union accounted for 58 percent of our chrome imports and in the first 5 months of 1973 it accounted for 52 percent of our imports—the same share it had during sanctions. The greatest decrease in our chrome imports has come in our imports from Turkey—a NATO ally. Rhodesia has accounted for only 12 percent of our imports of chrome in 1972 and 3 percent in the first 5 months of 1973.

So, the argument; namely, that we had to get chrome from Rhodesia or we would have to buy it from Russia has proved to be fallacious, misleading, and not supported at all by the facts. What is more, we are looking for ways and means to do business with Russia. If we can find a way now to buy a product from the Soviet Union which this Nation needs—namely, chrome ore—and a product that is vital to our own national security, it seems to me it is rather foolish to argue that our purpose should be to exclude Soviet ore from our boundaries.

The national security argument for violation of sanctions is dubious in light of the overabundance of chrome in our national stockpiles. The administration stockpile release plan calls for the release of about 3 million tons of metallurgical grade chrome ore. In other words, we have more than we need. Mr. Peter Flanigan, head of the Council for International Economic Policy, stated:

> Access to Rhodesian chrome and other minerals is not an important element in U.S. security or our overall foreign economic policy given: (1) the substantial excess of our stockpile resources, and (2) the comparatively minor amounts we actually import from Rhodesia.

At a time when the United States is expanding trade with the Soviet Union on all fronts—and when the Soviet Union relies primarily on the United States for a "strategic material," aluminum oxide—this argument that sanctions will result in a dangerous dependence on the Soviet Union for chrome seems anachronistic indeed.

The economic benefits violation of sanctions was to have brought were lower prices for chrome ore and the preservation of jobs in the U.S. ferrochrome industry which processes chrome for use in the manufacture of stainless steel. That was the argument heard on the Senate floor.

In its "Statement for Relief from Excessive Imports" of this year the Ferroalloys Association wrote:

> The problem of domestic ferrochrome production is now critical. Imports of low carbon ferrochrome and chromium metal in 1972 captured 56 and 59 percent respectively of the domestic market. . . . Unless aid is forthcoming soon it will only be a matter of time until almost all domestic production of ferrochrome and chromium metal will cease and the bulk of our country's requirements will be supplied from and dependent on foreign production.

So what this means is that we are in a sense killing off our own ferrochrome industry to follow a policy that is a violation of international law. On the one hand we commit a crime against the world by violating international law and, second, we do grave injustice to workers, investors, and people in the ferrochrome industry in the United States, because we import rather than develop our own chrome processing industry.

Foote Minerals and Ohio Ferroalloys have announced the closing of ferrochrome plants in Ohio, both citing competition with imported ferrochrome as a major reason. Since Rhodesia accounts for 46 percent of the high carbon ferrochrome imported by the United States, it has played no small part in this threat to the domestic ferrochrome industry.

Those who argued that sanctions brought a rise in chrome ore prices failed to mention that the period when sanctions were in effect was also the period of highest world demand for chrome ore. All who have studied chrome prices dur-

ing sanctions agree that world supply and demand, not sanctions, was the primary force determining chrome prices.

We have heard testimony from members of industry, from the U.S. Steel Workers of America, who work in these factories, and not one supports the argument that sanctions were responsible for the high price of chrome.

Some are now arguing that the loss of Rhodesia as a source of chrome ore will result in a 20-percent rise in prices. It is hard to conceive of this great a change in prices resulting from the loss of the source of only 3 to 4 percent of our chrome ore, especially when Turkey is anxious to sell more chrome to the United States and could easily replace the Rhodesian exports.

In other words, here is an ally, to whom we have given much, that would like to be able to sell us something and, therefore, earn its way—anxious to export to us under legitimate procedures, in full compliance with international law and, instead, the United States says, "No, we want you to violate the law. We want you to ignore our allies." We tell the Turkish Government, "We do not need your ore. We prefer to buy from Rhodesia," violating international law and lending our name to white supremacy, turning our back on a faithful ally, Great Britain, and doing it all in the name of, what?—so-called national security; which, in this instance, may I say, is stretching that concept about as far as we are doing in other matters on the domestic scene.

Some will argue, as I said, that the price will go up. My answer to the argument, which is supported by so many in the committee, is that the available supply of chrome ore that can be brought into this country is more than enough to offset any loss that would come from our imposing sanctions once again on Rhodesia.

Those who once argued that inexpensive Rhodesian chrome was crucial in keeping the domestic ferrochrome industry alive are now arguing that the domestic ferrochrome industry is doomed to extinction. They hold that inexpensive Rhodesian ferrochrome is essential to keep the domestic stainless steel industry alive.

In other words, one argument ran out because it had no truth. Now we pick up another argument.

In evaluating this new set of predictions that compliance with sanctions will be extremely costly, it is important to keep several things in mind.

First, past economic arguments for violating sanctions involved equally dire predictions about the costs of maintaining sanctions and turned out to be totally false. This new set of arguments is as exaggerated and speculative as were the first arguments.

They assume that the United States cannot do what our stainless steel competitors—Japan and Germany—are doing successfully: Keep the domestic ferrochrome industry alive by investing in technological innovation and in foreign chrome ore production.

May I add that the Japanese and the Germans are not exactly incompetent in the industrial field, and the Japanese and the German stainless competitors are giving the American industry a run for its life. Japan and Germany invest in their plants, in technological innovation. Japan and Germany are able to find chrome ore within the framework of international law, in Turkey, Brazil, and elsewhere.

Second, we must remember that these arguments are being made by a very few companies with their own interests in mind. Union Carbide, which has substantial investments in Rhodesian chrome mining and ferrochrome processing, is the only American ferrochrome producer which will benefit from the continued importation of Rhodesian ferrochrome and the continued export of American jobs to Rhodesia.

I did not get elected to the U.S. Senate to be a special representative of Union Carbide. Only one American company benefits from our violation of an international law and of a treaty, and that is Union Carbide. In the process of Union Carbide getting profits from cheap Rhodesian chrome, they are taking jobs away from American workers who are the victims of inflation and who need work to pay their bills. Is it any wonder that the United Steelworkers of America—the union, if you please, that represents this great industry—has testified again and again in support of the measure that is before the Senate and has worked that the United States comply with the UN sanctions?

Speaking again of the American company, Union Carbide, a great company, a good company, but following a bad policy internationally, it is also the only ferrochrome producer advocating the continued violation of sanctions against Rhodesia.

The stainless steel industry is fearful that shifting from Rhodesia to other sources of ferrochrome might have some effect on the cost of this material.

We cannot allow a few industries to determine U.S. foreign policy, whether it is in ferrochrome or in oil. We have much more at stake here than the slight rise in ferrochrome prices that might result from a return to sanctions.

Third, the United Steelworkers, who represent workers in the stainless steel industry, are confident in their testimony that the cost of sanctions to their industry will be nil or minimal and that no jobs will be lost if sanctions are resumed.

No one is more concerned about jobs than the unions, and the United Steelworkers of America has said to the Senate of the United States:

> If you want to help us with some jobs, abide by international law and abide by the sanctions against Rhodesia.

But one company comes in here and says, "No, we would like to get this cheap ore in violation of the law," even though they could get the ore from Turkey or from the Soviet Union or some out of the U.S. stockpiles.

Believing that, as I. W. Abel, president of the U.S. Steelworkers, has stated, "the price of human dignity cannot be measured in terms of the cost of chrome in the U.S. market," the Steelworkers resent the use of this exaggerated argument about their jobs to continue violation of sanctions. They want no part of it; and I have been authorized by their representatives to say to this body that the United Steel Workers of America are unalterably opposed to the law that is on the books today which directs our Government to violate U.N. sanctions, and the United Steel Workers of America want S. 1868 passed.

Fourth, the specialty steel industry's arguments that they will not be able to obtain ferrochrome elsewhere once the Rhodesian source is gone are entirely false.

A major source of ferrochrome, now threatened by competition from Rhodesia, is our own ferrochrome industry. The stainless steel industry argues that it cannot buy domestically produced ferrochrome and continue to compete with German and Japanese stainless. Yet the Germans and Japanese not only use their own "high-cost" ferrochrome in the production of stainless steel—they export 108,000 tons ferrochrome each year.

My colleagues who are so concerned about a reliable source of chrome for the production of stainless steel for national security reasons must realize the strategic importance of maintaining a viable domestic ferrochrome industry. If this industry were not so threatened by competition from Rhodesia, where extremely low wages prevail, they would be free to invest in the new ferrochrome technology which could make them more competitive.

Let us just summarize then, Mr. President, on the argument about the competition from the Germans and the Japanese. The Germans and the Japanese have a domestic ferrochrome industry. As I have said, they not only use their own "high cost" ferrochrome in the production of stainless steel—but also, they export to the rest of the world 108,000 tons of ferrochrome from their respective countries each year.

Also, if we are unable to meet all our ferrochrome requirements through domestic production, we could import large amounts of ferrochrome from exporters other than Rhodesia.

For example, Japan, Norway, West Germany, and Yugoslavia export large quantities of ferrochrome. The first three export 100,000 tons each year, and the United States imports only about one-fifth of that. We happen to have good relationships with Japan, Norway, and West Germany. All three are democratic societies, with elections and parliamentary government: One man, one vote. Each of these three countries exports more than 100,000 tons of ferrochrome per year.

But what is the United States doing? Because of this business we have violated the U.N. sanctions. We buy one-fifth of their exports and we go around and buy a good deal from Rhodesia.

Finland produces 35,000 tons annually at prices lower than Rhodesia's, and Finland has always paid its bills, Turkey this year added 50,000 tons to its ferrochrome capacity. Brazil, India, and South Africa

are all rapidly increasing their ferrochrome production.

I must say most respectfully that if we are going to take a look at the possibility of production, we have to look to the Ferro Alloys Association and our Government to get statistical information. The association says and our Government says there is no problem of a world shortage of ferrochrome production capacity. Our own Government wants to sell from its strategic stockpile substantial amounts of ferrochrome. Indeed, they argue that the increase in ferrochrome production throughout the world has led to an oversupply.

There you have it, Mr. President, we have an oversupply of ferrochrome, and we had an argument here, in this Chamber, that the reason we have to remove the sanctions is we have to be able to get the ferrochrome we need because of the short supply. The truth is there is an overproduction of ferrochrome today and it appears there will be for some time in the foreseeable future.

Mr. President, the United States imports large quantities of Rhodesian ferrochrome not because it is the only source in the world, nor even because it is the least expensive source—but because a U.S. corporation, Union Carbide, has invested heavily in chrome mining and ferrochrome production in Rhodesia. In so doing, they have chosen to take advantage of the low wages that have resulted from the very conditions at which sanctions are aimed. And they have sacrificed the domestic ferrochrome industry and imports of ferrochrome from allies in the process.

But even worse than the economic factors involved, the involvement of one great American company, and it is a huge company, the important thing is that what we are doing is violating international law at a time when we are appealing to the whole world to live by law. What we are doing is putting our blessing upon a political system where 5 percent of the population rules the other 95 percent. What we are doing is putting our blessing upon white supremacy in black Africa. What we are doing is literally telling our allies, for example, a country like Great Britain, that we are going our own way to make an extra buck, regardless of the morality of the issue or the rule of law which has been an important part, I thought, of our heritage.

It must be remembered that the domestic stainless steel industry is protected against foreign competition in ways far more effective than the violation of sanctions. The Voluntary Restraint Agreement on stainless steel imports has, according to the steelworkers, more than adequately protected the steel industry against any adverse effects sanctions might have had on its ability to compete with foreign producers.

I had a little something to do with working out that agreement when I was Vice President. The Voluntary Restraint Agreement on Iron and Steel Imports, and representatives of the steel industry testified, as did the steelworkers, that they were very appreciative of the effort that was made. Now, we have given protection to the industry. It is time now that we give some protection to the rule of law.

The devaluations of the dollar—by 48 percent vis-a-vis the deutsche mark and by 36 percent vis-a-vis the yen—have greatly increased the United States stainless steel industry's ability to compete with the other two major producers. If the U.S. stainless steel industry needs more effective protection than it now has against foreign competition, there are much better, more direct, and more predictably beneficial ways of protecting it than continuing to violate sanctions against Rhodesia, imposed by our vote under the terms of the charter of the United Nations in the Security Council, sanctions against Rhodesia.

Mr. President, we have violated sanctions against Rhodesia in order to gain economic and national security advantages that have not materialized. We are now being asked to continue violating sanctions—in spite of the detrimental effects this policy has had on the domestic ferrochrome industry—for reasons as dubious as those which were first put forth put forth when we passed a law that ordered our Government to be a law-breaker.

And for these limited economic benefits, if there are any benefits at all, we are being asked to sacrifice some of our most fundamental foreign policy goals.

To maintain the credibility of our commitment to the rule of law throughout the world and to our international treaty obligations.

To prove our willingness to stand with the rest of the international community in the defense of human rights, racial equality and self-determination.

To further the goal of international cooperation in the peaceful resolution of conflict.

To keep the trust of the black-ruled states of Africa—and of all countries that abhor racial domination,

The bill before us, S. 1868, has as its purpose to restore U.S. compliance with international sanctions against Rhodesia. But even more importantly, it has as its purpose for the United States to once again live by its commitment, honor its treaties, fulfill its obligations under the charter of the United Nations, and stand with decency and dignity before mankind, knowing and practicing human equality, equal opportunity, believing in the principle of democratic rule, of one-man, one-vote, and believing in the principles of international cooperation.

RHODESIAN CHROME ORE AND REPEAL OF THE BYRD AMENDMENT

Mr. McGEE. Mr. President, in the 22 months since the U.S. Congress voted to violate U.N. economic sanctions against Rhodesia, significant events have occurred which make it vital for this Nation to be placed back into compliance with the sanctions.

It is for these reasons that I, and 29 of my colleagues, have introduced legislation which would place us back in compliance with the sanctions.

The decision of the U.S. Congress to place this Nation in violation of the sanctions has been the subject of intense study on the part of many organizations and groups. Two of the most outstanding analyses of the ramifications of U.S. violation of the sanctions are to be found in a United Nations Association of the U.S.A. study compiled by the student and young adult division, which was released this last spring, and an interim report just recently released by the Carnegie Endowment for International Peace. We believe these studies to be extremely helpful in defining the issues involved in the sanctions questions; and therefore, we will have both reports published as a part of the hearing record.

The basic underlying concerns of our effort to restore U.S. compliance with sanctions against Rhodesia remain the same as they were 2 years ago. Our unilateral and formal violation of sanctions has seriously damaged our long-time support for human rights and self-determination, and the peaceful resolution of international conflicts. We stand in violation of a treaty commitment, and this fact has seriously tarnished our credibility within the international community. In effect, we have broken our word—a fact which is not taken lightly around the world.

The United States has long supported nonviolent resolution of conflicts. We supported U.N. economic sanctions against Rhodesia as an alternative to a violent solution and as a form of pressure on the Ian Smith regime to negotiate a new basis for independence from Great Britain.

Thus, our first concern deals with the international ramifications of our violation of the sanctions. Today, Rhodesia is not only closer to open and protracted warfare, but also, the whole of southern Africa could be drawn into racial conflict unless the Rhodesian question is resolved.

If Rhodesia does become the scene of violent racial conflict, there is little hope that violence will be contained. There have already been border skirmishes between Zambia and Rhodesia, the movement of the Republic of South African police into Rhodesia to help maintain order, an increased incidence of liberation movement activity, and government retaliation in the British colony. In effect, the action by the U.S. Congress in the past 2 years has served to impede efforts of both moderate blacks and whites to achieve an equitable settlement. Therefore, we believe that a congressional restoration of the sanctions and our backing of U.N. efforts to enforce more strictly existing sanctions is crucial, at this time, to tip the scales in favor of a peaceful settlement.

Second, although there have been covert violations of the sanctions against Rhodesia since they were implemented, the United States remains the only nation in the world to agree to compliance first, and then formally and unilaterally to break with the international community on this question. This factor has been detrimental to our credibility within the international community.

If U.S. domestic industries paid a marginal price for our compliance with sanctions, while other nations allowed their industries to purchase Rhodesian chrome

covertly, then it is entirely within our tradition and heritage as a nation. We hold ourselves to be the world's leading democracy and to maintain that position means that we must exercise responsible leadership both domestically and internationally.

Third, 2 years ago, proponents of our violation of the sanctions claimed that Great Britain would pull the rug out from under the United States by calling upon the U.N. to withdraw the sanctions resolution. Yet, the direct opposite has occurred. Not only has Great Britain called upon the international community to cooperate in a more stringent enforcement of the sanctions, but it also has upped the ante for independence by requiring the Smith regime to come to terms with the Rhodesian blacks, who comprise 95 percent of the population, before a settlement can be achieved.

Fourth, according to published accounts, even the business community within Rhodesia is becoming increasingly concerned over the continued isolation of the Smith government from the international community. The continued U.S. violation of the sanctions remains the only leverage the Smith regime holds at this time and affords him the weapon to resist efforts from moderate whites within his own country to liberalize his policies. The U.S. violation of the sanctions has stymied the forces of moderation by bringing some relief to what has become a serious foreign exchange earnings problem for Rhodesia.

It was Smith's belief that the U.S. violation of the sanctions would have a snowballing effect and it would be just a matter of time before other nations would follow suit. Quite the contrary has occurred. This spring, the United Nations Security Council took the added step of tightening the sanctions program against Rhodesia. As a consequence, the U.S. international position has become increasingly embarrassing.

Fifth, one of the principal arguments in favor of our violation of the sanctions focused on our alleged reliance upon Soviet Russia—a potential enemy—for a critical and strategic material, chrome. Yet, in spite of our importation of chrome from Rhodesia for a period of 20 months, our imports from Soviet Russia have not decreased 1 ton, but rather have increased. On the other hand, imports from our other principal supplier of chrome, Turkey which is an ally, have decreased substantially.

On June 26, 1973, Mr. Peter M. Flanigan, Assistant to the President for International Economic Affairs, belittled the national security argument by pointing out:

> Access to Rhodesian chrome and other minerals is not an important element in U.S. Security or our overall economic policy given: (1) the substanial excess of our stockpile resources and (2) the comparatively minor amounts we actually import from Rhodesia.

Further, the assertion we are fully dependent upon foreign sources for a very vital metal is also misleading. We presently have some 5.3 million tons of metallurgical grade chrome in our strategic stockpile. The administration has already announced there is no longer a need for maintaining such huge amounts of strategic metals in the national stockpile and has offered legislation which would release all but 500,000 tons from the stockpile. In addition, some 900,000 tons of metallurgical grade chrome have been sitting in our national stockpile looking for a buyer for 2 years.

A further refutation of the national security argument came in the form of a letter from W. P. Clements, Jr., Deputy Secretary of Defense, who, on July 20, 1973, pointed out:

> . . . the metallurgical grade chromite needed by industry to support the Defense Department's steel requirement during the first year of a war amounts to 128,300 short tons, or 2.3% of the quantity held in the inventory as of 31 December 1972. Thus, it can be seen that the Defense requirement for metallurgical grade chromite is relatively small, and that the bulk of the stockpile inventory would be used by the non-defense industry in the event of an emergency.

Sixth, it has been claimed that Rhodesian ore is considered to be of the highest quality available by those who support continued violation of the sanctions. However, our own Government experts state that by any standard, be it chrome ore deposit formation, chrome ore content, or availability on short notice, Rhodesian chrome is inferior to Soviet Russian and, in many cases, Turkish ore. The best proof of this is the continued increase of American industrial consumption of Soviet chrome ore.

Seventh, it has been alleged that Russian chrome, which has been imported into the United States, is nothing more than Rhodesian chrome transshipped. The basis of this claim was a test conducted by the Crucible Steel Division of Colt Industries. The Colt analysis utilized an electron microprobe in search of titanium content in the chromite. Colt claimed that low titanium content—a Rhodesian chrome ore characteristic—had also been found in Soviet Russian ore being imported into the United States, leading them to conclude Russian ore was nothing more than Rhodesian ore transshipped.

However, the U.S. Geological Survey refuted the claim 2 years ago, even though Colt still advances this argument. USGS scientists stated that titanium content alone was not the basis for determining the origin of the ore. According to the USGS, such a determination is based upon a combination of physical characteristics, content of chromium and iron oxides, commercial value of the ores, records of production from Rhodesian mines, and the geology of Russian chromite deposits.

The USGS also noted the ore that Colt Industries claimed to be transshipped Rhodesian ore contained only an average of 38 percent chromium oxide—"far below that of the Rhodesian ore that is supplied to the world market." For these reasons, the USGS stated unequivocally that Rhodesian ore was not being transshipped through Russia to the United States. Further, the USGS stated that Russian ore with similar titanium content as Rhodesian ore actually comes from the Urals and is known as Saranovskaya ores, or low-grade Russian ore.

In light of this refutation by the U.S. Geological Survey of Colt's claim that Rhodesian ore was being transshipped through Russia, we are now being confronted with rumors that Soviet Russia is buying Rhodesian chrome for their own use and selling us Russian chrome. Again, no evidence has been offered to substantiate this claim. While the United Nations has been able to target those nations who are covertly violating sanctions against Rhodesia, there is no evidence the Soviets are doing so. Thus, once again, we are confronted with allegations and rumors which are not based upon fact. We are confronted with misrepresentations in an effort to coerce the Congress of the United States into continuing this Nation's violation of U.N. sanctions against Rhodesia.

Eighth, proponents of our violation of the sanctions, for the past 2 years, have also stressed the economic consequences of continued compliance with the sanctions. We were told that the price of metallurgical grade chrome had risen substantially since the embargo in 1968; and the Russians, in particular, were able to inflate their prices because Rhodesian chrome was not available to U.S. buyers.

However, a study recently completed by an analyst in the Foreign Affairs Division of the Congressional Research Service, Library of Congress, noted the price of chrome, including that of Rhodesian chrome, had increased in recent years. The analyst pointed out the increase was due as much to an increase in demand for chrome and the general upward shift in the price of raw materials, as to the effects of economic sanctions. The study noted the rise in world chrome prices began in 1964, before the imposition of the sanctions. This was attributed to the fact that in the 1950's, large U.S. stockpile purchases, primarily from Turkey, inflated the chrome prices. When these purchases ceased in 1958, prices began to rise as the ore surplus was being depleted. At the same time, world production of stainless steel began to increase at a rapid rate, especially in Japan and West Germany. According to the study, it was this new demand for chrome ore which also contributed to the upward trend in prices.

The study continued:

> These factors, which began pushing ore prices upward in 1965, have continued through 1972.

The price U.S. industry pays for chromium imports is a very complex system. It depends upon the method of computation as to whether the prices for the imports are quoted prices or actual prices paid. However, for present purposes, we will utilize data obtained from the U.S. Department of Commerce's monthly publication entitled: "Imports, Commodity by Country." The Department of Commerce computes the average price figure which is obtained by dividing the value of imports by their quantity. Later on in our statement, we will include an analysis of the pricing system as compiled by the Carnegie endowment.

We have attached an appendix to our statement which is a series of tables

compiled from Department of Commerce data showing imports of chrome and ferrochrome prior to our violation of the sanctions, 1971; and after our violation of the sanctions, 1972. Tables A, B, and C deal with imports of metallurgical, chemical, and refractory grade chrome, in that order. Table D deals with imports of low-carbon content ferrochrome and table E with imports of high-carbon content ferrochrome.

In looking at table A, we found that in 1971, the price of metallurgical grade chrome from the Soviet Union averaged $76.93 per ton; from Turkey, $79.93 per ton; and from Pakistan, $67.60 per ton. In 1972, the first year of U.S. violation of the sanctions, we found the cost of metallurgical grade chrome from Soviet Russia averaged $73 per ton; from Turkey, $60.35 per ton; from Pakistan, $77.75 per ton. Rhodesia averaged $67.09 per ton. However, the Rhodesian price average is somewhat misleading. For example, our initial shipment of Rhodesian chrome came in March 1972, at a price of $49.48 per ton. Yet, just 2 months later, we paid $83.65 per ton, and in December of 1972, we again purchased Rhodesian chrome for $83.65 a ton. Again, in looking at table A, for the first quarter of 1973, we paid Russia $48.16 a ton for metallurgical grade chrome; Turkey $93.7 per ton; and Rhodesia $62.38 per ton.

Thus, the evidence seems very clear that the rule of supply and demand plays the overriding role in the price of chrome as it does with any other metal.

The Library of Congress study noted:

The price of Soviet chrome increased 188 percent between 1965 and 1970. However, the Soviet Union produces the highest grade chrome available. Lower quality chromite from other areas of the world also has increased in price more or less proportionately to that for Soviet ore.

The Carnegie study, on page 19, pointed out:

. . . because Russian ore is of a generally higher chromic oxide content than either Rhodesian, South African, or Turkish ore, it merits a somewhat higher price per ton. Similarly, because South Africa's metallurgical grade chromite is generally of lower quality, it is priced lower than that of our other major foreign suppliers.

So, the past 2 years we have had supporters of our violation of the sanctions playing the number game. We heard claims that the Russians were gouging us on chrome prices because of the sanctions against Rhodesia. However, these same individuals made no mention of the fact that in 1965, we were paying around $40 a ton for metallurgical grade chromite from Rhodesia, while in 1972, we paid $67 a ton. This represents a 168-percent increase. Again, the basis of this comparison can be found in U.S. Department of Commerce data.

To give a further example of how misleading the numbers game is, let us take a look at chemical grade chrome, which is a middle grade. In 1968, Rhodesia sold us chemical grade chrome for $30.51 per ton. However, in 1972, the Rhodesians were charging us $83.25 per ton—see table B—for chemical grade chromite. This represented an increase of nearly 287 percent in just a 4-year period.

According to U.S. Department of Commerce data, the price of Rhodesian chrome for all grades from 1961 until 1968 was consistently higher per ton than the Soviet Russian chrome.

Contrary to claims that the sanctions were making the United States increasingly reliant upon a potential enemy—Russia—for a strategic metal, chrome, the surge in Russian imports came long before sanctions were implemented. Again, using the U.S. Department of Commerce as our source, we found that in 1961, we imported only 4.7 percent of our chrome from Soviet Russian while Rhodesia had 47.2 percent of our market. In 1963, the Soviet Russian imports jumped to 38.3 percent, while imports from Rhodesia decreased to 39.7 percent. By 1967, the year before sanctions, our imports from Soviet Russia had increased to 58 percent, while imports from Rhodesia had declined to 17.6 percent. Thus, the upsurge in imports from Soviet Russia cannot be attributed to the sanctions against Rhodesia, but rather to what the Library of Congress study pointed out:

. . . the Soviet Union produces the highest grade chrome available.

As we indicated earlier in our statement, the price U.S. industries must pay for chrome imports depends upon the method of computation. According to the Carnegie study, it is difficult to compare Soviet chrome ore prices before and after 1971.

The study noted:

First of all, the quoted price has been changed from a "delivered price" (including transportation charges) used up to 1971, to a "shipping point price" (where transportation costs are not included in the quotation) starting in 1971. Secondly, the guaranteed chromic oxide content of the ore has been altered in the 1965–1971 period. For example, in 1965 the USSR price was for 55 percent chromic oxide ore; in 1971, however, the guaranteed chromic oxide content was only 48%. Consequently, no accurate comparison can be made of Russian quoted prices without taking these significant differences into account: we will therefore only present a general comparison here. In 1965, the quoted price for Soviet chrome ore—55% chromic oxide, delivered to U.S. Atlantic ports—was $30.50-$33 per long ton. In 1971, the price was $51.50-$55 per ton with the important differences that 1) the tons were not metric; 2) the chrome ore was only guaranteed 48 percent chromic oxide and, 3) the price did not include shipping costs. According to John Morning of the U.S. Bureau of Mines the 1971 Russian price would have been about $70 per long ton if calculated in 1965 terms. Similarly, the 1972 quoted prices, which decreased to $45-$46.50 per ton, would be about $60 per ton in 1965 terms.

Ninth, it was claimed by supporters of the sanctions violation that countries like Japan and West Germany were covertly violating the sanctions. As a consequence, they were using cheap Rhodesian chrome to make their own cheap ferrochrome and stainless steel industries.

We will now take a look at the domestic ferrochrome industry since the sanctions violation went into effect.

Foote Mineral Co., a principal lobbyist in 1971 for breaking the sanctions against Rhodesia, was the first to feel the detrimental impact of the new law. On December 13, 1972, it announced it was closing the plant in Steubenville, Ohio, which had received one of the first shipments of Rhodesian chrome ore. Foote gave the following reason for the closure:

The domestic ferrochrome industry has been forced to reduce selling prices in order to combat the low-priced imports which have taken as much as 50 percent of the domestic low-carbon ferrochrome market this year.

In the December 18, 1972, issue of Metals Week, it was pointed out that Foote had decided to shut down two additional plants and go out of the ferrochrome business completely. One plant is in Wenatchee, Wash., and the other in Kemballton, Va. The three plants accounted for 24 percent of Foote's total business for 1972.

Metals Week went on to point out:

Steubenville's problems were compounded by rising power costs and power outages. But, despite a recent interest expressed by the firm in producing charge chrome, the cutthroat competition in ferrochrome pricing undoubtedly played as significant a role in Foote's decision as did the troubles at the plant. Low-priced imports, primarily from South Africa, have been at an all-time high this year—estimated at some 50% of U.S. consumption. Imported prices are reportedly even below U.S. production costs in certain cases, making it increasingly difficult for the domestic industry to compete. The competition has been intensified by a change in emphasis away from low-carbon products and into high-carbon and low-carbon charge chrome—the result of mounting South African production and stainless steel technology which permits the use of lower-grade material.

Metals Week noted this interesting development:

One highly placed source believes the problem lies deeper, however, originating with a "considerable dislocation of the historical patterns of ferrochrome." Until last year, this expert reasons, the U.S. maintained a strict adherence to the U.N. sanctions against Rhodesia, making the Rhodesians very selective and independent about selling ore. At the same time, Rhodesia and South Africa—which have maintained a traditional strong bond, accessing low-cost and high-grade ore sources to both—are now seeking to produce and sell chrome alloys rather than ore. As a result, South African ferrochrome production has expanded to an estimated 500,000 tons per year by yearend and Rhodesia is slated to triple its own capacity in the next 18 months to 400,000 tpy.

Foote was not alone, as America's fourth largest producer of ferrochrome—behind Airco Alloys, Union Carbide, and Foote—Ohio Ferroalloys, cited severe price erosion and loss of its profits in its decision to suspend ferrochrome operations "until such time as the market price on this product might return to a reasonable level that would allow a profit." This announcement was made in September 1972, but by the year's end, the temporary suspension had become a permanent decision. Ohio Ferroalloys then announced it would produce materials "more profitable than ferrochrome" at its plant in Brilliant, Ohio. In the words of the company's president, R. L. Cunningham:

We are closing down because we could not compete with prices quoted by the South African and Rhodesian exporters.

As a result, the Carnegie study pointed out:

This surge of low-cost imports of ferrochrome from Rhodesia has done more harm to American industry than any of the chrome ore-related hardships—real and imagined—that occurred during the period of the sanctions.

Carnegie said the closing of the Foote meant the loss of 313 American jobs.

Thus, 20 months after congressional approval of the sanctions violation went into effect, the American ferrochrome industry has lost two of its four principal producers. In this connection, the Ferroalloys Association filed a petition before the Tariff Commission in May of this year asking for relief from imports including ferrochrome. The petition emphasized that:

Unless aid is forthcoming soon it will only be a matter of time until almost all domestic production of ferrochrome and chromium metal will cease and the bulk of our country's requirements will be supplied from and dependent on foreign production.

Once again, let us take a look at U.S. Department of Commerce data. In 1971—see table D—U.S. imports of ferrochrome containing not over 3 percent carbon totaled 58 million pounds. In 1972, when the United States was in violation of the sanctions, imports of low carbon ferrochrome increased by 42.9 million pounds or 73.8 percent. The major increases came from South Africa, 9.2 million pounds, and Japan, 10 million pounds. Yet, Rhodesia contributed more than 4.4 million pounds of low-carbon ferrochrome imports to this in 1973.

A look at table E reveals that ferrochromium imports of more than 3 percent carbon increased by 36.7 percent in 1972 over 1971. The Republic of South Africa contributed more than 24 million pounds to this increase. In 1972, we imported 13.6 million pounds from Rhodesia. In the first quarter of 1973, we imported 50 million pounds of high carbon ferrochrome—only 10 million pounds less than our total for all of 1971—with Rhodesia alone accounting for m than 35 percent of these imports.

The Carnegie study notes:

Together, Rhodesian and South African low-cost ferrochrome has provided 77% of U.S. imports of high-carbon ferrochrome in 1973.

Thus, while the violation of the sanctions brought a flood of ferrochrome imports into the United States, we only imported 12 percent of our total chrome imports in 1972 from Rhodesia.

Once again, quoting from the Carnegie study:

It is important to remember in all this just why Rhodesian and South African ferrochrome is so much cheaper. Not only are the lack of pollution controls and the proximity to the raw material—chrome—important in keeping costs low in southern Africa. Equally important is the fact that labor unions are almost unheard of and the mostly-African labor force in both countries are paid very low wages for their work in the mines and the ferrochrome processing plants. It is the apartheid and cheap labor systems which allow companies like Union Carbide to produce ferrochrome so much more cheaply in southern Africa.

Another interesting point made by the Carnegie study is the following:

If companies like Foote Mineral and Ohio Ferroalloys were oblivious to the potential impact of the amendment (to violate sanctions), the Rhodesian regime could not have been. From their perspective, it is much more attractive to sell ferrochrome to the American market than raw chrome ore; the return on ferrochrome is about five times that for chrome ore. For instance, according to the U.S. Treasury Department, the U.S. imported about 92,000 tons of chrome ore worth $2,822,930 from Southern Rhodesia from January 24, 1972, to January 11, 1973. At the same time, we imported just over 18,000 tons of finished high-carbon ferrochrome from Rhodesia worth almost exactly the same amount—$2,990,713.

In this connection, Mr. Fred O'Mara of Union Carbide, who will be testifying before our subcommittee today, observed in the July 14, 1973, issue of Business Week that:

Inevitably, Carbide will be forced to move its ferrochrome production in order to compete.

The Carnegie study went on to point out:

Union Carbide owns not only chrome mines in Rhodesia, but also a large ferrochrome processing operation there called Union Carbide Rhomet—which provides jobs to 717 employes. In addition, the company is reportedly exploring possibilities of investing in South African ferrochrome facilities. Thus, unlike other smaller American firms which produce ferrochrome, Carbide may not lose out in the long run as the domestic ferrochrome industry suffers.

Thus, we have the present situation whereby two of the top four ferrochromium producers in this Nation are going out of the business of ferrochromium production. A third, Union Carbide, says it is going to have to close down domestic production and move its ferrochrome production overseas. We are seeing the export of American jobs overseas.

Tenth involves the claim on the part of industry spokesmen that they needed access to metallurgical grade Rhodesian chrome, since the principal world sources were Rhodesia and Russia—who was allegedly gouging us because of the sanctions.

However, the Carnegie study once again notes:

Until recently the stainless steel industry has consumed primarily low-carbon ferrochrome. However, a new orgon-oxygen decarburization process (AOD) has resulted in a shift to lower priced, high carbon or "charge" ferrochrome, since more carbon can be removed in the steelmaking process itself with AOD. Industry officials estimate that low-carbon ferrochrome will be used less and less in the future.

The Finnish experience is the most striking in this regard. According to the United Nations Association study, prior to 1969, Finland was a chromium and ferrochromium importing nation. However, in 1965, the Finns decided to apply their technology to production of metallurgical grade chromite from their domestic low-grade ores which amounted to 37 million tons. As a consequence, we now see Finland as a major exporter of ferrochromium (see table E). In 1971, the United States imported nearly 11 million pounds of high carbon ferrochromium and over 7.2 million in 1972. The prices to U.S. industrial users of ferrochrome for the Finnish product was the lowest in the world. In 1972, the Finns undercut the Rhodesians by 25 percent in price.

It is estimated, according to the UNA study, to be nearly 3 billion tons of chromite deposits in the world, with 500 million tons considered to be of metallurical grade. The point is, with new technology, access to Rhodesian chrome is not a necessary element in the health of the U.S. stainless steel industry, but it has been detrimental to our domestic ferrochromium industry.

It must also be noted at this point that the credit for the upturn in the competitiveness of the American steel industry are due primarily to the new set of voluntary restraint agreements negotiated in 1971—the 1968 agreements had only limited tons of steel thus causing foreign producers to shift to stainless steel exports—and the late 1971 devaluation of the dollar which made foreign steel more expensive.

Eleventh, before closing this rather lengthy statement, it is important to make one additional observation. Our violation of the sanctions has become a major point of controversy with the nations of Africa, particularly the black African countries. At first glance, this may not seem to be very vital in the short run, but it is going to become increasingly apparent in the long run. We are in the process of alienating an area of the world in which we are going to become increasingly reliant upon as a source of raw materials. With our oil problems in the Middle East, we cannot afford to alienate Nigeria which has just recently surpassed Venezuela as a supplier to the U.S. market. At a time when we are confronted with dwindling natural resources—resources vitally needed to keep our industrial capacity running—sub-Sahara Africa represents a resource potential of significant magnitude. To put it bluntly, the United States could be locked out of access not only to export markets, but also the resources of this area of the world.

At present, the less developed nations of the world account for 30 percent of our exports and are the only areas where we have favorable trade balances. We have more than $3.5 billion in private investments in sub-Sahara Africa. The market potential for U.S. exports and investment is virtually untapped.

Thus, we must begin to demonstrate a more enlightened sensitivity to the aspirations and concerns of this part of the world. A return to compliance with U.N. sanctions against Rhodesia would be a manifestation of our sensitivity. We have much to gain, and nothing to lose by such a step.

In conclusion, we feel the detrimental ramifications of our violation of U.N. sanctions against Rhodesia far outweigh whatever economic benefits might accrue to a particular industrial sector of our Nation. The economic arguments in favor of a continued violation of sanctions appear to be fallacious in light of the plight of our ferrochromium industry. It is for these reasons we have introduced this legislation, and it is our hope that Con-

gress will agree with us and act favorably.

Mr. President, I ask unanimous consent that the tables to which I have referred be printed at this point in the RECORD.

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

Table A

U.S. imports of metallurgical grade chrome ore—1971 quantities and prices by major country of origin (quantity in content tons of chromic oxide; price in dollars per content ton):

	Quantity	Price
U.S.S.R.	134,442	$76.93
Turkey	76,152	79.53
Pakistan	14,984	67.60
South Africa	57,741	33.96
Average		68.62

U.S. imports of metallurgical grade chrome ore—1972 quantities and prices by major country of origin (quantity in content tons of chromic oxide; price in dollars per content ton):

	Quantity	Price
U.S.S.R.	180,080	$73.00
Turkey	29,889	60.35
Pakistan	11,696	77.75
South Africa	45,608	35.05
Rhodesia	27,955	67.09
Average		65.29

U.S. imports of metallurgical grade chrome ore—1st quarter 1973 quantities and prices by major country of origin (quantity in content tons of chromic oxide; price in dollars per content ton):

	Quantity	Price
U.S.S.R.	9,939	$48.16
Turkey	9,019	93.17
Pakistan	4,528	92.22
Rhodesia	1,082	62.38

NOTE.—1. Price is computed average figure obtained by dividing value of imports by their quantity.

Metallurgical grade chromite is defined as chrome ore with 46 per cent and over chromic oxide.

Source: U.S. Commerce Department monthly publication entitled: *Imports, commodity by country.*

Table B

U.S. imports of chemical grade chrome ore—1971 quantities and prices by major country of origin (quantity in content tons of chromic oxide; price in dollars per content ton):

	Quantity	Price
Turkey	29,080	$79.54
Philippines	4,840	63.43
South Africa	107,103	29.10
Average		40.40

U.S. imports of chemical grade chrome ore—1972:

	Quantity	Price
Turkey	5,228	$70.42
South Africa	54,926	29.29
Iran	5,544	62.50
Rhodesia	10,521	83.25
Average		42.19

NOTE:—1. Price is computed average figure obtained by dividing value of imports by their quantity.

2. Chemical grade chromite is defined as chrome ore with between 40 and 46 per cent chromic oxide.

Source: U.S. Commerce Department monthly publication entitled: *Imports, commodity by country.*

Table C

U.S. imports of refractory grade chrome ore—1971 quantities and prices by major country of origin (quantity in content tons of chromic oxide; price in dollars per content ton):

	Quantity	Price
U.S.S.R.	11,268	$71.32
Turkey	28,914	65.50
Philippines	42,860	71.28
South Africa	3,861	43.68
Average		67.74

U.S. imports of refractory grade chrome ore—1972:

	Quantity	Price
U.S.S.R.	21,149	$42.99
Turkey	13,232	56.08
Philippines	35,351	80.19
South Africa	------	-----
Malagasy Republic	3,840	101.56
Average		66.28

NOTE: 1. Price is computed average figure obtained by dividing value of imports by their quantity.

2. Refractory grade chromite is defined as chrome ore with under 40 percent chromic oxide.

Source: U.S. Commerce Department monthly publication entitled: *Imports, commodity by country.*

U.S. imports of ferrochrome containing not over 3 percent carbon—1971 quantities and prices by major country of origin (quantity in pounds; price in cents per pound):

	Quantity	Price in cents
Sweden	8,481,536	31.3
Norway	5,803,052	30.6
West Germany	8,191,815	31.2
Japan	9,970,976	30.2
South Africa	19,076,917	20.0
Turkey	1,488,128	25.8
Average		26.6

U.S. imports of ferrochrome containing not over 3 percent carbon—1972:

	Quantity	Price in cents
Sweden	13,815,481	27.6
Norway	8,927,456	26.6
West Germany	4,260,161	27.9
Japan	19,232,118	28.4
South Africa	28,310,349	20.7
Turkey	9,405,326	24.6
Rhodesia	4,362,308	25.5
Average		25.2

U.S. imports of ferrochrome containing not over 3 percent carbon increased by more than 42.9 million pounds in 1972 from 58,069,696 in 1971 to 90,915,142 in 1972. This represented about a 73.8 percent increase from 1971.

Source: U.S. Commerce Department monthly publication entitled: *Imports, commodity by country.*

NOTE.—According to the same source, U.S. imports of ferrochrome containing not over 3 percent carbon amounted to 30.1 million pounds in the first quarter of 1973, with Rhodesia accounting for 7.1 million pounds of the total.

Table E

U.S. imports of ferrochrome containing over 3 per cent carbon—1971 quantities and prices by major country of origin (quantity in pounds; price in cents per pound):

	Quantity	Price In cents
Finland	11,542,995	9.9
France	5,826,136	19.2
West Germany	10,914,567	18.1
Japan	16,724,730	17.5
South Africa	10,283,580	12.0
Average		15.4

U.S. imports of ferrochrome containing over 3 percent carbon—1972:

	Quantity	Price In cents
Finland	7,224,752	9.4
France (not a major supplier in 1972)		
West Germany	1,988,071	16.5
Yugoslavia	6,352,388	10.2
Japan	4,533,488	16.2
South Africa	34,315,754	13.0
Rhodesia	13,590,092	11.4
Average		12.7

U.S. imports of ferrochrome containing over 3 percent carbon increased by almost 22.5 million pounds in 1972 from 60,272,586 in 1971 to 82,708,007 in 1972. This represented about a 36.7 percent increase over 1971.

Source: U.S. Commerce Department monthly publication entitled: *Imports, commodity by country.*

NOTE: According to the same source, ferrochrome imports containing over 3 percent carbon amounted to nearly 50 million pounds in the first quarter of 1973 alone, with Rhodesia accounting for more than 17.6 million pounds of the total.

ORDER FOR VOTES ON TWO TREATIES ON MONDAY, NOVEMBER, 26, 1973

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the first vote on the first of the two treaties to be voted on on Monday next occur at the hour of 2:30 p.m., and that the second vote occur immediately after the first vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF NOMINATION OF MR. GERALD FORD FOR THE OFFICE OF VICE PRESIDENT ON MONDAY, NOVEMBER 26, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the two treaties on Monday next, the Senate proceed to the consideration of the nomination of Mr. GERALD FORD for the office of Vice President of the United States.

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

ORDER OF BUSINESS

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.

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

Mr. ROBERT C. BYRD. I yield. Mr. President, I withhold that request.

Mr. HUMPHREY. Did I understand there will be a session tomorrow?

Mr. ROBERT C. BYRD. Yes.

Mr. HUMPHREY. I was of the opinion the majority leader said something else. I was mistaken.

Mr. ROBERT C. BYRD. The leadership feels the Senate should come in tomorrow. If Senators wish to discuss the pending legislation, they may, or the Senate may take up other measures. There may be business on the calendar that could be cleared for action by unanimous consent.

Mr. HUMPHREY. I understood there would not be any rollcall votes tomorrow.

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

Mr. HUMPHREY. I noted that the former occupant of the chair (Mr. HARRY F. BYRD, JR.) was somewhat concerned about the Senator's statement, and I was trying to get a clear understanding until the distinguished Senator from Virginia could get here to deliver what I know will be a speech to try to set the record straight, as he sees it.

(At this point Senator ALLEN assumed the Chair.)

Mr. HARRY F. BYRD, JR. I was just going to thank the able Senator from Minnesota for permitting me to get out of the Chair before the majority whip put in his unanimous-consent request.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the distinguished leaders or their designees are recognized on tomorrow under the standing order, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes; that he be followed by the distinguished Senator from Minnesota (Mr. HUMPHREY) for not to exceed 15 minutes; after which I be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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 PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, NOVEMBER 26

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after the recognition of Senators under any orders that may have been previously entered, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION ON MONDAY OF TREATIES AND OF NOMINATION OF GERALD FORD TO BE VICE PRESIDENT OF THE UNITED STATES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if there is no legislative business following the transaction of routine morning business on Monday next, the Senate, upon the completion of routine morning business, proceed to the consideration of the nomination of Mr. GERALD FORD for the office of Vice President of the United States; with the understanding that at the hour of 2:30 p.m. votes will occur on two treaties, back to back, the first to occur at 2:30 p.m.; after which the Senate will resume the consideration of the FORD nomination.

I make this request as in executive session.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the executive calendar, beginning with Calendar No. 379.

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

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The second assistant legislative clerk read the nomination of Fred B. Ugast, of Maryland, to be an associate judge, of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

The second assistant legislative clerk read the nomination of William R. Stratton, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF THE TREASURY

The second assistant legislative clerk read the nomination of Helmut Sonnenfeldt, of Maryland, to be Under Secretary of the Treasury.

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request.

I ask unanimous consent that the nomination now called up go over until December 10 and that at that time there be a time allocation of 2 hours to the distinguished Senator from Virginia Mr. HARRY F. BYRD, JR.), one-half hour to the distinguished Senator from North Carolina (Mr. HELMS), and 1½ hours to the distingiushed Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, does this shut everybody else out?

Mr. MANSFIELD. I am sure that there will be time out of the time allocated.

Mr. LONG. The Senator can have some of my time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chairs hears none, and it is so ordered.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of O. Rudolph Aggrey, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without addi-

tional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Gambia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Arms Control and Disarmament Agency.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The second assistant legislative clerk read the nomination of Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ACTION AGENCY

The second assistant legislative clerk read the nomination of Nicholas W. Craw, of the District of Columbia, to be an Associate Director of the ACTION Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FEDERAL MARITIME COMMISSION

The second assistant legislative clerk read the nomination of George Henry Hearn, of New York, to be a Federal Maritime Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FEDERAL TRADE COMMISSION

The second assistant legislative clerk read the nomination of Mary Elizabeth Hanford, of North Carolina, to be a Federal Trade Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

SECURITIES INVESTOR PROTECTION CORPORATION

The second assistant legislative clerk proceeded to read sundry nominations in the Securities Investor Protection Corporation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. Ernest C. Hardin, Jr., U.S. Air Force, to be a lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The second assistant legislative clerk read the nomination of Col. Leonard F. Stegman, U.S. Army, to be a brigadier general.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The nomination will go over.

COUNCIL ON ENVIRONMENTAL QUALITY

The second assistant legislative clerk read the nomination of Russell W. Peterson of Delaware, to be a member of the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

CIVIL AERONAUTICS BOARD

The second assistant legislative clerk proceeded to read nundry nominations to the Civil Aeronautics Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF STATE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk read the nomination of Vice Adm. Means Johnston, Jr., U.S. Navy, to be Admiral.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The second assistant legislative clerk read the nomination of Maj. Jack R. Lousma, U.S. Marine Corps., to be a lieutenant colonel.

Mr. MANSFIELD. Mr. President, I assume that Major Lousma is one of the astronauts who made the voyage preceding the one now under way. He is an outstanding marine and has made a good reputation. I am delighted to see him getting this promotion.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Robert L. Roth, of Kansas, to be U.S. Attorney for the District of Kansas.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Navy, the Air Force, the Diplomatic and Foreign Service, and the Coast Guard which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

HOUSING ASSISTANCE AND COMMUNITY DEVELOPMENT PROGRAMS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and

that the Senate proceed to the consideration of Calendar No. 492, Senate Concurrent Resolution 57.

The PRESIDING OFFICER (Mr. HANSEN). The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 57) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Concurrent resolution expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs

Whereas the Congress has found and declared that the general welfare and security of the Nation require the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family;

Whereas the Congress has authorized and appropriated funds for housing, housing assistance, and community development programs to promote the attainment of the national goal;

Whereas proposals for new and experimental housing and community development programs have been submitted to the Congress by the President and others, and the Congress is at the present time reviewing these proposals;

Whereas the need to continue housing, housing assistance, and community development programs authorized by the Congress will not abate during consideration of new legislative proposals; and

Whereas the Congress has not suspended or terminated any of the housing, housing assistance, or community development programs which were authorized as of December 31, 1972: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that funds authorized and appropriated for the purpose of carrying out the housing, housing assistance, and community development programs administered by the Secretary of Housing and Urban Development and the housing and housing assistance programs administered by the Secretary of Agriculture should be obligated or expended (to the extent current appropriations or other obligational authority permit) at rates which are not less than the rates at which funds were obligated or expended for such programs during calendar year 1972, until such time as these programs are terminated by the Congress or new housing and community development programs are enacted by the Congress.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Housing and Urban Development and a copy to the Secretary of Agriculture.

PROGRAM FOR NEXT WEEK

Mr. MANSFIELD. Mr. President, I understand that an agreement has been reached for the two treaties on the calendar to be voted on back-to-back beginning at 2:30 p.m. on Monday next.

To reiterate, the two treaties will be followed with the beginning of the debate on the nomination of GERALD FORD to be Vice President of the United States, which was reported unanimously by the Committee on Rules and Administration today. That debate will continue on Tuesday and, hopefully, we will be able to arrive at a decision some time that day.

That will be followed, in turn, by S. 2673, the so-called Saxbe pay bill, which I understand was reported by the Committee on the Judiciary today without recommendation.

Mr. ROBERT C. BYRD. That is correct.

Mr. MANSFIELD. So there will be no votes today and no votes tomorrow.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. HARRY F. BYRD, JR. I note that the Senator from Montana mentioned that the first vote on the treaties would be at 2:30 p.m. on Monday. I am wondering if the Senator would be in a position to make that vote for 1:30 p.m. Would that be a complicated problem?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant leigslative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, in addition to the two treaties next week, the nomination of Vice-President-designate GERALD FORD, and the so-called Saxbe pay bill, it is my understanding that the debt limit bill is to be reported today from the Committee on Finance and it, likewise, would come up next week because I understand it expires on the last day of this month.

So for next week a pretty heavy schedule is indicated for the Senate, and I hope that when the membership comes back, it will come back refreshed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS-CONSENT AGREEMENT ON VOTES ON TREATIES MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that there be one rollcall on the adoption of the two conventions, Calendar Orders Nos. 22 and 23 on the Executive Calendar, Executive N and Executive Q, respectively, on Monday next beginning at the hour of 2 p.m. I ask unanimous consent that 30 minutes be allowed for that rollcall and that the RECORD show a rollcall on each of the two treaties.

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

Mr. ROBERT C. BYRD. Ordinarily, Mr. President, as Senators know, 15 minutes are allowed for each rollcall vote. So, actually, what we are doing is combining the two 15-minute periods for the two votes which would otherwise occur on the two treaties, and we are consolidating them into one vote and into one 30-minute period for that one vote, which will account for two.

UNANIMOUS-CONSENT AGREEMENT ON VOTE ON NOMINATION OF HELMUT SONNENFELDT TO BE UNDER SECRETARY OF THE TREASURY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I also ask unanimous consent that on December 10, at the expiration of the time allotted under the unanimous-consent agreement previously entered into, at the request of the distinguished majority leader, on the nomination of Mr. Sonnenfeldt for the office of Under Secretary of the Treasury, there be a vote on the confirmation of the nomination.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I renew my request with regard to the vote on the Sonnenfeldt nomination, with the proviso that any motion which would otherwise be in order would not be precluded.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. As in executive session, without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Virginia for his usual courtesy in yielding to me.

SENATOR MANSFIELD ON "MEET THE PRESS" PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the transcript of the television program, "Meet the

Press," of last Sunday, November 18, 1973, be printed in the RECORD. On that program, I was the guest of the NBC panel. The moderator was Bill Monroe of NBC News, and the panel consisted of David S. Broder of the Washington Post, Peter Lisagor of the Chicago Daily News, Jack W. Germond of the Gannett News Service, and Paul Duke of NBC News.

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

"MEET THE PRESS"

(Produced by Lawrence E. Spivak, Sunday, Nov. 18, 1973)

Guest: Senator Mike Mansfield.
Narrator: Bill Monroe, NBC News.
Panel:
David S. Broder, The Washington Post.
Peter Lisagor, Chicago Daily News.
Jack W. Germond, Gannett News Service.
Paul Duke, NBC News.

Mr. MONROE. Our guest today on Meet the Press is Senator Mike Mansfield of Montana, the Majority Leader of the U.S. Senate.

We will have the first questions now from Paul Duke of NBC News.

Mr. DUKE. Senator Mansfield, the President has now launched a major counter-offensive against the charges growing out of Watergate and last night at his news conference again proclaimed his innocence saying he is not a crook. Do you believe the President?

Senator MANSFIELD. Yes, I believe the President on the basis that any citizen of the country, whether he is a President or a plumber, is entitled to be presumed innocent until proven guilty.

Mr. DUKE. Then you disagree with Senator Buckley, Senator Brooke and some others who suggest that this scandal has now gone on so long, that it is up to the President to establish that he is innocent by providing all the evidence?

Senator MANSFIELD. I would say it is up to the Ervin Subcommittee, a special committee; I would say it is up to the court and special prosecutor and it is up to the American people.

Mr. DUKE. Well, what more do you think that the President must do to regain credibility with the people? He has had this series of meetings with Republicans last week; he had the news conference last night. What additional steps would you advocate?

Senator MANSFIELD. Lay it all out on the table.

Mr. DUKE. In what fashion, Senator?

Senator MANSFIELD. All the facts relative to the tapes, the so-called dictabelts and the insinuations, allegations and implications relative to those people who worked in the White House and who are now before grand juries, before the Ervin Committee, or who have been indicted.

Mr. DUKE. Do you support Senator Ervin in his demand that the President meet with the entire Watergate Committee and not just with Senators Ervin and Baker?

Senator MANSFIELD. I do.

Mr. DUKE. And suppose, Senator, that in laying it all out, suppose Mr. Nixon still cannot re-establish his credibility, would you then advocate his impeachment or his resignation?

Senator MANSFIELD. As a member of the Senate, I could not discuss the question of impeachment one way or the other because there are resolutions of inquiry now being gone into by the House Judiciary Committee and if anything comes out of that and an impeachment is voted, then it will mean that the Senate will have to sit as judge and jury. So I feel the best thing I can do in view of the constitution situation is to make no comment at this time. Let the people speak.

Mr. LISAGOR. Senator Mansfield, in the light of your last answer to Mr. Duke about being a potential juror, would you agree with the House Majority Leader, Mr. O'Neill, who says that by inviting House Members to the White House last week the President was improperly influencing potential Grand Jurors?

Senator MANSFIELD. Not necessarily. I think the President has the right to call down Members of his own party to discuss matters of mutual interest. I also think he has the right to call down the seven Democratic Senators from the South which he did, and the 30 or 40 Democratic Congressmen.

I suppose that is part of his counter offensive going public, but I see nothing unethical about it.

Mr. LISAGOR. Senator, the President last night blamed the Congress for the delay in meeting the energy crisis. He said he sent up a message two years ago and you people never did anything about. How do you respond to that?

Senator MANSFIELD. Well, he is wrong. He is great on messages, he is great on rhetoric, telling the nation what he has proposed, but when it comes to legislation, he is wanting. I would point out that it was Senator Jennings Randolph and Henry Jackson who in February 1970 made the first move toward facing up to the present energy crisis and the present energy bill now under consideration was brought up by Senator Jackson and his committee. The Administration has been very backward in doing anything about the emergency crisis which confronts this country today and the Administration knows it.

Mr. LISAGOR. Senator Mansfield, how do you explain what seems to be the paradox in this new energy bill that is under consideration in giving to a President who is alleged to have abused his power and who has supposedly weakened such powers as you give him in this bill, sweeping powers that some people believe make him into a mere dictator in the area of energy?

Senator MANSFIELD. Well, it gives him considerable power, that is true, but the present bill is of 12 months' duration and you have to place the power somewhere because the Congress cannot execute what it passes and I think it is all right.

Mr. LISAGOR. Why has the Senate so far shrunk from mandatory gas rationing inasmuch as you have said if you don't get at gas rationing pretty quickly we are going to have an economic recession next year?

Senator MANSFIELD. I can't understand it. We had a vote this past week on the question of rationing. We lost by 48 to 40 and I think that the American people have to face up to the possibility of either rationing or, as some in the Administration say, an added gasoline tax, federal gasoline tax, up 30 or 40 cents, and that would be added on to the four cents federal tax, which is now being paid. That is a sales tax in the first place and this would be tripling, quadrupling the tax, depending on the amount added to it and it would fall most on the poor and the lower income middle-class groups.

Mr. GERMOND. Senator, you said a few moments ago that you saw nothing unethical in the President's counter-offensive insofar as it extended to meetings with Congressmen.

Let me ask you a different question about this: All the meetings he had last week were with Republican members of the House and Senate and a few Democrats, largely those who are known to be sympathetic to him. Do you think the President is putting a partisan cast on his defense?

Senator MANSFIELD. No, but the Administration has been trying to create a degree of partisanship which does not exist and may I say that I am very proud of the way the Senate has conducted itself in this troubled year and that applies to both Democrats and Republicans. We have carried out our responsibility; the wheels of government are functioning as far as we are concerned, and we are going to continue to act as a constructive, responsible body and politics will have little, if anything, to do with what we do.

Mr. GERMOND. Last night the President said that the explanation for one of the allegations, actions in one of the particulars of Watergate, the 1971 decision on dairy price supports, was a result of Democratic pressure. Do you consider that partisan?

Senator MANSFIELD. I do. I think that is a statement which will not hold water. After all, I would point out that in the great majority of his vetoes he has been upheld. This year I think our score is one override of nine vetoes and it is the first instance I know of where this president has indicated that he has done something because of pressure from the Congress. It is usually the other way around.

Mr. GERMOND. Do you recall what happened exactly in 1971 on that dairy decision?

Senator MANSFIELD. Frankly, I do not.

Mr. BRODER. I would like to go back to the energy question for just a moment, Senator. You say that Mr. Nixon is wrong in his charge against the Congress. As I recall, he said that he had sent up several specific pieces of legislation, of which he has received back only one. Is he incorrect about that?

Senator MANSFIELD. No, but I don't recall that he sent up seven specific pieces of legislation. I will answer that with my fingers crossed. I do not know. But I do know that all the legislation which has come out of the Senate has been generated in the Senate, drawn up in the Senate and passed by the Senate.

Mr. BRODER. If you believe, as I gather from your earlier answer, that rationing is really the way we ought to go—

Senator MANSFIELD. The only way that I can see it, hard though it may be.

Mr. BRODER. Then why is the Congress not ready to take that responsibility on itself? Why does it always seem to pass the buck for these tough decisions to the President?

Senator MANSFIELD. I don't know, but I would point out that the President has power under the Emergency Defense Act of 1950, I believe, to impose rationing if he wants to do so, but he doesn't want to do it. He will—as he said last night, he will consider it only as a last resort, but in the meantime the economy will burn and people will freeze and industries will close down, unemployment will increase, inflation will go up and we are just paving the way to a recession next year.

Mr. BRODER. Senator, do you think the change in the energy situation is going to cause the United States to bring a great amount of additional pressure on the state of Israel to accept those U.N. directives about going back to the pre-1967 borders?

Senator MANSFIELD. That I couldn't say, but I would assume that that is a topic of discussion as far as this Administration is concerned, and I think rightly so.

Mr. BRODER. Do you sense any change in sentiment on that subject among your colleagues, say, on the Foreign Relations Committee?

Senator MANSFIELD. No.

Mr. DUKE. Senator, there is now a new controversy involving the events leading up to the firing of Archibald Cox and the resignation of Elliot Richardson. The President and Alexander Haig, his chief aide, saying that Richardson had supported a plan to limit Mr. Cox's actions. Now, this contradicts the sworn testimony of Mr. Richardson to the Senate Judiciary Committee. Do you feel, in the light of this, that Mr. Haig should be called as a witness to clarify this?

Senator MANSFIELD. I certainly do and I don't think executive privilege should apply and I think also Mr. Richardson and Mr. Cox should also be called before the Judiciary Committee pronto.

Mr. DUKE. You would like them called back?

Senator MANSFIELD. Yes indeed.

Mr. DUKE. Senator, the President acknowledged last night that he paid only nominal income tax payments in 1970 and 1971, under a law that permitted deductions for official papers that were turned over to the government. There is, however, some question about the validity of the way this was done since the law had expired. Would you like to see Congress investigate this?

Senator MANSFIELD. No. That would be the responsibility of the Internal Revenue Service, which I understand did lay down a ruling which legitimized what the President was doing. It has been done by many people before his time; it was a legitimate deduction until former Senator John J. Williams of Delaware introduced an amendment to a debt ceiling bill, I believe, several years ago, which made that illegal.

Mr. DUKE. Senator, the President implied last night that Congress is now foot-dragging on legislation to clean up the election process to prevent future Watergates. Is this valid criticism?

Senator MANSFIELD. Not as far as the Senate is concerned.

Mr. DUKE. Well, what is the prospect? You don't see any legislation this year, do you?

Senator MANSFIELD. Well, we still have two, three or four weeks to go and I would hope that something would come out of the House because, as you will recall, Mr. Duke, it was some months ago that the Senate passed a good elections bill which has received no action so far in the other body.

Mr. LISAGOR. Senator Mansfield, to clarify an earlier answer, why shouldn't the Democrats have been invited down to the White House to hear the President's explanation on Watergate?

Senator MANSFIELD. Well, it would have been nice, but that is up to the President. After all, he is the occupant of the mansion.

Mr. LISAGOR. Doesn't that tend to give it a partisan cast, as Mr. Germond suggested?

Senator MANSFIELD. That is a good assumption.

Mr. LISAGOR. Could I turn you now to the European part of this Middle East situation? Our European allies apparently were hardly stalwart during the Arab-Israeli War and I would like to know whether that strengthens your somewhat perennial effort to reduce our forces in Europe?

Senator MANSFIELD. I think it did on the basis of rhetoric from the Administration for a couple of days, but now they are back in the same old groove and as far as what our allies in Europe did in relation to the Mid-East situation, that I think was an area outside NATO's responsibility, and those allies of ours are sovereign nations and they have to do what they think is best in their own interests, not what we would like them to do or not do.

Mr. LISAGOR. Do you think then that they had a legitimate complaint about our failures to communicate with them about what we were doing in the Middle East, the prospect of dragging them along?

Senator MANSFIELD. I think events happened so fast that we couldn't communicate fast enough, but it is my understanding that Secretary of State Kissinger did communicate with them as soon as he could after this thing began to level off.

Mr. LISAGOR. Senator, you are a member of the Foreign Relations Committee and Secretary Kissinger has promised to keep you thoroughly informed. I would like to give you a kind of multiple choice question. Has that consultation been thorough, full, adequate or inadequate?

Senator MANSFIELD. I think it has been adequate.

Mr. MONROE. Senator, do you look on the support of European nations for the Arab countries in the last few weeks as stemming from the Arab threat to cut off oil?

Senator MANSFIELD. Yes, I do.

Mr. MONROE. Do you deplore that in that respect?

Senator MANSFIELD. Well, I guess they haven't much in the way of a choice. Either they are going to get the oil or they are going to go down the drain physically, industrially, economically and otherwise and I think before we criticize our friends and allies that we ought to give consideration to the difficulties in which they find themselves.

Mr. GERMOND. Senator, I would like to ask you a couple of questions about, I guess, the ancillary effects of Watergate, the continuing effects. Aside from what you said about energy, energy policy, have you seen other examples this year where the legislative process, the White House cooperation, the White House impetus to legislative action has been affected by Watergate?

Senator MANSFIELD. No, I have not. I think the President has been functioning as he should. I don't think his power has been diluted, and as far as the Senate is concerned, we have been willing to meet him half way and more to make sure that this republic continues to operate on a reasonably level basis.

Mr. GERMOND. Have you seen any indication in any of the votes, for example on overriding the veto on war powers, that the President's political weakness in—his credibility weakness is affecting Republican voting in the Senate?

Senator MANSFIELD. No, because prior to that veto, Mr. Germond, you will recall there were eight other vetoes which were upheld by the Congress in support of the President.

Mr. GERMOND. One further question on this: If, given the fact that he has been able to sustain vetoes, do you think there is any realistic chance for Congressional action on a special prosecutor actually being approved and upheld?

Senator MANSFIELD. It is going to be difficult, but I think we need a special prosecutor independent of the Executive and the Legislative Branches of government and we are going to go ahead and try and get one. Of course what has happened on the basis of the rulings laid down by Judges Gesell and Sirica is going to make it more difficult because they in effect came out against such a prosecutor.

Mr. GERMOND. Your counterparts in the House give you optimistic or pessimistic reports for the prospects of that legislation there?

Senator MANSFIELD. No reports.

Mr. BRODER. Senator, I would like to ask you about the two major confirmations that are awaiting action in the Senate, first Mr. Ford for the Vice Presidency—that I gather will come up next week?

Senator MANSFIELD. We anticipate it will come up before the Rules Committee on Tuesday. If it is reported out, it will come up the following Tuesday.

Mr. BRODER. And at this point do you see any problems of a vote for him in so far as the Senate is concerned?

Senator MANSFIELD. I do not.

Mr. BRODER. Do you think the Senators are aware, or operating on the assumption that Mr. Ford quite possibly could become President as a result of their action?

Senator MANSFIELD. I wouldn't think so, but I dare say it is in the back of the minds of some of them.

Mr. BRODER. From what you have seen of his performance before the Rules Committee, do you have any reservations yourself about the possibility of his becoming President?

Senator MANSFIELD. None.

Mr. BRODER. Let me ask you about Senator Saxbe's appointment for the Attorney Generalship. That requires, as I understand it, first that some legislation be cleared by the Congress.

Senator MANSFIELD. Yes, by the Post Office and Civil Service and the Judiciary Committees, having to do with the constitutional problem of the reduction in pay.

Mr. BRODER. Are you willing to set aside that constitutional provision yourself in order to accommodate the President on this particular choice?

Senator MANSFIELD. I think I am, but I will wait and see what the Judiciary Committee reports.

Mr. BRODER. On the matter of Mr. Saxbe's own appointment, assuming this problem is taken care of then, are you willing to have him confirmed without securing a special prosecutor outside of the Executive Branch as part of that package?

Senator MANSFIELD. Yes.

Mr. DUKE. I'd like to turn now to the matter of Democratic Presidential politics, Senator. Who do you regard as the leading prospects for the Democratic nomination in 1976?

Senator MANSFIELD. I think we have three good men, Senator Mondale of Minnesota, Senator Bentsen of Texas and Governor Askew of Florida. They are new faces, they are young, politically speaking. They have all made good reputations, good record, and any of them I think would be an asset to the party and would be welcomed by the voters.

Mr. DUKE. What about Senator Kennedy?

Senator MANSFIELD. I would hope Senator Kennedy would not run because there has been too much tragedy in his family. I worry more about Senator Kennedy himself than I do about the Presidency.

However, if he wanted the Presidency, I dare say that he could just about have it for the asking.

Mr. DUKE. Have you personally urged him not to run?

Senator MANSFIELD. I have not.

Mr. DUKE. Many of your colleagues in the Senate seem to feel that Senator Jackson is now making significant headway in his campaign.

Senator MANSFIELD. Yes, I forgot to mention Jackson. He is making headway in his campaign. He has advanced considerably since the last campaign. He has become better known, he has taken the lead in the field of energy, which is most important, and, of course, he is pretty close to being the number one man in the Senate as far as defense is concerned.

Mr. MONROE. Senator, you said Senator Kennedy could have the Presidency for the asking. Did you mean the nomination?

Senator MANSFIELD. No, no, the nomination. Nobody can be sure of how a Presidential election will turn out. I am glad you corrected me.

Mr. DUKE. What about three of your older colleagues, Senators Humphrey, Muskie and McGovern?

Senator MANSFIELD. I think Muskie has indicated he might be interested. McGovern I think has indicated that he might not be interested, and Senator Humphrey, I believe, has indicated he would be interested in others such as Senators Mondale and Bentsen.

Mr. DUKE. But you don't give them much of a chance?

Senator MANSFIELD. It is up to them; if they want to run, it is fine with me.

Mr. DUKE. As far as getting the nomination is concerned?

Senator MANSFIELD. It will be difficult.

Mr. LISAGOR. Senator Mansfield, Mr. Meany of the AFL–CIO has begun to publish a list

of 19 alleged impeachable offenses against the President starting last week. Is Mr. Meany and his associates being unfair?

Senator MANSFIELD. Well, I would say if he has any allegations he ought to do what Assistant Attorney General Henry Peterson said when he appeared before the Ervin Subcommittee. He ought to waltz it over to the House of Representatives.

Mr. LISAGOR. Well, this is obviously a public campaign he is conducting to convince his people and he has started out with the charge that the President conducted his own secret police violating the rights of many Americans under the guise of national security. Do you think that is a fair charge?

Senator MANSFIELD. There have been allegations to that effect connected with a man by the name of Houston, I believe, who set out a set of rules, and also with the so-called plumbers' group, which is now being considered by the Grand Jury in Los Angeles, I believe.

Mr. LISAGOR. On the question of campaign contribution laws, Senator Mansfield, if the old laws were not enforced, as they were not, what makes you or anyone else think that any new laws will be enforced?

Senator MANSFIELD. Well, I think we are going to learn a lesson from Watergate. I think the American people are going to look more closely at the matter of financial contributions. I think that labor unions and corporations are going to be more careful and I think that candidates are going to be scrutinized more closely.

Mr. MONROE. Gentlemen, we have about two minutes.

Mr. GERMOND. Senator, you speak of learning a lesson from Watergate. What do you think is the lesson for the Democratic party in Watergate in terms of the qualities they should seek in a candidate in 1976?

Senator MANSFIELD. Well, the best man we can get in view of the circumstances, considering that he has to appeal to a diverse electorate.

Mr. GERMOND. You frequently mention—it seems every time you are asked this question you mention Governor Askew of Florida. Why do you have this special fondness for Governor Askew?

Senator MANSFIELD. Well, I know Governor Askew. I know what he has done in Florida. I have watched him most closely and I think he is an extraordinarily effective political man who would appeal to all segments of the population.

Mr. BRODER. Senator, at the beginning of the year you and every other Democratic leader said that Congress had to put its own house in order on budget reform, the way in which it handles budgets. We are coming to the end of the year without that having been done. Why is that?

Senator MANSFIELD. Well, I believe that a bill of that nature has just been reported out of the Government Operations Committee. It is not on the calendar yet, but if it is we will try and get action on it this year and, if not, we will try to get action on it as early as possible next year. We have been a little late on it.

Mr. DUKE. From time to time, Senator, there are reports that you are getting tired of your job and plan to give it up. Do you now have any plans to do so?

Senator MANSFIELD. No.

Mr. DUKE. Another issue to follow up, what Mr. Broder was indicating a moment ago that seems to have died on the vine is health insurance. Is there any prospect for that this year or next year?

Senator MANSFIELD. This year, no, but I would hope that something can be done to reach a compromise between the Kennedy and other proposals which call for too much in the way of expenditures, and Nixon's proposal—President Nixon's proposal, which calls for too little. I think a balance has to be found, a start has to be made because hospital care, medical care, is going through the ceiling and the American people just can't afford it. It ought to be paid for.

Mr. MONROE. I am sorry to interrupt, but our time is up. Thank you, Senator Mansfield, for being with us today on "Meet the Press."

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

The Senate resumed the consideration of the bill (S. 1868) to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Mr. John I. Brooks and Mr. David G. Fiske of my staff be granted the privilege of the floor during the consideration of S. 1868.

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

Mr. HARRY F. BYRD, JR. Mr. President, the pending legislation, introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY), would repeal legislation enacted by Congress 2 years ago.

The legislation that the proposal of the Senator from Minnesota would repeal says that 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.

What is the matter with that proposal? The United States is not required to import a strategic material from Rhodesia. However, the legislation which Congress passed said that the importation of a strategic material from a free world country may not be prohibited if that same material is being imported from a Communist-dominated country.

The Senator from Virginia had the privilege of presiding over the Senate when the able Senator from Minnesota (Mr. HUMPHREY) was presenting his views on S. 1868. As the days go by I will comment in more detail.

However, today I just want to mention a few points brought out by the Senator from Minnesota in behalf of his proposal. I made quick notes as he was speaking. I have not had the opportunity as yet to read or study his remarks.

Let me say first that the number of this legislation is S. 1868. We can be thankful, or at least I can be thankful as a Member of the Senate, that the number of the legislation is not S. 1776, because it was in 1776 that the United States of America or what was to become the United States of America took the same action that Rhodesia took in 1966; namely, to declare her independence of Great Britain.

The United States is going to celebrate the 200th anniversary of the Declaration of Independence less than 3 years from now. And yet our representatives in the United Nations have acquiesced in a proposal to put sanctions on a peaceful country, because it is seeking its independence from Great Britain, the same thing the United States did almost 200 years ago.

Now let us look at the title of this legislation. Here it is:

S. 1868, a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community.

How could any Member of the Senate sign a statement like that—a statement saying that the United States is not a law-abiding member of the international community?

Why do they claim that it is not a law-abiding member of the international community? The original sanctions against Rhodesia were voted by the United Nations in 1966 and 1967. Those sanctions were put into effect unilaterally by the President of the United States.

They were never submitted to Congress. They were put into effect unilaterally by the President. Two years ago, Congress decided to do something about this as it affects one strategic material, namely, chrome.

Congress passed legislation saying that this sanction on trade with Rhodesia in regard to a strategic material; namely, chrome, shall not apply if the same strategic material is being imported from a Communist-dominated country.

That legislation, Mr. President, was passed by the Senate. It was passed by the House of Representatives. It went through a committee of conference. It was signed by the President. Finally, it was upheld by the courts of the United States.

Yet this measure, S. 1868, says that because of that action by the Senate, by the House of Representatives, by the President, and by the courts, the United States stands in violation of international law.

I say that is not only erroneous, but absurd.

Are we going to give away to an international body the right to legislate for the people of the United States? Are we going to do that?

I do not concede at all that what Congress did, what the President did, and what the courts of the United States did is in violation of international law.

If we concede that point, then we as legislators are at the mercy of the United Nations.

I say again, the Congress of the United States did not vote to apply sanctions against Rhodesia. It was done unilaterally by the President, who at that time was the late Lyndon B. Johnson, at the request of the United Nations.

The able Senator from Minnesota, in his comments, said that by trading with Rhodesia insofar as importing chrome is concerned, we are "putting our blessing on a government where 5 percent rule 95 percent."

Those who are advocating the legislation now pending favor trading with Communist Russia, where only 1 percent or less than 1 percent control and dominate the other 99 percent. Many of the countries the United States deals with are ruled by a government domi-

nated by a very small group. Perhaps one would say most of the countries today are in that category, unfortunately.

So I say to those who contend, as do the sponsors of this legislation, that we should not trade with Rhodesia, because it is putting our blessing on a government where 5 percent rule 95 percent, that that is the case with many countries throughout the world with which the United States is trading and has been trading.

None of the sponsors of this legislation lay any claim to wanting to outlaw trading with Communist Russia, and yet we all know that that is the tightest dictatorship in the world. In no other nation of the world, except China, do so few rule so many.

The able Senator from Minnesota, in his opening remarks, mentioned that chrome can be obtained from places other than Rhodesia, and that is correct. He mentioned the Soviet Union and Turkey. The one country he did not mention is South Africa.

The facts are that the three countries of the world which produce the bulk of the world's chrome, metallurgic chrome, chromite, or whatever term you want to use, are Rhodesia, South Africa, and Russia.

If we are going to eliminate trade with Rhodesia—and one of the reasons that the sponsors of this bill give that we should eliminate trade with Rhodesia is because the white minority dominates the black majority—why would we then not advocate sanctions against South Africa?

As a matter of fact, to show the hypocrisy of this whole argument, the Ambassador to the United Nations, Mr. Scali, vetoed proposed sanctions against South Africa.

I think he should have done that, and I commend him for it; but if it is contended that the black majority of Rhodesians is not being treated properly by the minority whites, then how can one contend that the situation is any better in South Africa? To be logical, the sponsors of the pending legislation should amend it to include South Africa. Then Russia would have an almost total monopoly, on the strategic material. If we eliminate South Africa and Rhodesia, that leaves us with only the U.S.S.R. with any substantial supply of an important and strategic metal.

Now, in his opening remarks, the able Senator from Minnesota said that Germany and Japan are complying with sanctions against Rhodesia.

Well, I have talked with a good many people who have been to Rhodesia, and they tell me that there are all sorts of Japanese-imported items for sale in the stores in Rhodesia, that there are Japanese automobiles all over the streets of Rhodesia. One cannot hide an automobile, and they are everywhere there, plus radios, cameras, and so forth.

I say it is a lot of bunk that Japan is complying with sanctions. They are not complying at all. Neither is Germany. Few countries in the world are complying with sanctions against Rhodesia except Great Britain and the United States. The only aspect in which the United States is not complying is in chrome.

In his opening remarks, the able Senator from Minnesota also stated that Germany and Japan are not relying on cheap Rhodesian chrome in the manufacture of the products which require chrome.

That may or may not be the case. Frankly, I do not know. But I do know that Germany and Japan, particularly Japan, are relying on cheap labor. That is why they can compete with the United States so much, because of cheap labor. We do not want that in our country. We want to maintain high wage rates.

Now, as to the strategic stockpile which the able Senator from Minnesota mentioned, I will not attempt to get into that aspect of it. The expert in the Senate on the matter of the strategic stockpile is the able Senator from Nevada (Mr. CANNON). He is the chairman of the Stockpile Subcommittee of the Armed Services Committee. He has gone into this matter in great detail. He is strongly opposed to S. 1868. He is a strong advocate of the legislation which Congress enacted several years ago.

Now if, indeed, the United States is in violation of international law—and, of course, it is not—but if, indeed, it is, then the President of the United States can solve that problem tonight—tomorrow—this afternoon. Under the legislation which Congress passed the President has two options. If he does not want to relax the sanctions against Rhodesia, he can do two things. One is to eliminate from the list of strategic materials chrome, metallurgical chrome, chromite, et cetera.

If he takes them off the strategic list, then the so-called Byrd amendment which Congress enacted several years ago would not apply. But, he has not done that. He has not done that, and very logically so, because metallurgical chrome is a strategic material and a vitally important material. It is essential to many of our military weapons systems and to our domestic industry. The President knows that. Congress knows that. The fact is that the vast bulk of this chrome can come from only one of three sources; namely, from South Africa, Rhodesia, the Soviet Union.

The other thing the President can do if he so desires is to cease importation of chrome from Communist Russia. If he does that, then the legislation enacted by Congress 2 years ago would not become operative—or would cease to become operative.

So there are two ways, if the President decides it is necessary to have a complete embargo on trade with Rhodesia, two steps that he can take and no legislation is necessary.

The Humphrey proposal would repeal what was done only 2 years ago, legislation passed by the Senate and passed by the House of Representatives and signed by the President.

I might say, in that connection, that I hold in my hand a letter from those who favor the pending legislation and are very strongly opposed to what was done 2 years ago. The letter is signed by Representatives DIGGS, CHISHOLM, DELLUMS, STOKES, MITCHELL, DINGELL, CONYERS, and BURKE. In that letter it says this:

> In August 1972, just a year ago, the attempt to repeal the Byrd amendment in the House failed by a staggering 253–140 votes.

As the opponents of the Byrd amendment point out in this letter, the House failed by a staggering 253 to 140 vote to repeal this legislation just a year ago.

While I am against the proposed legislation, S. 1868, it is not, in my judgment, an unmixed blessing that it should be brought before the Senate.

I believe that the proposal gives the Senate a good opportunity to consider many important matters that need to be considered, not only in connection with the sanctions against Rhodesia but also in regard to the United Nations itself.

First, I think there should be full discussion as to whether it is wise to repeal legislation which Congress enacted two years ago, legislation which had the support and the affirmative votes of representatives from 46 of the 50 States.

Yes, Mr. President, when the vote was taken in the Senate and the House of Representatives, representatives from 46 of the 50 States supported the legislation which Congress enacted 2 years ago—the so-called Byrd amendment. That, I think, Mr. President, is a significant point. It was not a regional vote. It was a nationwide vote. Representatives from 46 of the 50 States supported that legislation.

Now the legislation offered by the able Senator from Minnesota (Mr. HUMPHREY) would amend the United Nations Participation Act. That brings up the question of what other amendments should be presented at this time to an act which was passed 28 years ago. That is a long time. 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.

Mr. President, third, during consideration of the proposed legislation, namely, S. 1868, the Senate, I should think, would want a full discussion of 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. There are now 135 member nations.

Mr. President, I might say that I returned from Okinawa as a naval officer at the same time that the United Nations was being formed in San Francisco. I thought at that time that it was very important that we have a world organization which would hopefully make it unnecessary for American citizens to participate in future wars.

It was my hope that a world organization such as the United Nations would be an instrument for achieving and maintaining peace throughout the world.

Since that time I have felt a rapport with the United Nations since I happened to be in San Francisco at the time it was formed.

I must point out, however, that there has been a very drastic and radical

change in the membership of the United Nations since that time. As I mentioned earlier, there were 51 nations, and all of those nations had a history of established government.

There are now 135 nations. Most of them are new nations. Most of them have had very little opportunity for self-government, and thus very little experience in self-government.

We have got an entirely different situation today. And I guess that I should be frank enough to say that even though I am an advocate of the United Nations, it has been a disappointment in what it has been able to accomplish. So, I think it would be important, since it has been 28 years since there has been a debate with regard to the United Nations, that there be a full discussion of how the United Nations Participation Act might best be changed to both protect the United States and to make the United Nations a more effective world organization.

I think it has an important role to play. It is a forum for many governments. That is desirable.

One aspect that I cannot accept, however, is that actions taken by the United Nations should be binding on the U.S. Congress. I cannot approve that principle. If the principle contained in the Humphrey bill is sustained, then we would be accepting the principle I have just mentioned—namely, that action taken by the United Nations Security Council, implemented unilaterally by a President of the United States, would be binding on Congress. I do not believe in that.

Fourth, I believe that the Senate will wish to discuss the background of the United Nations sanctions against Rhodesia.

It would be of interest, I think, to inquire as to how a small, land-locked African nation, which has attacked no one, is officially declared by the United Nations Security Council and found to be "a threat to the peace." Incidentally, no such action was taken against North Vietnam during its long aggression against Southeast Asia, or against the Soviet Union. No such action was taken against the Warsaw Pact nations at the time of their invasion of Czechoslovakia.

I again cite that to show the hypocrisy of the whole matter. By no conceivable stretch of the imagination can Rhodesia be considered a threat to world peace. Yet that is what the United Nations Security Council declared. It did so in 1966 and 1967, at the height of the Vietnamese war, but said nothing whatsoever about the aggression by North Vietnam.

One year later, the invasion of Czechoslovakia took place. It was a brutal invasion of Czechoslovakia; but no effort was made to apply sanctions because of that aggression.

Fifth, I would hope that the managers of the bill introduced by the Senator from Minnesota (Mr. HUMPHREY) would be prepared to dicuss in some detail the governments and potential contributions of the new members, namely, those acquiring membership after the original 51 nations. The Senate and the Nation would, I believe, be interested in knowing just what types of governments the 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. This is a good time to bring out those facts. Most certainly we should know, and the 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 only the regular assessments—the dollar amounts, percentages, and so forth; we also need to know the voluntary contributions, with percentages.

Undoubtedly, many Senators will have many other areas to be explored during the consideration of the proposed legislation. It has been many years since there has been a full discussion in Congress of the role of the United Nations and its many ramifications. Now, I think, would be a good time to give consideration to the various matters I have heretofore mentioned.

I might say again that the legislation proposed by the distinguished Senator from Minnesota (Mr. HUMPHREY) would repeal the legislation enacted two years ago.

The legislation that Senator HUMPHREY's proposal would repeal is this: The President cannot 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 existing legislation, passed by Congress, signed by the President, and upheld by the courts?

If the principle of the Humphrey legislation is accepted by Congress, then what it would be saying is that as to any action taken by the American Ambassador to the United Nations in the Security Council, and then put into effect by the President of the United States unilaterally, Congress has no recourse and must accept whatever is done, even though Congress had not approved or had no opportunity to express its viewpoint.

It would be putting Congress in a straitjacket. It would make Congress, in the field of foreign affairs, subservient to and completely under the domination of the Ambassador to the United Nations and the President of the United States. I, for one, could not accept such a proposal.

Mr. President, I am about to suggest the absence of a quorum, but prior to doing that I ask unanimous consent that I may yield to the Senator from New York (Mr. JAVITS) without losing my right to the floor.

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

Mr. JAVITS. 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.

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from New York.

Mr. JAVITS. I thank my colleague.

Mr. President, with reference to this matter, on which I have heard most of the remarks of the Senator from Virginia with great interest, I believe that the points which need to be emphasized very strongly are, first, the self-interest of the United States, and second, the economic situation which affects this particular type of import.

First as to the self-interest of the United States: We constantly hear argument that the United Nations is powerless, that it cannot do what it was supposed to do originally, which is to have a material effect on maintaining the peace.

But, Mr. President, where it seeks to exercise some authority, if we frustrate it, we are only tearing down the very instrument which we ourselves are saying is not adequate to the task; and where the United Nations, as in this case, has girded up its loins and voted sanctions, for us to dismantle them seems to me for us to be acting very strongly against our own interests.

Let us understand, Mr. President, that the legislation which was nullified by the so-called Byrd amendment, that is, the amendment of the Senator from Virginia, was a grant of authority to the President of the United States to enable him to carry out the support of the United Nations sanctions. That was the policy of our country, and we carved out an exception from that by adopting the amendment of the Senator from Virginia.

It will be noted, incidentally, that this affects quite a range of minerals aside from chrome, though chrome is the principal item. The report of the Foreign Relations Committee says, at page 2:

> This legislation actually made it possible for the United States to import as many as 72 commodities, most notably nickel, chrome ore and ferrochrome.

So it did have a fairly broad range.

The other point that impressed me very much, Mr. President, and to which I would like to call attention, is the statement of the distinguished Senator from Virginia, which is answered by the committee, that this has some relevance and comparability to the struggle for independence of our own country in 1776 from the same power, to wit, Great Britain.

I would like to read what the committee says also on page 2 of its report:

> Any fancied resemblance to our own action of 1776 could only be thought relevant if the American colonists had been less than a five percent minority of this country's population and had denied valid political representation to the vast majority of another race or color to the East of the Appalachians.

The issue which is here at stake is not the effort to make Rhodesia subservient, a colony, or a possession of Britain. Britain has not recognized Rho-

desia's independence. But there is nothing the United Nations is trying to do about forcing Rhodesia back into Britain's hands. The real issue is, are the rights which are undertaken under the United Nations Charter, which are basic human rights, being violated by the form of government which has been set up in the name of independence in Rhodesia? They are. That is the finding of the United Nations.

Now, Mr. President, I should like to testify to a personal experience on this score because I think it is very important. I have returned but a few weeks ago from attending a conference on "World Peace Through Law" at Abidjan on the Ivory Coast, where a very great company of lawyers and judges from practically all the countries on Earth were present to discuss how the world could be brought to a resort to law instead of resort to force in dealings among nations.

While there, I visited a number of other countries in Africa, including the Upper Volta, one of the drought-stricken countries of the Sahel region of West Africa, and Nigeria, the most populous country in Africa.

Based on this experience, I testified before the subcommittee considering this matter of Rhodesian chrome ore. I testified to the fact that probably the single leading problem in our relations with all of these African countries which are struggling to be free and to have democratic societies—obviously, not always with success, but still struggling in that direction—is what they consider the ambivalence of the U.S. position respecting a number of issues on their continent which deeply affect their own freedom.

Among these, of course, are apartheid in South Africa, the situation of Portugal with respect to Angola and Mozambique, and the situation of U.S. cancellation, through act of Congress, of its participation in sanctions against Rhodesia.

Now, Mr. President, everything in international affairs is a tradeoff. We cannot always do what we want to do. We cannot always pursue the purest line which principle would invite us to pursue and which we would like to pursue. But here, in the case of Rhodesia, we can do something about one thing that troubles our relations with the African countries because the world, through the United Nations, has acted on it affirmatively, and it has the broad support of various countries in the world. Indeed, we are the only nation that has adopted this official cancellation of the sanctions. Therefore, we should reverse this situation and avoid what the African nations feel very deeply about: the fact we are the only member state of the United Nations which has openly, publicly, and by law declared that we will not observe United Nations sanctions against Rhodesia.

Mr. President, we have so much reason to call on other nations to respect their commitments to the principles of the United Nations embodied in the Charter that it seems to me most embarrassing, and unnecessarily embarrassing, for our country to be put in this position respecting this particular matter.

Now, Mr. President, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) spoke of the Soviet Union. Certainly the Soviet Union is an iron dictatorship. There is no question about that. But, Mr. President, the Soviet Union was not the subject of collective world action. I do not condone it at all. It probably deserves it as much as Rhodesia. But, nonetheless, it was not. Actually, it has not been picked out as an object of United Nations action. So, therefore, as the matter stands now, it is within, not outside, the law, and the support of the establishment of law in the world. The support of even the modest efforts which the United Nations may be brought to make, in this case by unanimous vote of the Security Council, to right some of these human wrongs which are contrary to the United Nations Charter, should be backed by us, even though we cannot have it all the way, the way it should be in principle.

It is somewhat analogous to the fact that because we cannot catch every miscreant in the country who holds up gas stations or robs people's homes, that does not mean we should turn loose those we do catch. So, when we have the opportunity to uphold the rule of law with tremendous international backing, we should join in it and not expressly and by law defy it.

One last point, and that is the economic point. By now—and I think the report of the committee on this is extremely valid—any concept that this is a good economic decision has certainly been shown to be unwarranted both in the price at which chrome can be bought and in the fact that, as the matter is now turning into another processed commodity which is being bought very largely in place of the raw material which it was originally thought would be the principal item of commerce with Rhodesia, American workers are now complaining about losing their jobs because of what we are buying.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the testimony of John J. Sheehan, legislative director of the United Steel Workers of America.

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

"Since other nations were violating the embargo, albeit covertly, foreign ferrochromium producers were obtaining lower-priced Rhodesian ore." (Ferrochromium is the major product into which chrome ore is processed. The ferrochromium is then used as a major component of specialty steels.) As a result, foreign specialty steel producers were operating at lower cost, making our domestic specialty steels less competitive. The final culmination of these allegations was that American steelworkers were losing their jobs.

"From the first time that this jobs issue arose, the United Steelworkers of America has vigorously denied its validity. I would like to mention at this point that appended to my statement is a compendium of letters and telegrams which or Union's president I. W. Abel, and I have sent to Members of Congress on this point since 1971. Also included are Legislative Appeals and a Legislative Newsletter which we have distributed on the subject.

"Now that we have had some experience with re-opened trade with Rhodesia, what has happened? In short, the results anticipated by the advocates of lifting the embargo have not been achieved. In some cases, the results could not be achieved because the problems themselves were not truly related to the Rhodesian embargo. Here I speak primarily on the job-loss issue, but also of the reliance-on-Russia issue and, to a degree, the issue of high Russian prices. In another case, the "problem" has proven not to be a problem at all; i.e., the national security issue. Furthermore, the breaking of the embargo has indeed had results quite unexpected by its sponsors; namely, vast imports of Rhodesian ferrochromium rather than chrome ore, with a direct relationship to the loss of American steelworkers' jobs rather than to their preservation.

"The import situation has been increasingly damaging to the domestic ferrochrome industry over past years, and the infusion of Rhodesian products since 1972 has certainly aided in bringing it to a critical point. On May 4, 1973, the Ferroalloys Association filed for relief from imports before the U.S. Tariff Commission. Subsequently, the petition was withdrawn as a result of the boom currently being experienced in the steel and supporting industries. Despite its current increase in profitability, however, the domestic ferrochromium industry's share of the market continues to erode, and it stands on very shaky ground.

"The impact already is very real for some of our members. Late in 1972 two domestic producers announced that they were shutting down their ferrochrome facilities, and both listed imports as a major reason. Ohio Ferroalloys in Brilliant, Ohio, has already shutdown its ferrochromium process, switching instead to silicon processes exclusively. Foote Mineral is planning on completely closing its Steubenville, Ohio, plant by the end of this year. The result of the Foote Mineral closing will be 313 lost jobs.

"I have dwelt on this matter not because we view the reimposition of the Rhodesian embargo as a job protection measure—there are far more appropriate methods for achieving that; namely, legislated import quotas, and we have long sought them. Rather, I have felt this to be an important topic because it demonstrates that the lifting of the embargo has had effects exactly opposite of its sponsors' intentions."

Mr. JAVITS. Mr. President, in addition to a revised view as to what can come out of the strategic stockpile of the United States, the pattern of price, insofar as sales from the Soviet Union are concerned in these particular commodities, all go to sustain rather than to invalidate the fact that even on economic grounds we would not find it unwise or even inconvenient to join in the action of the United Nations in applying these sanctions.

Mr. President, I should like to close these brief remarks as I began by saying that the central issue is: Can this international organization have some real weight? It certainly has great usefulness, as we see now in the Middle East crisis where a United Nations force is, and is likely to continue to be, the buffer between the contesting parties and to be of great aid in bringing about a cease-fire and, hopefully, in bringing about some kind of negotiated peace.

So, Mr. President, when the United Nations finally does get itself together and does something, as it did with respect to the matter of Rhodesian chrome, our objective should be to help it and not to defy it. That is true on grounds of statesmanship. That is true on grounds of our national interest. The United Nations can contribute so much to a peaceful world, as it can find ways and

means to show some strength and some decisiveness and some unity of decision on the part of its members.

Now, again, Mr. President, I heard, of course, with interest, the charge made that lots of trade goes on with Rhodesia and that the sanctions are not particularly effective. I am sure of that. I am sure there is a lot of cutting and trimming. But, Mr. President, the cutting and trimming which goes on in every great enterprise is no match for open, public defiance by law in which we say, "We will not do it." That, I think, goes really a very long way toward invalidating the strengthening of an organization which we have a great interest to build up, as we desire nothing, we have no imperialistic ambitions. We seek only a peaceful world in which to live and reduce the burden of armaments together with others. So, it is an extremely prudent matter, therefore, for the United States to uphold the hand of the United Nations with respect to this matter rather than to defy it.

For all those reasons, Mr. President—and those are essentially the reasons given by the Committee on Foreign Relations, of which I am a member, for reporting this bill—the bill is deserving, is greatly in the national interest of the United States, and should be passed.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HARRY F. BYRD, JR. The Senator from New York said that the basic issue is whether human rights are being violated in Rhodesia. Does the Senator from New York feel that basic human rights are being violated in the Soviet Union?

Mr. JAVITS. Of course. I said that. I said they are being violated.

Mr. HARRY F. BYRD, JR. One additional question, then. Would the Senator from New York favor economic sanctions by the United Nations against Russia?

Mr. JAVITS. I would certainly favor their consideration. I do not know what the considerations might be which might induce the U.N. to believe, on balance, that it is unwise or wise. That depends on the particular case.

But I am not begging the question as to the Soviet Union. I just point out that because they are getting away with it—and maybe there is no other way, for many reasons, including their power and their position in the world—that is no excuse for letting Rhodesia get away with it, when the United Nations has at long last acted. That is my argument.

Mr. HARRY F. BYRD, JR. The Senator from New York has been to many African countries. I am not speaking of South Africa or Rhodesia, but the other African countries. Does he feel that all those nations are without sin in abrogating basic human rights?

Mr. JAVITS. Not at all, not any more than we are. We have had a lot of sins, too, in Vietnam and elsewhere. Again, that does not mean that when we see a good objective, we should not get aboard it. That is what I am arguing here.

Mr. HARRY F. BYRD, JR. Does the Senator from New York agree or disagree with the veto in the Security Council by the American Ambassador of proposed sanctions against South Africa?

Mr. JAVITS. Personally, I am unaware, I am sorry to say, of the reason which motivated it, but I believe that that was unwise. Just without knowing all the ramified details and with the absolute privilege of having a different view if, as, and when I do, my surface impression is that, again, deep injustice is being perpetrated in South Africa, against which we have protested, against which I protest, and which I believe deserves the attention of the world, in the U.N. with a view toward some kind of international discipline on that score.

But I repeat to my colleague—I understand the difference between us, but I repeat—there is a great deal of injustice in the world, but that does not equate with allowing it to continue where we have an opportunity, as we have here, to do something about it.

Mr. HARRY F. BYRD, JR. I thank the Senator.

I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Virginia for yielding to me. I apologize to my colleagues for speaking at a time when I have laryngitis and possibly cannot be heard as well as I would like to be heard.

I admire the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) for the leadership he is displaying in supporting the position in which Congress, through his efforts, some 2 years ago, placed non-Communist nations on the same basis with Communist nations in the matter of the right of this country to purchase strategic materials from such non-Communist nations.

The amendment which the distinguished Senator from Virginia sponsored and pressed to ultimate passage and approval by the President provides that the President cannot forbid the purchase from a non-Communist nation of strategic materials where the purchase of such materials is permitted from a Communist nation. Certainly, the existing provision of law, the so-called—and properly so-called—Byrd amendment, is the law that the present bill, by the distinguished Senator from Minnesota and a number of his colleagues, seeks to repeal.

Mr. President, we are once again called upon to revive a United Nations dictate that denies the United States the important right to import strategic metals from the sovereign nation of Rhodesia, thus increasing our dependence for such metals on Communist Russia. The issue is clear. If this bill, the Humphrey bill, S. 1868, is enacted into law, it will demonstrate further subservience of our Nation to the United Nations organization and its allies in the Department of State who are waging economic warfare against the sovereign nation of Rhodesia. It has been said by proponents of this bill that until Congress authorized the import of Rhodesian chrome, the United Nations and the Department of State had succeeded in imposing the most effective sanctions program in the world against Rhodesia.

So the question is whether we shall continue to be bound by United Nations dictates in matters affecting our national security or whether we shall consult our own national interests and decline to be yoked. When we consult our national interest, we are forced to the conclusion that we are flirting with disaster if we deliberately deny our ferrochrome industry—the principal consumer of raw chromite ore—of its primary source of supply of high-grade ore from Rhodesia.

Those who are willing to kowtow to the United Nations on this issue can, of course, stand up and be counted. But, before the count is taken, let each Senator acknowledge that the trade embargo imposed by the United Nations Security Council against Rhodesia is a legal farce and a nullity, and is not binding in law. Let it be acknowledged that we are asked to impose self-inflicted wounds upon an element of our economy which is vital to our national defense and the technological progress of our Nation.

It is conceded by most observers of the United Nations that the Security Council embargo on trade with Rhodesia was imposed in violation of the terms of the United Nations Charter. Thus, the embargo resolution is ultra vires, without force and effect either in the United States or in international law.

Mr. President, while I do not intend to rehash this universally recognized conclusion, I do want to point out that the United Nations has no authority to intervene in matters within the domestic jurisdiction of any state. I do want to point out that the embargo was imposed for the purpose of compelling Rhodesia to alter its constitution. I do want to point out that the Security Council's resolution requiring the United States to participate in economic warfare against Rhodesia was made without regard to the provision of the United Nations Charter which requires a bona fide finding by the Security Council that Rhodesia constituted a threat to international peace. I do want to point out that under the charter, any party in a dispute under consideration by the Security Council shall be invited to participate in the discussions relating to the dispute.

To digress just a moment to comment on this matter of the findings by the Security Council that Rhodesia constituted a threat to international peace, how farfetched can an argument be, or how farfetched could a position be. This small landlocked nation in Africa a threat to international peace? It is absolutely ridiculous to entertain any such notion or to maintain any such argument.

Yet, despite repeated requests, Rhodesia was not allowed to participate in the kangaroo courtlike proceedings which led to a declaration, without hearings, that Rhodesia constituted a threat to international peace. That conclusion was and remains an absurdity that refutes any claim to respectability by nations dedicated to the rule of law.

Mr. President, I am frightened by an international organization such as the United Nations which by resolution that it passes can go beyond or hold for

naught the policy of the U.S. Government or supersede statutes or constitutional provisions of the United States of America. We certainly do not want any international organization that has more power than the Congress and the President and the courts of this land. That is exactly the position we are going to find ourselves in if we allow this embargo imposed by the United Nations to become the law of the Government of the United States of America. Certainly, we do not want to be guilty of that type procedure.

Mr. President, the United States should not dignify such crude procedures on the part of the United Nations. What nation might next be victim of such procedures?

Mr. President, there is an old saying that something is wrong when it becomes necessary to violate principles of a theory in order to make it work. It is reasonable to conclude by analogy that something is seriously wrong when the United Nations has to abandon the solemn provisions of its charter in order to make it work. I find it less than amusing to hear arguments that our obligation to support economic warfare against Rhodesia is a requirement of international law as interpreted and applied by the United Nations Security Council in this case involving Rhodesia.

Mr. President, let us put aside the farcical claims of legality of the embargo. What we are talking about is the national security of the United States and the power of the United Nations to deny our Nation access to critical, strategic materials. We are talking about the right of a sovereign state, the United States, to acquire and maintain a stockpile of critical defense materials. We are talking about our right to maintain our critically important ferrochromium industry, free from total dependence on imported chromite from Commnist Russia and other tenuous sources of supply.

In this connection, since 1962, our national stockpile of metallurgical grade chromite has declined over 43 percent and is currently at the lowest level in 15 years. In addition, 43.1 percent of the stockpile of available inventories are officially classified "nonstockpile grade." Furthermore, the administration has recently proposed further liquidation of the high-grade chromite stockpile. Our industry is consuming more than we can import.

Mr. President, I do not want to become technical in this discussion, but it is useful to know that chromite must be refined before it is useful to specialty steelmakers, and chromium is absolutely essential to a modern technological society. In recognition of this fact, the Government designated chromium as the first mineral to be stockpiled in 1939. It is used in the manufacture of a wide variety of products from jet engines to hypodermic syringes, and in any product demanding corrosion resistance. Among some of the important uses are those in areas of environmental control equipment, power generation equipment, transportation equipment, food processing, chemical and petroleum production, and home appliances and equipment.

Mr. President, our Nation is totally dependent upon imports and our national stockpile as sources of supply. It is the opinion of the Tool and Stainless Steel Industry Committee that reimposition of the Rhodesian embargo would convert a serious problem into a crisis.

That is what this bill, S. 1868, would do. In effect it would reimpose the embargo on our imports into this country of Rhodesian chrome, whereas the Byrd amendment lifted that embargo. If we want to do the dirty work of the United Nations we would be for S. 1868; on the other hand, if we want to support the United States and support the national security of the United States without regard to the position of the U.N., then we will be for maintaining and keeping the Byrd amendment and we would be opposed to S. 1868.

Mr. President, I concur in the belief that the only certain effect of a reimposition of our trade war against Rhodesia would be to injure our American industry and restrict this country's ability to meet technological requirements for a strong and continuing national defense.

At last account there were over 130 member nations of the United Nations. Some of the nations have few inhabitants. The Maldive Islands, for instance, have a population of only about 100,000 inhabitants. Yet they have the same vote in the General Assembly as the United States of America, which has some 210 million people.

As the Senator from Virginia (Mr. HARRY F. BYRD, JR.) pointed out, we do not know the internal setup of all these emerging nations. We do not know what their situation is, what the condition is of human rights in those areas, and I daresay no one else does.

The General Assembly is controlled by nations having fewer than 5 percent of the world's population. Five percent of the population of the members of the United Nations control the United Nations; and the nations of Africa and Asia constitute a substantially majority of the entire membership of the General Assembly of the United Nations. So we are certainly not in the hands of friends in terms of internal problems of our Nation, our political policy, and the control of the domestic affairs of our allies in the hands of the United Nations, governed as it is by a majority of the members of the General Assembly coming from the continents of Asia and Africa, where we seem to have very, very few friends.

This illegally imposed embargo on Rhodesia should not be reimposed. Congress has already spoken on this subject. I do not know of many Representatives and Senators who have changed their minds from their position of 2 years ago. I doubt if the distinguished Senator from Minnesota, or, I daresay, a single one of the cosponsors of the legislation, some 30 in number, voted for the Byrd amendment 2 years ago. I do not imagine that a single one of them did.

So, with the important matters we have before the Senate, we are called on to rehash this problem, which Congress has already spoken on.

I believe I heard the distinguished Senator from Virginia say that the Senate itself has acted on this question, in favor of the Byrd amendment, on three separate occasions. I believe that is correct. And here we are called on to argue it out again when we have so many other questions to consider.

Mr. President, in conclusion, let me point out that the United States is not bound in perpetuity by international law, to say nothing of United Nations lawlessness. One generation may not bind another, one Congress may not bind another, and the Congress which enacted the United Nations Participation Act may not bind this Congress in the exercise of its judgment on the United Nations or any of its actions.

Mr. President, it is time for the United States to begin the formulation of a Declaration of Independence from the United Nations. An appropriate place to begin is by declaring the right to import such strategic materials as may be necessary to the defense of our Nation and the economic health of the ferrochromium industry. Next, we must impose the same limitations on the United Nations to commit our Armed Forces to acts of warfare as were imposed on the President.

Another dangerous aspect of the power of the United Nations is the right they have to commit the armed forces of the various member nations. I feel that this is certainly a time to say, in a loud, clear voice, that we are satisfied with the Byrd amendment, permitting the import of strategic materials from non-Communist nations. If imports into this country are permitted from Communist nations, why should the Communist nations be the most favored nations? And that seems to be what S. 1868 seems to do—make the Communist nations the most favored nations, and make our own allies the least favored nations.

That may make sense to some Senators, and apparently it makes good sense to the 30 sponsors of S. 1868, but I do not believe it will make good sense to the U.S. Senate as a whole.

I hope that S. 1868 will be defeated, when and if it comes to a vote in the Senate.

I did hear the distinguished Senator from Virginia say he was going to make some of his arguments at this time, but as the days wore on, that he would make additional arguments, and I look forward to hearing his additional arguments, as the distinguished Senator is planning to make them from time to time as the bill is under consideration.

I do wish there were more Senators present here this afternoon to hear the distinguished Senator from Virginia speak in opposition to the bill.

Mr. HARRY F. BYRD, JR. Mr. President, the able Senator from Alabama has made a powerful presentation against the proposal offered by the Senator from Minnesota (Mr. HUMPHREY). As the Senator from Alabama customarily does, and with great consistency, he focused the attention of the Senate right on the heart of the problem. In his presentation today he hit the key points so effectively

as to the weaknesses, the fallacies, the faults of S. 1868 offered by the distinguished Senator from Minnesota (Mr. HUMPHREY).

The Senator from Alabama brought out that if the United Nations sanctions against Rhodesia were valid in the first place, they could be valid under the United Nations Charter only if Rhodesia were a threat to world peace.

Here is a small, landlocked African country. It has no navy. It has no air force. I am not certain how much of an army it has, but, the best I can determine, it is mainly a police force to take care of the internal problems of that country. And yet the United Nations Security Council had to certify that that little country was a threat to world peace.

Mr. President, how ridiculous can you get? The able Senator from Alabama is an outstanding lawyer. He is deeply vested in the law. What he points out today is what another great constitutional lawyer pointed out to African Subcommittee of the Foreign Relations Committee of the Senate. I refer to the late Dean Acheson, who served as Secretary of State under President Truman for many years. He testified in support of the Byrd amendment. Some time next week I am going to read his statement into the RECORD. He pointed out that the United Nations itself was in violation of its own Charter, and he cited chapter and verse to substantiate the points he made, just as did the splendid Senator from Alabama (Mr. ALLEN) a few moments ago.

The Humphrey legislation says that the United States is in violation of the law. That means that more than 45 Members of the Senate voted to violate the law. It means, according to the letter sent out by the group of Congressmen who are opposing my position in the House of Representatives, that 253 Members of the House of Representatives voted to violate the law. It means that the President of the United States himself put his signature to a violation of the law. It means that a Federal court here in Washington, which sustained the Byrd amendment, was in violation of the law.

Of course, all of that is not correct at all. It is not correct at all. As the Senator from Alabama made so clear, the measure we have before us now goes way beyond whether it is wise or unwise to import chrome from Rhodesia.

It goes beyond whether it was wise or unwise originally for the United Nations to put sanctions against Rhodesia.

The new principle that the legislation introduced by the Senator from Minnesota (Mr. HUMPHREY) would enuciate is that once the United Nations, through the Security Council, adopts a course of action and that action is put into effect by the President of the United States unilaterally, without the consent of Congress, then Congress is bound by that action and there is no recourse that Congress has without being in violation of what they consider to be international law.

I submit that certainly is not the case.

And if it is the case, then we in the Senate of the United States and those who are serving in the House of Representatives have placed ourselves in a straitjacket where whoever might be President in some future years can take a course of action in the international field which cannot be reversed by the Congress of the United States.

I say that principle to my mind is more serious than the question of chrome, more serious than the question of trade with Rhodesia, more serious than the question of the United Nations itself.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Illinois without losing my right to the floor.

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

SENATOR RANDOLPH PIONEERED IN ENERGY LEGISLATION BEGINNING IN 1959—GOVERNMENT EXECUTIVE MAGAZINE INTERVIEW OF APRIL 1971, PUBLISHED HIS PROPHETIC CONCERN

Mr. HARRY F. BYRD, JR. Mr. President, on Sunday and again yesterday the distinguished majority leader (Mr. MANSFIELD) called attention to the pioneering efforts of the able Senator from West Virginia (Mr. RANDOLPH) in authoring legislation and programs to develop a national policy on fuels and energy under which this country could be assured of adequate supplies of energy to serve our citizens.

Senator MANSFIELD has stressed that in 1970 the Senator from West Virginia (Mr. RANDOLPH) introduced legislation with 62 cosponsors to establish a National Commission on Fuels and Energy. In connection with the majority leader's remarks it is appropriate to inform Senators that the work of the Senator from West Virginia (Mr. RANDOLPH) goes back even before 1970. In 1959 Senator RANDOLPH introduced a resolution to establish a Joint Committee on a National Fuels Policy. Again in 1961 he introduced a resolution to establish such a Joint Committee on a National Fuels Study. In 1961 also Senator RANDOLPH proposed a resolution to establish a Special Committee of the Senate on National Fuels Study. This latter measure was approved by the Senate in an amended form.

It is clear that the Senator from West Virginia possessed keen foresight with regard to the energy problems confronting this Nation and over the years continued to translate this foresight into affirmative action. In April 1971, Senator RANDOLPH discussed his concerns in an article entitled "Fuel Plants—250 New Power Sites?" with the associate editor of the magazine, Government Executive. It is my belief that this interview is indicative of the in-depth knowledge that the Senator from West Virginia possesses on fuels and energy issues. I ask unanimous consent that the article be printed in the RECORD.

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

FUEL PLANTS: 250 NEW POWER SITES?

In mid-April, plus or minus 48 hours, the first substantive Government action to prevent a power crisis in the next two or three decades will be taken.

Oddly enough, the action will not be taken by the Executive Branch, which has had the ball in its court for a long time, but by the Legislative Branch.

The prime mover is Sen. Jennings Randolph, who 12 years ago proposed a study of U.S. fuel and energy needs. Had the proposal been acted on then, present power shortages—alarming to Government officials as well as citizens—could have been prevented.

Randolph, 27 years a Democrat in Congress, the last 13 as a Senator, represents a coal mining state, West Virginia, but has tackled the fuels and energy problem impartially, viewing the overall problems covering oil, gas, coal and nuclear sources.

Randolph is chairman of the Senate Public Works Committee and as such realizes the significant relationship between energy requirements and assurance of environmental quality. He told *Government Executive*:

CONGRESSIONAL ACTION

"This Nation and the world community of nations are embarked on a gigantic gamble that we can maintain energy supply reliability compatible with demand. The gamble is gigantic. To lose it would be catastrophic for the American people, and indeed, for large inhabited portions of the earth."

In 1970, Randolph introduced, with the cosponsorship of 60 Senators, a bill to create a national Commission on Fuels and Energy.

The Administration opposed creation of the commission, which would have been a partnership instrumentality of nine members from the Executive Branch, six from Congress, and six non-Government experts. So, on February 4, 1971, Randolph introduced a resolution (S.R. 45), calling for a study of the fuels-energy situation by the Senate Interior Committee, chaired by Sen. Henry "Scoop" Jackson (D–Wash.).

This committee has been studying the resolution and will (or has, by this reading) report it favorably to the full Senate. The Senate will refer it to its Rules Committee, where no opposition is expected. The Committee, in turn, will report it favorably to the Senate for action.

Said Randolph: "The time has come for our society, its people and institutions, educational, political and religious, to act to avert further environmental crises and to plan for a future in which man can restore that balance which is essential to quality living. The critical factor in reestablishing the equilibrium will be man's will to create an environment adapted to his physical, psychological and spiritual needs."

"In the next 20 years," he continued, "we must triple our national power capacity to meet projected population and industrial demands. This may require 250 new power plant sites with an estimated capital need of as much as $350 billion. Such an expansion will require approximately eight million acres of land and may require over one-half million miles of voltage transmission lines—enough to circle the world four times.

"Yet the electric power industry, with annual revenues of some $20 billion is, according to the Federal Power Commission, currently spending less than one-half of one percent of its gross revenues on developing new and improved methods for the generation and transmission of electric power."

The immediate need, Randolph told the Senate in introducing his resolution, "is to overcome a fossil fuel shortage and to develop more effective, more efficient and cleaner methods of power generation and transmission without doing ecological violence."

He continued: "Proven reserves should be tied into distribution systems. Over many years, tax policies encouraged oil companies to develop sources of crude oil and natural

gas and place them in reserve for future consumption. In effect, these national reserves are being held in trust. Therefore, in a fuels or energy crisis the public policy should dictate when these reserves are made available.

"I am concerned with the apparent proliferation of Federal efforts in this time of crisis. Recent reports indicate energy studies are being undertaken by the President's Domestic Council, the Office of Science and Technology, the National Science Foundation, the Atomic Energy Commission, the Department of Commerce, the Federal Power Commission and two studies by the Interior Department, to name a few.

"There is a pressing need for overall coordination if piecemeal examinations and competitive forces are to be minimized. Government agencies must be directed to lay aside jurisdictional disputes and short-term self-interests and recognize the long-term national interests involved."

At the present time, Randolph told *Government Executive:* "Energy research and development efforts of Government, private enterprise and education institutions are fragmented and uncoordinated. There is no agency responsible for a coordinating effort in the fuels and energy area which affects so many elements of our society and our environment.

"I suggest consideration on the establishment of a National Institute on Fuels and Energy under the Office of Science and Technology of the Executive Office of the President. A valid mission of this Institute would be to bring together, analyze and make recommendations on all public and private fuels and energy research and development programs, especially those which are interrelated with the development of technology for improvement of the quality of the environment."

DOUBLING EVERY DECADE

Under Randolph's resolution, the Senate Interior Committee would make a thorough investigation of U.S. fuel and energy resources, requirements and policies, and recommend actions necessary to insure fulfillment of future requirements for energy consistent with sound environmental quality policies and practices.

"The United States," says Randolph, "is unique among the countries of the world in its consumption of energy. Coal, oil and gas—and a small amount of nuclear power—provide our energy base. Three-fourths of the Nation's energy supply is derived from oil and gas.

"I do not overstate when I say that we are facing today—and will face tomorrow and many more tomorrows—a shortage of fuel and power to serve the industries and the homes of America.

"The energy demands of the United States since World War II have been doubling every decade. Our ability to meet the demand to date has clearly resided in the use of fossil fuels for their energy value."

Mr. LONG. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. DOMINICK). Does the Senator from Virginia yield to the Senator from Louisiana?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from Louisiana.

Mr. LONG. I agree with what the Senator has to say in his statement. I was a cosponsor of the Randolph proposal to which the Senator has made reference. It was the Senator's predecessor in the Senate, his father, the honorable Harry F. Byrd, Sr., who offered an amendment in the Finance Committee which subsequently became law, known as the Defense amendment. declaring that this Nation should not be without an adequate fuel industry to meet its needs in times of emergency.

If Presidents had had the foresight and the courage to administer that amendment the way it was intended, we would not have any energy crisis today. Any dispassionate, objective, and perceptive person would agree that if that amendment had been administered courageously and beyond politics and the expediency of the times, we would have, today, a fuel industry that would be producing this Nation's energy requirements.

I am not saying that they would be adequate to produce all of our desires in terms of oil or natural gas, but if one takes into consideration the enormous coal reserves we have and what the intent of that amendment was, we would have today an industry adequate to meet our needs. Only because of the urgings of others who did not agree with it, which were sufficiently successful, did this Nation continue to permit more and more reliance to develop on foreign sources, so that we find ourselves in the situation we are in today. When those sources are denied to us, we are then in a real energy crisis.

It is quite appropriate for the distinguished Senator from Virginia to place in the RECORD the information he has placed there. It is worth noting the fact that if the Defense amendment, which initially was offered by the Senator's father, had been pursued the way it was intended and as it was explained in the committee report, we would not have this problem today.

I say that as one who voted for the amendment and thought it was right—and still do.

Maybe we can go beyond that, and embellish it and fill in some more details which the amendment may have lacked at the time. But, as it was intended in that amendment, and explained very clearly, we should not have to rely on foreign nations for essential supplies of energy.

Mr. HARRY F. BYRD, JR. Mr. President, I appreciate the comments of the distinguished Senator from Louisiana. I had not been aware of that part of the history of that amendment which goes back, as I recall, to 1959—does it?

Mr. LONG. Yes.

Mr. HARRY F. BYRD, JR. I am particularly interested to learn that my father was the author of that proposal and that the Senator from Louisiana (Mr. LONG) was a cosponsor of that proposal in 1959, almost 15 years ago.

That shows how long ago attention had been focused on that problem, yet how little was done about it.

I believe what the Senator from Louisiana said a few moments ago, as to what we must do in this country to develop our own reserves so that we will not be dependent on what, one might say, are not necessarily too stable countries in other areas of the world.

Mr. LONG. As the Senator so well knows, it is a matter of energy. We may not be able to find enough petroleum to meet all our needs but we certainly, by our existing technology, have enough coal available to us to provide all our energy requirements for 300 years, based on the rate that we are presently consuming it—and that is assuming we do not find more.

Mr. HARRY F. BYRD, JR. The Senator is correct. I misspoke myself if I confined it to petroleum reserves. I did not intend to do that. I meant the entire energy field.

Mr. LONG. Yes. So that we have to make a simple decision, whether we will develop enough energy in this country and enough capacity to process it so that we can provide for our own requirements, or whether we will rely on uncertain foreign sources that might be available to us and then again might not.

We must realize how important energy is to us, and I mean not only gasoline or electric power but every other source of energy, heating, and all the rest. When we are confronted with the problem and made to live with it, we realize, too, so much that we have been permitting that sort of thing to be left to chance.

Unfortunately, some people have not seen that. They will not see it until they have had their gasoline denied them. Perhaps they will not even see it until the lights are turned off in their homes. However, once they are cold, in the dark, and without transportation, they will see the light so to speak, with regard to the need for this nation to be self-sufficient, particularly a nation which has the enormous burdens placed upon it as a result of world leadership.

It is irresponsible for this Nation to be in the position where it cannot provide for its own requirements of fuel. It should be able to provide enough so that it can go to the aid of others such as our friends in Europe—the Dutch, who, I believe, were the only country that stood by our side at the time this Nation thought it necessary to place its Armed Forces on the alert because of the crisis in the Mideast. We found then that the Arab nations had decided to cut off the fuel of the Dutch and the Americans insofar as they had the power to do so, cutting off the energy for the Dutch because they had honored a commitment to the United States.

We ought to have enough capacity that we not only can provide our own requirements but also can go to the aid of those who have been our friends and allies and stayed by us in time of crisis. We had that at the time the defense amendment was voted. President Nixon set it as an objective that we should have it again, hopefully within 7 years. We would have had it right now if we had not permitted our capacity to produce our energy requirements to diminish, on the theory that we could buy fuel cheaper somewhere else.

If we had decided to do that, at a minimum, we should have been stockpiling a great deal of it here—if we are going to rely upon them—so that when they have cut off our foreign sources, we at least have something to take care of us for several months, which we do not have.

We have the capability. It is simply a matter of whether we are going to make the sacrifice and pay the price to have an industry here capable of producing our

requirements. While we do not begin to have the oil reserves that the Persian Guf area possesses, we have more than half of the world's known coal reserves. We have so much here that it really does not make much difference where the rest of it is.

Mr. HARRY F. BYRD, JR. I recall that a week ago last night, at the White House, the senior Senator from Louisiana brought out that point in a discussion several of us had with the President of the United States.

Mr. LONG. Just by the existing technology, we have all the coal we need.

Let us face it: If we can make the breakthroughs that we should be seeking and finding in terms of atomic power and other methods—fuel cells being one that should be considered—particularly if we make the breakthroughs that we know are possible in the area of atomic fusion, where there is no limit to the amount of power we can develop at low cost, with a minimum of pollution, then we will not need the oil or the coal.

It may be so cheap to provide the energy that we will not be producing natural gas except to use it to make some other material, such as plastic, or as raw material from which to make some finished product that might be used for clothing, furniture, housing, or something of that sort. But until such time as we make those breakthroughs, at which point the oil will not be worth much—it will be a very cheap commodity, because there will be very little demand for it, and the same will be true of coal and gas—until those days come, we should be moving to develop an adequate industry to provide energy for this country, even though it be at higher cost, so that the American citizens can be protected and be the masters of their destiny.

Another thing we have learned by hard experience is that just because a foreign nation, such as Saudi Arabia or Kuwait, can produce oil and gas more cheaply than we can does not mean they are going to sell it any cheaper. They are going to sell it for a price in line with what it will cost us to produce the same thing here. They would be fools not to do so. They are looking after their interests, just as we are trying to look after ours. You cannot really blame them for charging us everything they can get for something they can produce, keeping it in short supply until they can get the price they demand.

So we have learned some hard lessons, but it is not too late. We can now go to work and within a few years develop a fuel industry completely adequate for our needs.

I just hope that people will remember the situation in which we find ourselves, when we did not have an industry that could provide our requirements.

Mr. HARRY F. BYRD, JR. The people, I am sure, will remember it. If I size the situation up accurately, this country is in a very bad position for fuel, for energy. No one knows what is going to happen in the next 4 to 12 months.

The measure we passed last night, after 18 recorded votes, is not going to solve the problem by any manner of means.

It does not create 1 additional gallon of gasoline. It does not make available to the public 1 extra ton of coal.

All it does is spread the misery around, and I think there is going to be plenty of misery to spread around, because we are very short of energy.

I am indebted to the able Senator from Louisiana for bringing out the history of a proposal going back to 1959 which apparently foresaw what we are facing in 1973.

Mr. LONG. I thank the Senator.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will convene tomorrow at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, in the order stated: Mr. RANDOLPH, Mr. CRANSTON, Mr. HUMPHREY, and Mr. ROBERT C. BYRD, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

If there is business tomorrow which can be transacted by voice vote or by unanimous consent, such business will be transacted. Otherwise, there will be no yea-and-nay votes tomorrow.

At the close of business tomorrow, the Senate will adjourn, pursuant to House Concurrent Resolution 378, as amended, to 12 noon the following Monday, November 26, at which time the Senate will proceed to the consideration of any orders for the recognition of Senators which have previously been entered, after which there will be routine morning business, after which, if there is no legislative business to be transacted, the Senate will take up the nomination of GERALD R. FORD.

At the hour of 2 p.m. on November 26, the Senate will proceed to the consideration of Executive Calendar No. 22, Executive N, 93d Congress, 1st session, a protocol amending the 1928 Convention Concerning International Expositions, and Executive Calendar No. 23, Executive Q, 93d Congress, 1st session, a protocol to the International Civil Aviation Convention. Yea-and-nay votes have already been ordered on those two conventions, and an order has been entered whereby instead of having a 15-minute vote on each of the two conventions, there will be one 30-minute yea-and-nay vote on both of the two conventions, the vote to begin at 2 p.m. and end at 2:30 p.m. on Monday, and the vote, of course, to count as two yea-and-nay votes in the RECORD.

At the conclusion of that yea-and-nay vote on the two treaties, the Senate will either resume consideration or begin consideration—whichever the case may be, as determined by circumstances on that date—of the nomination of Mr. FORD. The vote on the confirmation of Mr. FORD's nomination will not occur on Monday, November 26, but it is anticipated, and hoped, that the vote on the nomination may occur on Tuesday, November 27.

Mr. President, I think that about wraps up the program for tomorrow and for Monday, November 26.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 4:15 p.m. the Senate adjourned until tomorrow, Wednesday, November 21, 1973, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 1973:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Fred B. Ugast, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

William R. Stratton, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1976.

DEPARTMENT OF STATE

O. Rudolph Aggrey, of the District of Columbia, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

J. Owen Zurhellen, Jr., of New York, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

Robert H. Miller, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Donley L. Brady, of California, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1975.

ACTION AGENCY

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of the ACTION Agency.

FEDERAL MARITIME COMMISSION

George Henry Hearn, of New York, to be a Federal Maritime Commissioner for the term expiring June 30, 1978.

FEDERAL TRADE COMMISSION

Mary Elizabeth Hanford, of North Carolina, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1973.

SECURITIES INVESTOR PROTECTION CORPORATION

Glenn E. Anderson, of North Carolina, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1975.

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 1973.

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Corporation for a term expiring December 31, 1976.

DEPARTMENT OF DEFENSE

Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army.

COUNCIL ON ENVIRONMENTAL QUALITY

Russell W. Peterson, of Delaware, to be a member of the Council on Environmental Quality.

CIVIL AERONAUTICS BOARD

Lee R. West, of Oklahoma, to be a member of the Civil Aeronautics Board for the term of 6 years, expiring December 31, 1978.

Richard Joseph O'Melia, of Maryland, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1974

DEPARTMENT OF STATE

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

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

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

DEPARTMENT OF JUSTICE

Leonard F. Chapman, Jr., of Virginia, to be Commissioner of Immigration and Naturalization.

Henry A. Schwartz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years.

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years.

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee for the term of 4 years.

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia for the term of 4 years.

R. Jackson Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia for the term of 4 years.

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years.

John H. deWinter, of Maine, to be U.S. Marshal for the district of Maine for the term of 4 years.

John J. Twomey, Jr., of Illinois, to be U.S. marshal for the northern district of Illinois for the term of 4 years.

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho for the term of 4 years.

Rex K. Bumgardner, of West Virginia, to be U.S. Marshal for the northern district of West Virginia for the term of 4 years.

Leon T. Campbell, of Tennessee, to be U.S. Marshal for the middle district of Tennessee for the term of 4 years.

James T. Lunsford, of Alabama, to be U.S. Marshal or the middle district of Alabama for the term of 4 years.

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years.

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term of 4 years.

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years.

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Ernest C. Hardin, Jr., xxx-xx-xxxx xxx-...FR (major general, Regular Air Force) U.S. Air Force.

U.S. NAVY

Vice Adm. Means Johnston, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of Title 10, United States Code, Section 5231, for appointment to the grade of admiral while so serving.

U.S. MARINE CORPS

Maj. Jack R. Lousma, U.S. Marine Corps, for permanent promotion to the grade of lieutenant colonel in the U.S. Marine Corps, in accordance with article II, section 2, clause 2, of the Constitution.

IN THE NAVY

Navy nominations beginning Reinhardt H. Bodenbender, to be commander, and ending Thomas A. Schultz, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 1973.

Navy nominations beginning William Arlen Abbott, to be commander, and ending Sarah Jane Watlington, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 1973.

Navy nominations beginning Richard Walter Akin, to be captain, and ending Helen R. Levin, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 2, 1973.

Navy nominations beginning Herman Carl Abelein, to be captain, and ending Bessie R. Weeter, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 2, 1973.

IN THE AIR FORCE

Air Force nominations beginning Darwin G. Abby, to be major, and ending Ronald E. Hand, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 26, 1973.

IN THE DIPLOMATIC AND FOREIGN SERVICE

Diplomatic and Foreign Service nominations beginning Gori P. Bruno, for reappointment in the Foreign Service as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending David E. Thurman, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 1973.

IN THE COAST GUARD

Coast Guard nominations beginning John M. Cece, to be commander, and ending Robert E. Kramek, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on November 9, 1973.

EXTENSIONS OF REMARKS

A SIGNIFICANT BIRTHDAY FOR WEST VIRGINIA AVIATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 20, 1973

Mr. RANDOLPH. Mr. President, the swift pace of history leaves little time to pause and assess the seemingly minor events that contribute to the whole. One such event took place 40 years ago—on October 18, 1933—near Charleston, W. Va. On that date, a Ford Tri-Motor, operated by American Airways, predecessor company of American Airlines, took off from the old Wertz Field to give Charleston its first commercial airline service.

The citizens of the Charleston-Kanawha Valley area recently joined with American Airlines to mark this important event in its economic development. Commercial aviation has contributed significantly to the progress of the Charleston area and a genuine and fruitful partnership has developed between Charleston, the State of West Virginia, and American Airlines.

The flight of the famed "Tin Goose" left Charleston for Washington, D.C., at 1:20 p.m., carrying a delegation of local and State officials. With a cruising speed of 122 miles per hour, and tri-motor took about 2½ hours to reach the Nation's Capital. The 727 Astrojets that American uses at Charleston's Kanawha Airport today could make that same flight in less than 50 minutes—carrying 93 passengers, compared to the Tri-Motor's capacity of 11.

This is a significant birthday for West Virginia aviation, and I ask unanimous consent that a news article describing the event, written by Richard Haas, business editor of the Charleston Daily Mail, be printed in the RECORD.

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

KANAWHA'S 40TH AVIATION YEAR

(By Richard Haas)

Forty years of aviation history were recognized today in a ceremony at Kanawha Airport commemorating the inauguration of commercial air service in Charleston.

Featured guest at the ceremony was Leo E. Peters of Charleston, who as Daily Mail reporter chronicled the 2½-hour trip between Wertz Field in Institute and Washington, D.C., Oct. 18, 1933. He is the last remaining passenger from the flight by American Airways, predecessor of American Airlines.

Other Charleston notables making the historic trip included Gov. H. G. Kump, Mayor R. P. DeVan, T. Brooke Price, then president of the chamber of commerce, Gazette writer Harry L. Flournoy, and P. A. Koontz and David M. Giltinan of West Virginia Airways.

The 11-passenger Ford Tri-Motor, the famed "Tin Goose" in which the Charleston delegation made the trip, was the first of eight aircraft American has used to service Kanawha County, noted Eric Thon, manager of the airline's Charleston operations. Others included the twin-engine Curtis Condor biplane, the DC–3, the DC–6, the Lockheed Electra, and the current 93-passenger 727 Astrojet.

"Commercial aviation has been a key factor behind the progress of the Charleston area over the last 40 years and American is proud to have launched this long and fruitful partnership," Thon said.

He estimated the airline has boarded about 500,000 passengers and 10,000 tons of cargo,