SENATE—*Monday, December 17, 1973*

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

PRAYER

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

O God, our Father, as we lift our hearts to Thee in prayer, we thank Thee for the mood and spirit of the Advent season. We thank Thee for the song in the air and the star in the sky penetrating the darkness of sin and suffering and sorrow. Help us to make ready for the coming again of Him who brought the life of God into the life of man.

May the humility and tenderness of Bethlehem strip us of all selfishness and pride and touch our lives with the purity and trustfulness of childhood. May the spirit of the Christ Child brood over us and move amongst us in the corridors of power, so that His kingdom of righteousness and justice may be advanced in the world. And finally may we join the celestial choirs singing "He shall reign forever and forever." 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 17, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT OF THE SENATE

Under authority of the order of the Senate of December 14, 1973, the Secretary of the Senate, on December 15, 1973, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills:

H.R. 11324. An act to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise; and

S. 2178. An act to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

The Vice President, on December 15, 1973, signed the enrolled bill (H.R. 11324), to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 14, 1973, be dispensed with.

Mr. HELMS. Mr. President, reserving the right to object—and I shall not object—the Senator from North Carolina at this point simply wants to illustrate to his good friend from Montana that the Senator from North Carolina wants to be as reasonable as he can in the exercise of all prerogatives available to him in connection with an issue of major concern to both the Senator from Montana and the Senator from North Carolina.

Of course, it consumes time to read the Journal of the proceedings of Friday, December 14, 1973. Indeed, any Senator can, if he desires, request that those proceedings be read; but, Mr. President, I shall not object to the distinguished Senator's unanimous-consent request.

Mr. MANSFIELD. The Senator from North Carolina is correct in what he has just said. Of course, he has all these rights which I have anticipated he would exercise.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

Mr. ALLEN. Mr. President, reserving the right to object, as the Senator from Alabama understands what the request is, that we not call the calendar under rule VIII, the Senator from Alabama feels that this might be the only opportunity we will get to have some of these matters brought before the Senate. So he would like to have the rule followed, the rule being that on Mondays, we have a different procedure from what we have on other days and on Monday we do call the calendar. So the Senator from Alabama will object and merely ask that the rule be followed.

The ACTING PRESIDENT pro tempore. Objection is heard.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I do not seek recognition at this time.

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader desire to be recognized at this time?

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Montana is recognized for not to exceed 10 minutes.

Mr. MANSFIELD. Mr. President, I have nothing to say at the moment, so I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 10 minutes.

Mr. HELMS. Mr. President, the distinguished Senator from Michigan is in a meeting downtown. However, he has just arrived in the Chamber, so he will speak for himself.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, with the time to be charged against my special order.

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

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 585 Leg.]

Allen	Griffin	McGovern
Baker	Helms	Ribicoff
Byrd, Harry F., Jr.	Mansfield	Scott, Hugh
Byrd, Robert C.	Mathias	Young
	McClellan	

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

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

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Fulbright	Pell
Aiken	Gurney	Percy
Bartlett	Hansen	Proxmire
Beall	Haskell	Randolph
Bible	Hatfield	Roth
Biden	Hruska	Saxbe
Brock	Jackson	Schweiker
Brooke	Johnston	Scott, William L.
Buckley	Kennedy	Sparkman
Burdick	Magnuson	Stafford
Clark	McClure	Stennis
Curtis	McGee	Stevens
Dole	McIntyre	Stevenson
Domenici	Mondale	Symington
Dominick	Moss	Taft
Eagleton	Muskie	Tower
Eastland	Nelson	Weicker
Ervin	Nunn	Williams
Fannin	Packwood	
Fong	Pearson	

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The ACTING PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR 1974 (S. DOC. NO. 93-53)

A communication from the President of the United States requesting the Congress to consider proposed supplemental appropriations for the fiscal year 1974 in the amount of $126,350,000 in budget authority (with accompanying papers). Referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED LEGISLATION TO MODIFY THE 1-CENT PIECE

A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to change the alloy and weight of the 1-cent piece (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act (with an accompanying report). Referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Armed Services, with amendments:

S.J. Res. 176. A joint resolution to authorize the production of petroleum from Naval Petroleum Reserve Numbered 1 (Rept. No. 93-635).

Mr. CANNON. Mr. President, I report favorably from the Committee on the Armed Services Senate Joint Resolution No. 76.

The purpose of this resolution is to authorize the production from and development of Naval Petroleum Reserve No. 1—also known as the Elk Hills Naval Petroleum Reserve—for national defense purposes, and the exploration of reserves Nos. 1 and 4, the latter being on the Arctic North Slope of Alaska.

Under existing law the operation and use of naval petroleum reserves, including Elk Hills is limited to: First, the protection, conservation, maintenance, and testing of those reserves; or second, the production of petroleum whenever and to the extent that the Secretary of the Navy, with the approval of the President, finds that it is needed for national defense, and the production is authorized by a joint resolution of Congress.

It is under the latter provision that the Secretary of the Navy has made a determination that production of Naval Petroleum Reserve No. 1 is needed for national defense. This determination has been approved by the President with the requisite that the joint resolution be approved by the Congress at the earliest possible time.

Mr. President, the Committee on Armed Services looked into the matter quite thoroughly. After complete hearings and thorough discussion it developed that certain provisions of the administration proposal gave cause for concern. Assuming the committee submits an amendment in the nature of a substitute which corrects the defects noted.

First, the original proposal set no definite limit on the amount of production other than the "maximum efficient rate." This term is subject to question since this reserve is relatively unexplored. The committee amendment sets a production rate of 160,000 barrels per day for a period of 1 year. This rate of production can be reached in 60 days.

Second, in the original proposal a closed-cycle funding arrangement was proposed which would limit funding for the reserves to receipts from production therefrom. The proposed resolution contrived no appropriations authorization for exploration, development, or production other than from the fund. This not only could result in a delay in the commencement of the operation, but effectively relinquished congressional control of the appropriation process. The committee amendment corrects this situation and authorizes the appropriation of $72 million for the start of operation, production, and exploration.

Mr. President, the committee proposal has everything the administration proposal would do, but incorporates certain safeguards and provides immediate funding.

As to the need for this proposal, I might state that on an austere basis, the Department of Defense consumes about 625,000 barrels of petroleum per day. Until the recent Arab embargo, about half of this, or 300,000 barrels, came from overseas sources. Eighty percent of this offshore procurement came either directly or indirectly from the Arab countries. This must now come from the civilian economy. The production of Elk Hills will help materially to relieve this added strain on domestic supplies.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports were submitted:

NOMINATIONS

By Mr. EASTLAND, from the Committee on the Judiciary:

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan.

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

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

L. Dean Brown, of the District of Columbia, to be Deputy Under Secretary of State;

Robert Stephen Ingersoll, of Illinois, to be an Assistant Secretary of State;

William B. Buffum, of New York, to be an Assistant Secretary of State;

Stuart Nash Scott, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal;

Harry G. Barnes, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania;

Heyward Isham, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti;

Joseph J. Java, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico;

Ralph J. McGuire, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali;

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya;

Francis E. Meloy, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala;

Francis T. Underhill, Jr., of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia;

David H. Popper, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile;

David D. Newsom, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia;

Viron P. Vaky, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia;

Francis L. Dale, of Ohio, to be the representative of the United States of America to the European office of the United Nations, with the rank of Ambassador;

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization; and

David Gregg III, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

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

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

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on November 2, 1973.)

Mr. THURMOND. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 650 in the Army in the grade of colonel and below; in the Navy, 1,351 for promotion in the grade of captain and below; in the Marine Corps, 169 in the grade of colonel and below; and in the Air Force, 3,455 in the grade of colonel and below.

Since these names have already appeared in the CONGRESSIONAL RECORD, and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be placed on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the CONGRESSIONAL RECORD of November 28, 1973, November 30, 1973, and December 3, 1973.)

TREATY

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

Executive P, 93d Congress, 1st session. Customs Convention on the International Transit of Goods (ITI Convention) opened for signature at Vienna June 7, 1971 (Executive Rept. 93–27).

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. HUMPHREY:

S. 2819. A bill to establish within the Atomic Energy Commission an Office of Solar Energy Research to carry on a vigorous program of research and development to assure the utilization of solar energy as a major source for our national energy needs. Referred to the Joint Committee on Atomic Energy.

By Mr. NELSON (for himself, Mr. GRAVEL, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONDALE, Mr. STEVENSON, and Mr. PERCY):

S. 2820. A bill to establish administrative and governmental practices and procedures for certain kinds of surveillance activities engaged in by the administrative agencies and departments of the Government when executing their investigative, law enforcement, and other functions, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. PERCY, Mr. HUGH SCOTT, Mr. GOLDWATER, and Mr. FANNIN):

S. 2821. A bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 2819. A bill to establish within the Atomic Energy Commission an "Office of Solar Energy Research" to carry on a vigorous program of research and development to assure the utilization of solar energy as a major source for our national energy needs. Referred to the Joint Committee on Atomic Energy.

SOLAR ENERGY RESEARCH ACT OF 1973

Mr. HUMPHREY. Mr. President, today I am introducing the Solar Energy Research Act of 1973. It would authorize a 5-year $600 million research and development effort to harness the tremendous energy potential of the sun for the service of mankind. This legislation calls for a much greater public and private effort to utilize this cleanest and most abundant of all energy sources.

Before describing the provisions of this legislation, I would like to discuss my reasons for offering it.

For many years I have been deeply concerned over our inability to tap the tremendous energy potential of the sun. In fact, in the early 1960's I authored legislation to establish an Office of Solar Energy within the Department of Interior. On February 12, 1962, when I introduced this measure, I made a statement that remains essentially as true today as it was then, almost 12 years ago:

> The Federal Government has played an active and effective role in the development of hydroelectric power and, more recently, atomic energy.
>
> But in this relatively new but exciting field of solar energy, the Government needs to coordinate and step up its activities for development of solar energy devices and techniques.

Regrettably, the Congress did not enact that program and I must continue to plead the same basic case in the Senate today. However, I must admit that with every increase in the price of gas and every thermostat degree reduction, the job of selling the Nation on a major investment in solar energy research and development will become easier.

Mr. President, in looking at solutions to both the long-term and short-term energy crisis, I am convinced that we must not overlook and fail to fully capture the potential of solar energy.

But if we are to realize its great potential for cooling and heating of space and water in the next few years and for the generation of electricity in decades to come, we must substantially increase the focus of this effort and the public and private investment in this potentially tremendous source of power.

Many experts are now saying that no source of energy now available will meet our ever growing demand for clean energy during the next century and beyond—except the Sun.

The energy generating potential of the sun is awesome. As Mr. V. W. Bearinger of the Honeywell Corp. points out:

> If 1% of the solar energy falling on the Sahara Desert in the year 2000 were converted to electrical power, it would supply all of the world's needs for electrical power for that year, or put another way, the annual amount of solar energy falling on the state of New York is double the energy obtained annually from the entire world's production of coal and oil.

Yet, while many of us have recognized the potential of this greatest and cleanest of all sources of energy, and for years some of us have called for stepped-up efforts to tap its tremendous potential, the total Federal effort specifically directed toward solar energy research and development has been and remains totally inadequate. This is particularly true in view of the urgency of our Nation's "energy crisis" and the important researchable projects that are available for funding.

During the current fiscal year, expenditures by the Federal Government for all types of solar energy research are estimated at approximately $13.2 million. While this is well above the level in any prior year, it still amounts to less than 1.5 percent of the $900 million Federal energy research and development budget and a mere seven one-hundredths of 1 percent of our total R. & D. budget. Certainly, the nature of the "energy crisis" demands and the potential for practical uses of solar energy requires much greater support from the Federal Government.

The following table provides data on alternative solar energy programs that have been suggested.

First, it outlines the Atomic Energy Commission's request for funding of solar energy, as announced on December 4 by the AEC. Of course, by the time this request goes through the "penny-wise" fingers of our friends at the OMB, the "actual" request to Congress may be even less. Second, the "minimum viable" and "accelerated orderly" solar energy research and development programs reportedly recommended to the AEC by the interagency team of solar energy experts called the Solar Energy Panel. Third, the level of funding which I am recommending in this legislation today.

TABLE I.—SOLAR ENERGY R. & D. BUDGET PROPOSALS

[In millions of dollars]

Fiscal year	AEC (Dec. 4 1973)	Solar energy panel "Minimum viable"	Solar energy panel "Accelerated orderly"	HHH proposal (Dec. 6, 1973)
1975	$32.5	$50.5	$106.4	$56
1976	39.9	67.5	188.9	94
1977	41.4	89.7	237.2	150
1978	42.2	104.8	264.4	150
1979	44.0	97.4	259.8	150
5-year progress	200.0	409.9	1,056.7	600

In regard to proposed funding levels it is also important to note the conclusion of the staff report on solar energy research prepared by the Committee on Science and Astronautics of the House of Representatives in December of 1972. Based on reports from NASA, the NSF, the NBS and the CRS, they concluded:

It appears that all the reporting groups concur generally in a future level of funding for solar energy research on the order of $100 million over the next three years and of about $150 million a year thereafter—reaching a total of about $3 billion over the next 15 years.

As is obvious from the above table, my proposal follows very closely on the advice of the technical experts and responsible Federal solar research and development organizations. However, despite the fanfare with which they were announced, the AEC budget proposal reflects the concern of the budget balancers and not of those responsible for bringing the energy crisis to a permanent end. I find their proposed funding level baffling in light of Project Independence and the President's promise to move ahead vigorously to make our Nation self-sufficient in energy.

Mr. President, the bill I am offering today, the Solar Energy Research Act of 1973, would establish an Office of Solar Energy Research within the Atomic Energy Commission. This Office would provide the forward thrust for the expanded solar energy research, private and public, that is desperately needed in our Nation. This effort can be expected to dramatically reduce the period of time needed for the full advantages of solar energy to become available to the American people.

It has been estimated by the NSF/NASA Solar Energy Panel, the principal body of solar energy expertise within and outside the U.S. Government, that beginning in the early years of the next century, at the latest, solar energy could economically provide as much as 35 percent of our total building heating and cooking requirements, 30 percent of the Nation's gaseous fuel needs, 10 percent of the demand for liquid fuels, and over 20 percent of the country's total electrical energy requirements.

As far as the near future is concerned, these and other experts agree that, if solar energy development and economic incentives programs are vigorously pursued, building heating from this source could reach substantial segments of the public within 1 or 2 years, building cooling in 5 to 9 years, synthetic fuels in 4 to 7 years, and electric power production in 9 to 14 years.

In other words, beginning now and well into the next century, major solar energy potentials can be realized, if a strongly directed, supported and administered solar energy research and development program is mounted within the Federal Government.

The Office of Solar Energy Research is placed within the AEC on the assumption that it will be providing the basic administrative structure and central policy focus for the entire energy research and development effort of our Government.

A Solar Energy Research Council is established to coordinate solar R. & D. among the several agencies involved and to assure the broadest possible spectrum of views and talents for the formulation of solar energy policy.

This, I hope, will result in an open solar energy growth policy based on objective scientific and economic review.

A key feature of this legislation is its aggressive program for seeing to it that the results of our solar energy research programs are available for use by the general public, as quickly as possible. The core of this effort will be a broad range of solar energy utilization incentives.

The authorizations provided in this bill, which have previously been described, are quite close to what the experts cite as the "minimum requirements" for a sound solar energy R. & D. program and well below what could be done under what the experts call an "accelerated orderly" program. However, they are three times the totally inadequate level of the recently announced AEC solar energy research and development funding requests, which totals exactly $200 million for the next 5 years.

If we have not learned the danger of overreliance on a limited number of energy sources from the current energy crisis, and do not act to spread our energy requirements across as wide a spectrum of energy sources as we can, we may be destined to experience an even more serious energy crisis in the decades ahead.

Mr. President, if we are going to seriously attempt to assure sufficient supplies of fuel at reasonable prices to all of our people, every potential source of energy supply must be thoroughly investigated. I am convinced that this is not happening in the solar energy area. The purpose of this bill is to push this effort along.

It does not seem unreasonable to me to ask the administration to put a mere 5 percent of its $11 billion energy research and development funds into work on solar energy, particularly when one considers its fantastic potential and the recommendations of the experts.

Mr. President, I ask unanimous consent that a series of articles on solar energy research and development be printed at this point in the RECORD.

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

A FOCUS FOR SOLAR ENERGY

(Remarks by Hon. GEORGE P. MILLER in the House of Representatives, May 31, 1972)

Mr. Speaker, at the risk of seeming a bit quixotic, I suspect that the time has come for civilized man to stop taking the sun for granted.

This is not to imply that one need worry about the sun not rising tomorrow or exploding into a super-nova next year or collapsing into a white dwarf in a few centuries. What I do assert is the spiraling need for the human race to tap the sun's enormous energy and put it to work as a major power supply—soon.

A lot of people have become involved lately in energy problems—including myself. The record abounds with reports and studies about the so-called energy crisis—and, in my opinion, there *is* such a crisis. There is nothing phony about it.

What I want to emphasize is this. Crisis is a relative word; usually its essence is immediacy—short range or short term—something we must handle right away. On the other hand, what is "immediate?" That depends on what you are and what your environment is. If you are a guppy being chased by a predator in a fish tank, it is one thing. If you are Queen Elizabeth it is something else. And if you are a member of Congress faced with making decisions which will affect not only your country but global civilizations as yet unborn, it is still another thing.

The point is that our energy crisis is both short-term and long-term. It is a continuum. We know we must find substantial new sources of energy to keep us going just for the balance of this century. We are also beginning to suspect that there is nothing now available to us which will serve our needs for clean energy during the next century or the one beyond that—except the sun.

In such context is this not the "immediately?"

The lifetime of our nation is only 183 years—almost exactly the length of time that passed from the founding of Jamestown until the Constitutional Convention in Philadelphia. Does that period seem long today? Not very. Let me shrink it a little more. The time of real need for solar power may well be only half a century or less away. This is about the same span elapsing between the inauguration of George Washington as President and the death of Davy Crockett at the Alamo. That does not seem very long either.

Observed on this scale perhaps it is not so hard to see why, if we are to be assured of abundant energy in 2020 and beyond, we must get on with adequate and appropriate research *as of now*.

For the short-term crisis, the signs are that we are waking up and moving—toward fossil fuel exploration, nuclear power development, chemical conversion research, geothermal experimentation and the like. We have quite a way to go there, but we are started.

For the longer-term crisis—toward significant solar power—we are basically still asleep.

NEEDS AND POSSIBILITIES

Projected figures on American and world energy needs are readily available and can be set forth in massive detail. Many of them are inconsistent. Some are frightening. All are revealing. None is reassuring.

It is not my purpose to document a case for energy research. That has been done many times over. But I *do* want to specify a few facts which seem particularly meaningful here.

(1) *Future Energy Needs.*—One can find almost any kind of estimate on this matter except an estimate that trends downward. All are up. The most reliable, based on an averaging of more than 50 different forecasts, indicates that U.S. total energy needs will double in 25 years, and that electrical energy needs are doubling every 13 years which means an increase of over 400 percent before the year 2000. At the same time, our Committee on Science and Astronautics has testimony from the Interior Department which indicates the possibility of much higher energy demands depending on the accuracy of certain economic growth forecasts.

When we consider that the nation is consuming electric energy close to its present peak capability right now, that is a sobering thing to contemplate.

(2) *Energy Research Now Underway.*—Such research is presently underway in many fields including the fossil fuels, coal, oil and gas; nuclear fuels involving processes of fission, fusion and plasmas; hydraulic, geothermal, solar, wind, chemical, biological and a number of other exotic types.

Reports our committee has issued show

that about 4,400 energy research projects are now in the mill in the United States and probably about $1 billion is going to support them. There are 1,162 projects on which we have detailed funding information, with about $441 million supporting them.

This is commendable.

But let me point out that a large part of this research is devoted simply to locating new sources of fuel, such as oil, gas and uranium, and developing new ways of getting at it.

In any case, only about 70 of the 4,400 research projects have any relation to solar energy, and they have available—so far as we can gauge—considerably less than 1 percent of the total funds going into energy research. Moreover, much of the effort that *is* going into solar energy research—probably half or better—is not being devoted to terrestrial use, but for use in space.

(3) *Supplies of Energy.*—Describing the world's supply of energy is very complex. It depends on many things. However, the engineers who have studied this problem tell us that "fosil fuel reserves are barely equivalent to twice the cumulative demand for energy between 1960 and 2000." (U.S. supplies are less than a fourth of the world total.) They go on to say that even nuclear fuels, using present reactors, can provide a margin only a little more than twice the capacity of fossil fuels—but that breeder reactors could boost total nuclear capacity about 100 times. (U.S. reserves of nuclear fuels are estimated at 10 percent of the world supply.)

All such supplies are "depletable."

Sources categorized as "continuous" are solar radiation, wood fuel, farm waste, photosynthesis, hydro-power, wind power, tidal, and geothermal. All of these combined, *excluding solar radiation,* are estimated to provide maximum annual energy amounting to about 1.5 percent of the total world supply of fossil fuel energy, about .6 percent of total nuclear energy available using present methods, and about .006 percent of total breeder-reactor energy.

Solar radiation energy falling annually on the world's land surface, however, is estimated at about 28 times the world's total supply of fossil fuel energy, about 9 times the total supply of conventional nuclear energy, and about 11 percent of the total supply of breeder-reactor energy.

(4) *Outlook for Various Energy Systems.*—Again, it is difficult to describe the energy outlook in terms of utilization of the various kinds of fuels. This is mainly because new technologies may provide us with more efficient ways of recovering and using these fuels.

With present technology we have no practical way of recovering a very large part of the world's remaining supplies of oil, coal and gas. And we are even hampered in using present methods in many cases due to public outcries against such methods as stripmining, offshore drilling, surface pipelines, jumbo tankers and the like.

Present nuclear power methods seem to have made reasonable progress with their problem of thermal pollution but very little with long-term radioactive waste disposal. No one in this country has yet succeeded in producing a reliable commercial prototype of breeder-reactor; nor does anyone seem to have a practical solution for handling the small (in quantity) but exceedingly "hot" (radioactively) waste from such plants—a kind of waste which remains highly dangerous for thousands of years. With both types of reactors, there exist wide divergences of opinion with regard to fuel availability, hazards, and the economics of plant construction and operation.

With regard to power from nuclear fusion and plasmas, scientific feasibility has not been demonstrated, and we are lacking in our materials research, among other things. As yet we have no processes or materials to withstand the enormous temperatures and radiation levels which such methods demand.

DECISIONS TO BE MADE

By reciting these circumstances. I do not mean to be negative. I have great faith in our scientists and engineers, and I have no doubt that developing technology will help us find various options to follow in alleviating the energy dilemma.

Nonetheless, in view of the foregoing evidence—and I believe that I have been reasonably conservative in my presentation of it—it seems to me that at least two firm conclusions are in order.

First.—We must make a decision, probably during the '70's, on what we want to do with some of the most valuable—but finite—resources on this planet. That is, coal, oil, natural gas, uranium and several other heavy elements.

Do we want to "burn" them? Use them all up for fuel?

Obviously we are going to be forced to do this for a while. There is no alternative. But, as I have tried to point out earlier, a "while" is a relative thing which, if we are complacent, may quickly devour all the time we have left to develop options. Even assuming that we manage to evolve new adequate energy systems by then, what do we use in place of these precious materials which we have so inefficiently consumed?

It took billions of years for Earth to make her fossil fuel material. We cannot manufacture more of it. Yet we have hundreds of needs for it other than energy. The bulk of the petrochemical industry, which is so vital to our wellbeing, will—for example—be lost. Such loss factors may be extended by orders of magnitude in other fields—for it is clear that important uses of these materials which are undreamed of today will exist tomorrow.

Meanwhile, at present rates of consumption, that priceless product—oil—which we first found in this country in Pennsylvania in 1825—will be gone worldwide by 2125 if not before. An interesting commentary on mankind, is it not? Particularly so in light of some of our efforts to eradicate the effects of burning oil—such as smog-control devices adapted to the internal combustion engine, which thus far, while achieving some progress toward that goal, have also succeeded in increasing auto gasoline consumption by about 20 percent when employed.

To me, the answer to the question of the *indefinite* use of fossil and nuclear materials for energy is clear. Let us look elsewhere.

Second.—If we conclude that we must look elsewhere for major energy sources, where can we turn except to solar radiation?

I am not aware of another likely candidate—at least one with sufficient potential to provide very large amounts of undiminished power over large geographical areas for long periods of time.

Undoubtedly there will be, as there are now, many possible ways and many technologies for transmitting, converting, storing and using solar energy. Each will be important in its contribution to the total energy panorama. But I am convinced that at least one key to the problem lies in some joint space-terrestrial method of generating electric power.

If this is correct, it is going to require a lot of research, development and demonstration beyond contemporary efforts.

NATURE OF PRESENT RESEARCH

So what are these efforts?

At present, those being undertaken privately are mainly concentrated in the short-term payoff area—exploration for sources, extraction techniques, nuclear engineering, coal gasification and the like. Research on solar energy is largely ignored.

What about the Federal effort?

Government-wide, budget requests for energy research for fiscal year 1973 come to about $700 million—which is by no means hay but which is around 4 percent of the total Federal R&D budget. The amount contemplated for solar energy research is something like $13 million, or less than 2 percent of the *energy* R&D budget. Almost all of this is funded by the National Aeronautics and Space Administration and the National Science Foundation and not all of it will be obligated.

Let's take the solar energy R&D budget a step further.

Only about $4 or $5 million of it is devoted to research which has terrestrial applications. The rest, including a small amount of Air Force money, is aimed toward applications in space—which I strongly support; it is vital to the total understanding of solar energy potential as well as our space-oriented missions. The point I am making is that our real government financial commitment to solar energy research for terrestrial purposes at present comes to about .0003 or 3/100ths of 1 percent—of our total Federal R&D budget.

To understate the case—this is not much of a commitment.

If the argument I have been making is at all valid, then something is wrong with our priorities.

Last June the President sent a special message to Congress on U.S. energy needs, which has helped create an encouraging environment for energy research. The Federal Council on Science and Technology has set up a Committee on Energy R&D Goals—which includes a Solar Energy Panel co-chaired by officials from NASA and NSF. That Panel has 5 sub-panels devoted to varying systems and about 40 expert consultants involved. An important function of the Panel is to investigate the large-scale use of terrestrial solar energy and recommend to the Energy Committee what research programs are needed. The report is due by July 1, 1972—though when it may be made generally available, if at all, I do not know. Nor does anyone seem to know what happens to the Panel after that.

This is fine as far as it goes.

But is doesn't go very far and, unless somebody really pushes the throttle, it is going to be not merely too little but too late. Moreover, there seems to be no central point of responsibility for making the required effort.

In my view, we are going to need an effort comparable in spirit and commitment to the one we put into the space program in the 60's in order to achieve our solar energy needs. Except this new effort is likely to be more difficult and complex than our space program has been up to now and will cover a longer period. It is not going to be easy.

Perhaps it will take a disaster or a real scare to produce the effort, but when that effort comes it will have to be: (1) Focused; (2) Integrated; (3) Intense, and (4) Continuing.

Nothing else will suffice.

I know there are many who think the whole concept of solar energy is too "far out" and, by current engineering standards, too inefficient. But I would remind my colleagues that today we depend for our existence on many technologies which were completely unknown 25 years ago.

I am sure it is going to cost us more, but this should not be a deterrent. I believe we must accept the fact that in the future our utilities—among the most crucial commodities in our entire scheme of living—are likely to cost what they are worth. For 100 years we in this country have been taking them for granted and paying almost nothing for them. Meditate on that. We think nothing of paying $5 or $6 for a bottle of gin or $2.50 for a lipstick or $1.25 for a can of deodorant spray, yet we gripe if our water bill goes up to 50 cents for 1,000 gallons. Try doing without water for a while—or heat or electricity—and then decide what it is worth.

This is what we are going to have to do.

UNIQUE ROLE OF SCIENCE COMMITTEE

Mr. Speaker, I bring this matter to the attention of the Congress because, as Chairman of the Committee on Science and Astronautics, I believe I have a special and unique responsibility to do so.

Many Congressional committees have a strong and deep involvement with energy matters. However, our committee has a particular duty in the oversight of energy *research* and, whether by chance or otherwise, it turns out that the three executive agencies which fall under our jurisdiction appear to be the best qualified to take the lead in supporting serious R&D on solar energy. These three are the National Aeronautics and Space Administration and the National Science Foundation—which, as I have already mentioned, jointly manage the activities of the Federal Council's panel on solar energy—and the National Bureau of Standards. To give added potential to this triumvirate, it should be noted that NSF and the Bureau share between them responsibility for the Administration's new "technological innovations" programs.

That program is expected to be funded in fiscal '73 at about $40 million. I do not know how it will be used, nor is it may job to dictate that use. But, assuredly, it is my hope that serious consideration will be given to providing some additional solar energy R&D support through these programs.

Furthermore, I deem it most appropriate to point out that, in addition to its immediate programs on solar energy research, NASA's space shuttle system could have incalculable value for ultimate solar energy use. This system may well be the only one which could assemble and maintain solar energy stations capable of employing microwave transmission to earth to overcome weather interference. I hope that those critics who have long down-graded the U.S. manned spaceflight programs will give this some unbiased thought.

There is a fourth organization which also has a particular contribution to make to our Committee regarding the solar energy endeavor. This is the Congressional Research Service (CRS) of the Library of Congress. Late last year, at the insistance of Rep. John Davis of Georgia, chairman of our Subcommittee on Science, Research and Development, the Science Policy Research Division of CRS began an extensive review of the materials research and materials needs of the U.S. Their study is extensive and will take time—but it is critical, I believe, to the success of many of our research ventures, including solar energy research.

Many of our scientific and technological research personnel are aware of this fact. A number of government and non-government councils with the task of promoting materials research already exist. They are operating on the premise that some of the most urgent public needs facing the nation demand new technologies which can be developed only with the advent of materials possessing properties not yet known to man.

CONTACT WITH EXECUTIVE AGENCIES

Mr. Speaker, my interest in solar energy research—and that of our Committee as a whole—has stemmed in considerable part from the excellent work done over the past 9 months by our Energy Research Task Group.

This group, headed by Rep. Mike McCormack of Washington, as a special unit of Rep. Davis' subcommittee, has been given comprehensive briefings almost weekly. Each meeting has been held in a frank and informal manner with experts from all appropriate energy R&D fields—following extensive planning and consultation with the Congressional Research Service. The briefings culminated this month in two weeks of what I consider to be highly sophisticated hearings by the Davis subcommittee on our national energy research prognosis.

My comments today have been sparked by that work.

Also, as a result, I have recently been in direct contact with the heads of each of the agencies here identified as important contributors to solar energy R&D: Dr. James Fletcher of NASA, Dr. Guy Stever of NSF, Dr. Lawrence Kushner of NBS, and Dr. Lester Jayson of CRS.

Each has agreed to participate with the Committee on Science and Astronautics in considering the formulation of multidisciplinary, integrated programs of solar energy research. Toward this end we will begin exploratory meetings between appropriate personnel of the several agencies and of the Committee within a few weeks.

In addition, it is my plan to request that each of the specified agencies report to the Committee within four months on:

(1) The particular contributions, existing and potential, which the agency involved is capable of giving to solar energy R&D;

(2) The level of effort which the agency feels is best suited to it under present conditions:

(3) The level of effort which is possible under accelerated conditions;

(4) The level of commitment which the agency is willing to recommend to the Administration over the next decade, insofar as this is feasible;

(5) The identification and relative capabilities of other government and non-government organizations or institutions in solar energy research.

NEW TASK FORCE AND POLICY FORMULATION

What do we expect from this beginning?

Eventually, of course, we hope for the creation of an *effective* program of solar energy research. I use the term "effective" here as synonymous with "successful."

As for immediate expectations, we are looking for three things:

First.—The formation of what is perhaps the first task force of its kind—a joint Executive-Legislative-Industry task force which will cross not only the boundaries of executive departments but boundaries of the main branches of government as well.

If executive agencies or legislative offices or committees other than those I have discussed wish to take part, they will be welcomed. In addition, expert representatives from industry should obviously be included if they are willing.

The chief mission of such an integrated task force will be to provide the mechanism for assuring a *consistent, coherent* and *intensive* assault on the enormous research problems inherent in the production and use of solar energy. If any of those three characteristics fails, the effort will fail.

Second.—The promulgation of a statement of solar energy policy (perhaps involving energy generally). Hopefully, such a statement can be put in the form of a Joint Resolution and eventually given the force of public law. In my view, this will be especially important during those interim periods when we have made progress with the more conventional modes of energy and things begin to relax—for the moment. It is human nature then to say "why bother—why keep up the fuss over this solar bit?"

At such times, a national policy faithfully pursued may keep us from succumbing to that deceiving, and possibly fatal, technological lullaby.

Third.—The concentration of attention on the possibilities of solar energy—and the ultimate essential requirements for it—on an international basis. No part of the energy dilemma is the peculiar province of the United States. While we may be the first and the most seriously affected by energy shortages, the problem itself is global. We are all in this thing together, and very likely solutions will have to come from many quarters, domestic and foreign.

One thing is apparent to me. If we do not get on with this job, such matters as the war in Viet Nam, unemployment, crime, overcrowding, trade balances, education and all the other things which preoccupy so many nations today—will not make much difference. If the energy crisis becomes an energy catastrophe, we will find out, rather painfully, how relatively insignificant such contemporary issues have been.

ESTABLISHMENT OF AN OFFICE OF SOLAR ENERGY

Mr. HUMPHREY. Madam President, today I introduce, for appropriate reference, a bill which would authorize the establishment of an Office of Solar Energy within the Department of the Interior.

Representative Victor L. Anfuso is introducing similar proposed legislation in the House today.

The new developments and the unmeasurable potential of solar energy are matters of great interest to me. Many private firms have pioneered with research and development projects in this field in the past few years, producing limited numbers of devices which transform the heat and energy of the sun into controlled electricity.

The Federal Government has played an active and effective role in the development of hydroelectric power and, more recently, atomic energy.

But in this relatively new but exciting field of solar energy, the Government needs to coordinate and to step up its activities for development of solar energy devices and techniques.

With stepped-up research and development, we can utilize solar energy for a vast array of positive purposes. Power for communications, hospitals and agricultural equipment, to name a few purposes, can be placed in isolated areas of the Nation—and the world—where no power exists now.

Man has long hoped to harness the sun's energy for practical purposes, but only in recent years have specific devices been developed.

I add that in our missile program, particularly in respect to the Mercury project, the solar energy batteries will be used, which indicates the possibilities for this type of energy.

Two methods are now under study and limited utilization. One is to store the sun's heat energy for conversion later to power. The other is to channel the light energy of the sun through particular metals for immediate conversion to electrical power.

Several agencies of our Government are presently interested in the potential of solar energy. The Department of Defense is experimenting on the use of solar energy for communication devices, and has already utilized solar cells to power electronic devices in our satellites.

The Department of Commerce has considered the possibility of ocean buoys, remote weather stations and auxiliary generators on ships powered by solar energy.

The U.S. Forest Service has considered utilizing solar energy for some of its more remote stations.

No one agency or office of the Government, however, has an overall responsibility or total interest in solar energy research and development. The Department of Interior, with its great interest and experience in the development of power and energy sources, would have much to offer.

My bill would authorize the Secretary of Interior to conduct solar energy research and development projects and would direct him to work closely with other departments with potential uses for solar energy power.

This bill also would direct the Secretary of Interior to establish a Solar Energy Advisory Board, composed of five scientists, to work with him on a consulting basis.

The PRESIDING OFFICER. (Mrs. NEUBERGER in the chair.) The bill will be received and appropriately referred.

The bill (S. 2849) to provide for research into and development of practical means for

the utilization of solar energy, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Aeronautical and Space Sciences.

SOLAR POWER PROSPECTS

Honeywell scientists, appearing before a U.S. House subcommittee recently, urged that the federal government assume a leadership role in solar energy, commit the nation to development of solar-generated electric power and "support that commitment with appropriate funding." We agree.

The basic technology to generate electric power from solar energy is available today. Honeywell said. "No scientific breakthroughs are necessary," which is not the case with, say, nuclear fusion. Nor does solar energy face the kind of "technological risks" that faced the early developers of nuclear fission when they did not know whether their device could be controlled.

The problems that do exist, Honeywell said, "arise out of concern for economic feasibility and not out of concern for technological feasibility." An experimental solar steam power system can be operated yet this decade and "can be matured during the ensuing decade to the point where the American power industry will begin to consider it as a technically and economically practical alternative for supplemental applications."

Honeywell views solar power as a supplement to, rather than a substitute for, other means of generating electricity. But each comparatively pollution-free solar plant would mean one fossil-fueled or nuclear plant that would not have to be built.

Solar energy research has not been well funded by the federal government—$12 million in the fiscal 1974 budget. The figure should rise to $50 to $100 million in the 1975–77 span in order to bring solar steam systems to commercial practicality in the late 1980s, Honeywell said. That could be accelerated as much as six years by tripling the funding. Honeywell contended.

This is beyond the capability of either industry or universities to undertake, Honeywell said. The federal government must do it.

ENERGY: THE SUN BREAKS THROUGH AS AN ENERGY SOURCE—FIRST FOR HEATING AND COOLING BUILDINGS—LATER FOR ELECTRIC POWER

Freeman A. Ford gets impatient when people talk wistfully about harnessing the bountiful energy of the sun. "There's been a great deal said about solar energy, but very little action," he says. So, last year, Ford set up Fafco, Inc., in Atherton, Calif., to sell sun-powered heating systems for swimming pools. Since then, some 40 pool owners in California and Florida have shelled out anywhere from $200 to $2,000 for his black plastic panels that take the chill out of pools for nothing but the cost of pumping the water through them. Beams Ford: "We've identified a need, and we've filled it."

Experts have long predicted wide use of solar energy as a source of electric power in the 21st Century. But the looming energy crisis has promoted researchers and businessmen alike to take a closer look at the sun's potential. Their startling conclusion: Solar energy may blossom into a significant commercial market in as litle as three years.

Although systems that convert sunlight to electricity are not likely to reach the commercial stage for some time, the experts expect solar energy to start assuming a substantial share of the nation's heating and cooling load, which accounts for about 20% of total energy consumption. "What's going on right now is rather skimpy," says James A. Eibling, Battelle Memorial Institute's director of solar energy work, "but you'll be overwhelmed with how much will be going on a year from now."

A new industry. As if to underscore this prediction, Arthur D. Little, Inc., the Cambridge (Mass.) research and consulting company, last week announced a major program to cultivate "a solar climate-control industry." ADL has signed up 18 companies already, including such giants as Corning Glass, Du Pont, Ashland Oil, and Honeywell, who are paying $15,000 each to support a study of short-range markets. "This is no research project," insists ADL Vice-President Peter E. Glaser, "but a program to develop a new industry." Glaser hopes for a total of 40 clients before he begins a hardware-evaluation phase next year.

Several years ago, Glaser attracted worldwide attention when he came up with an intriguing Space Age approach to solar power. Instead of depending on sprawling "solar farms" that could be blanketed by rain and haze, he proposed huge power-generating satellites that would convert sunlight to electricity in orbit and relay the power to earth over microwave beams. However, like other schemes for central power stations fueled by the sun, Glaser's satellite system is decades away, at best. Today, even earthbound solar stations are prohibitively expensive, mainly because solar cells or other devices needed for the conversion step are so inefficient.

Using solar heat directly is another matter. For years, the Japanese have warmed their bath water with solar heaters. Rooftop solar water heaters are also common in Latin America, India, and the Middle East. In Australia, they are found on schools, hospitals, and banks as well as private homes.

A few companies make solar water heaters even in the U.S. Before natural gas became widely available in Florida, for instance, Solar Water Heater Co. in Miami sold more than 60,000 units. "There's still a good market," says President Walter Morrow. "I get a dozen or so requests each day. If the people want to make their own, I sell them plans and materials." Across the continent, California Institute of Technology, under contract to Southern California Gas Co., is developing advanced solar water heaters that could supplement conventional gas and electric units.

Pressing need. Why, then, has it taken so long for Americans to take solar energy seriously? One reason is that the benefits have always seemed to be marginal. "Energy has been so inexpensive to us," Battelle's Eibling points out. Arthur D. Little's Glaser notes, too, the problem of breaking into the fragmented and tradition-bound housing industry. Erich Farber, director of the University of Florida's solar energy laboratory, puts it more bluntly: "Ignorance is the major reason solar heating systems aren't on the market. Most manufacturers don't know it can be done."

But now, says Farber, the squeeze on oil and natural gas will force manufacturers, builders and homebuyers to consider solar water heaters. Rising fuel costs are also beginning to make solar energy feasible for space heating. Already it is cheaper than electric heating in many areas (map). Farber admits that installation cost may run eight times as high as for electric systems and about twice as much as for gas, but, he says, "it pays for itself in seven or eight years."

A joint panel of solar energy experts, formed by the National Science Foundation and the National Aeronautics and Space Administration, recently concluded that solar climate-control systems might be included in 10% of all new buildings by 1985. Arthur D. Little says that by then the solar equipment market should reach $1 billion a year.

Already working. Today, a score of homes in the U.S. get at least part of their heat from do-it-yourself solar systems. George Lof, a civil engineering professor at Colorado State University, says that the sun has supplied at least 25% of the heat for his Denver home during the past 15 years. On the roof of his house are two rows of solar panels propped up to catch the sun. The panels are nothing more than shallow glass boxes, with several layers of transparent glass covering a black-coated one. As in a greenhouse, the clear glass traps most of the sun's heat-bearing waves; the black surface absorbs them, raising its own temperature to well over 200 F.

All day long, air flows through the panels to pick up this heat. If the heat is needed immediately, the air travels through conventional forced-air ducts and returns to the panels. Otherwise it circulates around the base of two gravel-filled cylinders that rise like miniature silos from the basement to the roof of the two-story house. The gravel stores enough heat to warm the house during the evening hours. After that, Lof depends on his gas furnace, as he also must do during extended periods of cloudiness. Still, Lof figures that his jury-rigged solar "furnace" shaves $150 a year from his heating bill.

Lof has worked with Richard A. Tybout, an economics professor at Ohio State University, on an extensive cost analysis of solar climate control in eight U.S. cities. His conclusions: "Heating *and* cooling is the way to get an early solar payoff." That is because the same equipment could be used all year long at very little extra cost. In the summer, solar heat could power an absorption cooling system like the kind found in gas refrigerators. Lof hopes to land an NSF grant to build a house at Colorado State with both solar heating and cooling. He plans to use a hot water system instead of a hot air system such as the one in his home. Hot water tanks, rather than gravel-filled cylinders will store the heat.

Lof stresses that solar systems would only compliment, not replace, conventional heating and cooling units. A backup system is needed anyway for bad weather, so it makes little economic sense to design a solar system big enough to handle the entire load if it is to be used for only a few days of the year.

Commercial buildings. Office buildings are especially suited for solar heating and cooling because peak occupancy is usually during daylight hours. Gershon Meckler, a Washington (D.C.) engineering consultant, has developed and patented several solar energy systems and is working on 10 different designs for apartment and office buildings. One of his projects, a small office building in Denver designed for Financial Programs, Inc., is in its fifth year of operation.

This building has banks of skylights that let in sunshine to reduce the need for electric lighting. The skylights are also equipped with heat-exchanger louvers containing circulating water that carries away the heat generated by the sun's rays. Photocells control the movement of the louvers, keeping them pointed toward the sun. In winter, the hot water collected by the louvers circulates through the building's radiators. In summer, Meckler says, the heat exchanger also cuts the building's air-conditioning needs in half.

More advanced systems are on the way. Frederick Dubin, a New York architect, is designing solar heating systems for two office buildings that the federal government will put up in Saginaw, Mich., and Manchester, N.H. One private demonstration project is already at the construction stage: the three-story Massachusetts Audubon Society building in Lincoln, Mass., which is scheduled for occupancy by 1976. Solar collectors on its roof will produce hot water for heating and cooling, and the system may handle as much as 75% of the total load. "This building will be a demonstration of solar energy technology here and now," says Alan H. Morgan, executive vice-president of the society.

Solar cells next. Eventually, if the price of photovoltaic cells drops far enough, thermal systems based on solar energy may have to make way for electric systems. Central power stations based on solar cells may be a long way off, but researchers are hopeful that

solar-cell-powered buildings will be appearing in the 1980s.

The first house with solar cells on its roof will soon be ready for experiments at the University of Delaware. Next month, Karl Boer, director of the school's Institute of Energy Conversion, will throw a switch to activate lights and appliances, all powered by the sun. For a year or so, a computer will turn equipment on and off to simulate family use.

Boer says that none of the solar equipment is based on new technology. The cadmium sulfide solar cells, for example, were first developed by the government for the space program. The two-bedroom house will have three power systems: the rooftop solar cells, an array of thermal collectors mounted beneath the cells to trap the sun's heat for climate control, and a conventional hookup to a power grid. Batteries will store excess power from the solar cells, and special salts that are formulated to retain large amounts of heat in a small space will store the thermal energy from the collectors.

The economics. While the technology may not be innovative, the financing arrangements definitely are. If the electric utilities get a piece of the action, Boer seriously believes that every new dwelling could be equipped with solar cells by the end of this decade. So he brought in Delmarva Power & Light Co., which is paying for 30% of the $125,000 project. Every Friday, Boer's architects, sociologists, and engineers report to a Delmarva official. The utility is studying the feasibility of supplying solar panels to customers just as phone companies supply telephones to their subscribers. Delmarva would then sell electricity for peak demand and for backup systems.

Pettinaro Construction Co. of Wilmington, Del., is building the house. Project manager Richard Butler asserts that a four-bedroom solar house of similar design could be built right now for $50,000 to $70,000, roughly 40% more than comparable homes cost in the area. Boer is even more optimistic. Solar power would add no more than 15% to cost, he says, and mass production would cut that amount in half. The amortized cost, he insists, would be about $1.50 per million Btu and 2.7c per kilowatt-hour. "It compares favorably with the average price of energy in Delaware," he says.

Not all experts agree with Boer's sunny outlook for solar cells. But just about everyone working in the field is pleased that his sort of experimentation is finally here. "The sun is an energy source that we are just beginning to think about in the right terms," says ADL's Glaser. "Anyone can tap it. We will no longer be competing for limited resources. And it will mean dollars to those who are the most clever in gadgeteering."

[From the CONGRESSIONAL RECORD, July 17, 1973]

THE THRESHOLD OF THE SUN AGE

Mr. HUMPHREY. Mr. President, the "energy crisis" that we face in this Nation has both a "short-term" and a "long-term" dimension. Most of the action taken by Congress to date has been aimed at easing the crisis today and for the remainder of this century. However, many experts are now voicing the opinion that no source of energy now available will meet our needs for clean energy during the next century and beyond—except the Sun.

Many have recognized the potential of this greatest and cleanest of all sources of energy and I, for one, have called for stepped-up efforts to tap this tremendous potential for many years. The total Federal effort specifically directed toward solar energy research and development has been totally inadequate, given the energy needs of our Nation and the important researchable projects available.

Expenditures in the 1973 fiscal year for all types of solar energy research and development by all Federal agencies totaled only about $13 million. This amounts to less than 2 percent of the $700 million Federal energy research and development budget and a mere three-one-hundredths of 1 percent of our total Federal R. & D. budget. Certainly the nature of the "energy crisis" demands and the potential for practical uses of solar energy require much greater support from the Federal Government.

The experts generally agree that the need for solar energy exists today and will grow rapidly in the future. They also agree that the present grace period, which permits reliance on traditional fuels, is so short that a much accelerated effort in solar energy research and development is required.

Recently, 600 scientists from around the world met, under UNESCO auspices, to consider the future of solar energy. The conclusions of those discussions were reported by Claire Sterling in a most informative article entitled, "The Threshold of the 'Sun Age'," which appeared yesterday in the Washington Post. This is an important article highlighting what "could be" accomplished if solar energy research and development were adequately supported.

I ask unanimous consent that this article be printed in the RECORD.

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

THE THRESHOLD OF THE SUN AGE

(By Claire Sterling)

PARIS.—Six hundred scientists from all over the world gathered under UNESCO's roof here made it clear, in a recent week-long conference, that man is moving into the Sun Age.

Just five years from now, solar heating could be in commercial use around the globe. In less than 10 years, one out of every 10 new homes built in the United States will probably be both heated and cooled by solar rays. In less than 15 years, these rays could be producing commercial electric power. In 20 years, we may well have a 25-million-pound prototype satellite in synchronous orbit 22,300 miles above us in space, beaming power to the planet by microwave. In 50 years, whether by this or other processes, harnessed solar rays could be covering at least 20 percent of all the United States' energy needs—nearly the total consumed altogether in 1970 by the world's most spendthrift nation.

This is not the familiar wishful thinking of solar energy enthusiasts, or cranks, as most of us used to call them. Apart from the prototype satellite—by no means a pipedream either—all the above projections were presented to the conference by hardnosed American experts reporting conclusions reached by a NASA-National Science Foundation panel last December. They reflect a dramatic rise in governmental interest, backed for the first time by the promise of big money for research and development. With the latter, in particular, solar energy is moving from the narrow realms of gadgeteering to the big-time.

No great scientific breakthrough was reported here to warrant what looks unmistakably like the take-off. All the so-called "large-power" schemes for harnessing the sun, whether in space or on earth, by solar cell or thermal conversion, are still beset by tormenting difficulties, and certainly offer nothing like a quick fix. Furthermore, practically all the "small-power" devices that might soon become commonplace have been known for centuries; a solar furnace on display in Stockholm Museum, made by somebody in quest of the Philosopher's stone in 1612, differs hardly at all in principle from the spectacular one of 1,000-kilowatt capacity presently operating in the French Bas-Pyrenees.

Apart from the French installation, at Odeillo, an infinite variety of solar installations have been functioning the world over for years. Among them are some 2,000,000 solar water-heaters in Japan and 8,0000,000 elsewhere around the globe; solar stills too purify and desalinate water, one turning out 10,000 gallons a day on the Greek island of Patmos; "small-power" solar pumps, seven of which are working smoothly in West Africa; and a solar furnace successfully drying industrial timber in Australia.

But scientists might have been puttering around indefinitely with such projects on a cottage-industry level if not for a sudden and extraordinary change in thinking at high government levels in many parts of the world. What has made the difference is that the big energy-using countries did not really believe they had to harness the sun before, and do now.

The difference has been increasingly apparent since President Nixon first spoke of the sun as an "inexhaustible source" of energy in June 1971. His message reflected a growing realization not only that all other energy sources were indeed exhaustible and more or less rapidly approaching exhaustion because of an exponential growth in their use, but that critical shortages might soon create intolerable economic, environmental and, internationally political strains.

Since then, the energy crisis has become a household word for Americans, and hardly less so for highly industrialized nations everywhere. As William H. Wetmore of the National Science Foundation pointed out to delegates here, the United States now estimates that its deficit in oil supplies alone will reach from 10,000,000 to 16,000,000 barrels a day by 1990, causing a trade imbalance for this one product of about $15 billion a year. It is hardly surprising, then, that the United States should be taking an exponentially rising interest now in the possibilities of tapping an energy source at once eternally renewable, limitless and pollution-free.

Since 1971, accordingly, the National Science Foundation's budget for solar energy research has risen from nearly zero to $13 million for the next fiscal year. While that may be chicken-feed, the NSF-NASA panel has recommended a U.S. government investment of $3 billion in solar research and development over the next 15 years.

Compared to the $21 billion spent on the American space program in 10 years, that may still look like chicken feed. But it has evidently helped awaken American industrialists to what one speaks of as the "staggering possibilities" of a new market in solar heating and cooling that could easily run tc a billion dollars or more in barely seven years.

The market, known now as "solar climate control," is already being explored by 26 top-ranking American companies, including Du Pont, Corning Glass, Kennecott Copper and Spectrolab division of Textron. The initiative in forming this imposing group was taken last April by Dr. Pete Glaser, a vice president of Arthur D. Little, Inc., and moving spirit behind the proposed satellite solar power station—under study in his laboratory for several years.

Perhaps more than any single factor at this conference, the willingness of these big American companies to actually put money into solar research and development has brought about a stunning change in thinking. From an essentially "do-good" movement of scientists hoping to help the poor countries of this world with cheap solar cookers, there has suddenly emerged a rich-state research and development movement on a supremely sophisticated technological level. If there is no doubt that success in this endeavor is going to cost many billion dollars in the end, there is no longer much doubt that, in the end, many billion dollars will bring success.

Though the 600 scientists at the conference may disagree violently about almost everything else, they are unanimous in say-

ing that money—an enormous amount of it—is the problem remaining in tapping the energy of the sun. There is essentially nothing left to be solved in a physics laboratory: what remains to be solved is simply a matter of costs.

Where mere costs are concerned, or so the scientists say, there is practically nothing that money could not do. A crash program backed by billions of dollars might eventually bring down the literally astronomic cost of the crucial solar-cell which, whether of silicon or cadmium sulphide, generates electricity directly from the sun—at a price a thousand times higher than the competitive level. Both the National Science Foundation spokesmen and those of Textron's Spectrolab have maintained here that this cost can be reduced to acceptable levels in anywhere from 10 to 20 years, provided enough money goes into the effort.

If that assertion has been heatedly challenged by other delegates here, most have been fairly optimistic about bringing costs down for small power thermal conversion through devices such as flat-plate collectors. Here in particular, they are encouraged (rather perversely) by the fact that while they try to get these costs down, the costs of conventional fuels are going up. Sooner or later, the lines must cross over on the charts, they feel—and in four sizable regions of the United States, where small-powered heating and cooling of buildings can now be done as cheaply by solar devices as by oil, the lines have crossed already.

Time and again during the week of debate, however, the point was made that the question of actually matching cost per kilowatt hour, cent for cent, is not altogether relevant. There are large areas of the world where fuel-free, maintenance-free power would be welcome even at four or five times the price of conventional fuels: In vast rural areas of Soviet Russia, for instance, or in the drought-stricken West Africa, where millions of cattle are dying—and humans are starting to die as well—for lack of water lying underground, which might be brought up by solar pumps far more easily than by diesels requiring maintenance and fuel transported over perhaps 500 miles of desert.

How much West Africa's poverty-stricken Sahelian states might stand to benefit from a crash solar-energy program is another question, however. With the shift of emphasis now to the needs of highly industrialized nations, the take-off will inevitably be in the direction of mass commercial use for relatively rich consumers. Almost certainly the poor states will have to wait 10 or 20 years, or however long it takes, for the spin-off.

[From Science, Sept. 22, 1972]

SOLAR ENERGY: THE LARGEST RESOURCE

(By Allen L. Hammond)

SOLAR HEAT

To reap the sun's enormous energy, Professor Aden B. Meinel and his wife, Marjorie, would cover areas of the Southwest with louverlike solar collectors. The land beneath them could still be used for grazing cattle or farming. In the diagram at right, ridged lenses (1), tilted toward the sun, train rays (2) down through a slot (3) into a glass pipe (4). Its mirrored inside surface reflects the heat onto a coated inner steel tube (5) that circulates gaseous nitrogen. Reaching temperatures of 1,000° F., the gas flows to tanks of molten salts capable of storing the heat for nighttime use. Steam heated by the salts drives turbines. The Meinels estimate a square mile of solar farm could supply power for a city of 60,000.

ENERGY

Not long ago, proposals for using the sun's energy were apt to be received with considerable skepticism. Within a few agencies of the federal government and at an increasing number of university and industrial laboratories, that is no longer the case. Indeed, perhaps the most impressive testimony to the prospects for this type of energy is the score of prestigious scientists and engineers who have begun working on methods for converting the sun's radiation into forms more useful to man—heat, electricity, or chemical fuels.

Within 5 years, many of these scientists believe, solar-powered systems for heating and cooling homes could be commercially available at prices competitive with gas or oil furnaces and electric air conditioners. Still more significant, but farther in the future, may be means of using heat from the sun to generate electricity; experimental solar-thermal units have been constructed in several countries, and several groups in the United States are designing systems to take advantage of improved materials and manufacturing techniques. Eventually the direct conversion of solar radiation to electricity by means of photovoltaic cells or its bioconversion to wood, methane, or other fuels on a large scale may become economically feasible.

Solar radiation is the most abundant form of energy available to man, and is so plentiful that the energy arriving on 0.5 percent of the land area of the United States is more than the total energy needs of the country projected to the year 2000. Sunlight is diffuse and intermittent, however, and its use on earth requires large areas to collect sufficient amounts of energy and, for most applications, the means to store energy. Despite its abundance, solar energy has not been exploited except in a limited way in water heaters, furnaces, and space applications; nor are the technologies that would allow widespread use commercially available. Systems for heating and cooling houses or for generating electricity with sunlight could be built now, but they would cost more than comparable systems that burn fossil fuels. For some applications, however, the disparity in cost may rapidly disappear as solar technology improves and as the costs of fossil fuels rise.

Whether or not solar energy becomes generally available in the near future, there is growing agreement that this source of energy will be important in the long run. That being the case, proponents believe that it is the most underfunded area of research in the energy field, accounting for less than 1 percent of federal research expenditures related to energy.

Of the proposed uses of solar energy, heating and cooling for homes and low-rise commercial buildings are the most developed and will almost certainly constitute the first significant use of solar energy in this country. Solar water heaters are already in commercial use in Florida and in several countries overseas. Experimental houses have been equipped with solar heating systems and preliminary development of cooling systems has begun.

SOLAR HEATING IN THE HOME

For space heating, the solar collector is typically a black metal surface that readily absorbs sunlight and is covered with one to three panes of glass to reduce the heat loss. The glass is transparent to the incoming sunlight, but absorbs the longer wavelength radiation emitted by the hot metal, so that a "greenhouse" effect is created and the effectiveness of the collector is increased. The heat is collected in water or air that is circulated through the collector during the day, and part of it is stored for release at night or in bad weather. Hot water, hot rock, and chemical (change of phase) storage systems have been experimentally tested, depending on the type of heating system envisioned.

For air conditioning, most investigators believe, refrigeration systems that depend on absorption of the coolant fluid appear to offer the best choice. Experimental cooling units are being developed by several university and industrial research groups. At the University of Delaware, for example, a group headed by K. W. Boer is designing complete household energy systems that would utilize heat pumps for space conditioning. In other prototype systems, such as that developed by Erich Farber at the University of Florida, heat from the sun is used to drive ammonia from an ammonia-water solution, and the ammonia is collected and condensed. When cooling is needed, the liquid ammonia is allowed to evaporate and expand as in a conventional cooling system, and the spent vapor is reabsorbed in water.

For absorption refrigerating systems to work smoothly, temperatures around 120°C or higher will be needed, and thus solar collectors that are more efficient than those for heating purposes alone will be required. One possibility may be surface coatings of the type developed in recent years for space applications, which emit very little of the solar radiation that they absorb and which consequently attain higher temperatures than uncoated metal collectors. If such coatings can be produced on a large scale, their use might help to reduce the cost of solar heating and cooling, since collectors are the most expensive item of a solar energy system. Combined cooling and heating systems, which have not yet been built, are also expected to improve the economic prospects for both because of the joint use of the collector.

Substantial technical problems remain to be solved in the design of cooling systems, in the manufacture of surface coatings for improved solar collectors, and in the optimization of combined solar heating and cooling systems. In most regions of the country back-up systems based on conventional fuels will be needed for extended periods of bad weather. Nonetheless, one estimate indicates that if systems were commercially available now, solar heating would be cheaper than electric heating in nearly all of the United States and would be competitive with gas and oil heating when these fuels double in cost (2). Proponents believe that solar heating and cooling systems could ultimately supply as much as half of the nearly 20 percent of total U.S. energy consumption that is now used for residential and commercial space conditioning and could reduce the peak use of electricity in summer.

For implementation of this technology, however, some means to overcome what are essentially social problems is likely to be necessary. As Jerry Weingart of the California Institute of Technology put it, "developing the technology is not enough," because the fragmented building industry is traditionally slow to adopt new techniques. Solar heating systems, despite their lower fuel costs, will entail higher initial costs, thus discouraging consumer acceptance; some observers have suggested that governmental encouragement in the form of tax incentives or energy performance construction codes should be part of a national energy policy. The slow rate of replacement of housing, in any case, guarantees that several decades will pass before a new heating system could have a significant impact on total energy use. Given the growing shortage of fossil fuels, however, it seems clearly advantageous to move in that direction.

The generation of electricity with heat from solar energy is a more difficult challenge, and there are conflicting ideas about the best approach to the problem. Some engineers believe that small generating units located where the electricity is to be consumed are the ideal way to utilize a resource that is inherently diffused and well distributed. This group favors the use of power turbines that would operate at temperatures considerably lower than those common in nuclear or fossil-fuel power plants, despite the low thermal efficiency, between 10 and 15 percent, that these units would have. Others have proposed large solar-thermal facilities modeled on existing central power

stations. The two concepts differ both philosophically and technically.

Small vapor turbines that used heat from solar collectors to generate electricity were demonstrated by Harry Tabor of Israel's National Physical Laboratory in Jerusalem at the United Nations conference on new sources of energy, held in Italy in 1961. A miniature solar power plant in Senegal is already in operation, and experimental solar engines have been developed by several investigators in the United States. Typically, these units operate at temperatures below 200°C. Their economic advantages relative to other sources of electricity have not been demonstrated, and the concept has attracted only limited interest, in part because of the difficulty of decentralizing the present electrical generation and distribution system.

Preliminary efforts to develop large central power plants are under way. This concept has attracted considerable interest, although substantial problems remain to be solved before such plants could be economically competitive. Still higher temperatures, between 300° and 600°C, are required to operate modern steam turbines, complicating both collection of solar radiation and the storage of thermal energy. To capture enough energy at these temperatures, mirrors or lenses larger than any yet built will in all probability be needed to concentrate sunlight. Because large areas will be required—in most designs, about 30 square kilometers for a 1000-megawatt power station—the transfer of heat from the far-flung solar collectors to the generating facility is also a complicated process. The cost and endurance of the collecting apparatus under operating conditions is a critical but undetermined factor.

CENTRAL POWER STATION

One design proposed by a group that is headed by Aden Meinel of the University of Arizona would use Fresnel lenses to focus sunlight onto a stainless steel or glass ceramic pipe, thus concentrating the solar flux ten times above its normal value. The pipe is covered with one of several types of selective coatings that emit only a small proportion, between 5 and 10 percent, of the energy they absorb and is enclosed in an evacuated glass chamber to reduce conductive and convective heat losses. Nitrogen gas is pumped through the pipe at velocities of about 4 meters per second to transfer the heat from the collectors to a central storage unit. The Arizona team plans to use a eutectic mixture of salts, mostly sodium nitrate as a heat storage medium; the heat would be used to produce steam for a turbine as needed. Liquid metal or the molten salt mixture itself, despite the greater difficulty in handling these substances, might also be used to transport heat from the collectors to the storage unit.

A second group, headed by Ernst Eckert of the University of Minnesota and Roger Schmidt of Minneapolis-Honeywell, Inc., has also begun work on the central power station. Their design includes a self-contained, decentralized system for collecting and storing solar heat. A parabolic reflector would concentrate sunlight onto a heat pipe, a device that can transport heat along its length efficiently by convective processes and that does not require a fluid to be pumped through it. The pipe's outer surface would be a selective coating, and the pipe would be enclosed in an evacuated chamber. A small heat storage tank attached to each heat pipe and reflector would complete the unit; no centralized heat storage facility would be used. Underground pipes would bring water to each storage tank and return it as steam directly to a turbine—thus reducing the pumping costs, the Minnesota team claims, compared to the nitrogen system. In addition, they believe, the self-contained system would be easier to construct and maintain.

The effectiveness of the selective coating with which the collecting surface is covered largely controls the temperatures that can be achieved. Two types of selective surfaces are known, both of which absorb much of the incoming radiation—in the visible region of the spectrum—but which emit only a small portion of the infrared heat radiation. Surfaces such as one developed by Minneapolis-Honeywell for the Air Force rely on optical interference between two reflective layers separated by a transparent layer of the correct thickness; thin films of this type have been routinely produced by vacuum coating techniques in the commercial manufacture of tinted glass for the exteriors of new office buildings. A second type of surface, developed by B. Seraphin at Arizona, is composed of silicon or similar materials that naturally have selective properties. Layers of silicon and nonreflecting materials are laid down on a highly reflective substrate by chemical vapor deposition techniques; the silicon absorbs sunlight, but transmits infrared radiation, so that the composite surface has a high reflectance—and hence a low emittance—in the infrared.

These selective coatings are particularly important for solar collectors that are built without mirrors or lenses. Simple planar collectors have several advantages over the concentrating system in that the concentrating collector must focus sunlight on the absorber and hence must follow the sun's motion in the sky; machinery to allow daily tracking complicates the collector design. In addition, focusing collectors operate only on direct sunlight, whereas planar collectors can utilize diffuse sunlight as well—and thus can function in cloudy or hazy weather. Because the performance of some of the most selective coatings decreases markedly at high temperatures, however, power plants using them would have to operate at temperatures below 350° C, with correspondingly reduced efficiency in the steam turbines. Improved selective coatings may allow planar collectors—which Meinel and his co-workers believe, in principle, to be the most effective in areas of the United States other than the cloudless Southwest—to be used. But most initial designs are based on the assumption that concentration of the sunlight will be necessary, and in these systems the fabrication, cost, and durability of the concentrators are the major concern.

The trade-offs between different types of collectors are not the only feature of the design of solar thermal plants still open to debate. Even with concentrating collectors, it may prove advantageous to operate the system at a reduced temperature, according to the Minnesota team. Their analysis shows increasing efficiency of the collectors, but decreasing efficiency of the thermodynamic cycle of the turbines as the operating temperatures are reduced, with the optimum temperature dependent on detailed design of the system and on the heat storage medium chosen. Heat pipes of the size envisioned have never been built, and other hardware details remain to be considered.

Both groups of investigators believe that the cost of solar-thermal plants will be not more than two or three times what fossil-fueled or nuclear-generating plants cost now, and that rising fuel costs will eventually tip the balance in favor of solar-thermal plants whose fuel is "free." Before accurate estimates of costs can be made, they agree, more detailed engineering studies and some additional research are necessary. But Meinel, at least, believes that full-scale solar-thermal power plants could be built as early as 1985 with an adequate research effort. Other estimates are somewhat less optimistic, but a group of western utility companies is considering the development of a small solar-powered facility that could serve as a prototype for peak load applications.

Although solar energy has probably the fewest potential environmental problems associated with its use of any of the major sources of energy, some problems, none of which appear to be insuperable, do exist. Collecting surfaces absorb more sunlight than the earth does, and while this is not likely to alter the local thermal balance in household or other small-scale use, the larger expanse of collecting surface in a central power plant might. Thermal pollution will also be a problem if water-cooled turbines are used—indeed, more so than with nuclear power plants because solar installations are expected to have even lower thermal efficiencies.

If waste heat is returned to the atmosphere, it could help to restore the local thermal balance. The effects of small changes in the thermal balance would depend on the local meteorological conditions, but are expected to be small. The lack of particulate emissions or radiation hazards might allow solar-thermal power plants to be built close enough to towns or industrial sites so that their waste heat could be put to use. Finally, like other industrial facilities, large-scale plants would also carry some risk of accidents, with the attendant possibility of leaking heat transfer or storage media into the environment.

Yet another option for generating electricity with sunlight is direct conversion by means of photovoltaic cells. But the cells available now—which were developed for space applications—are relatively inefficient and very expensive to manufacture. As a long-term prospect, however, both cadmium sulfide and silicon cells are attracting considerable attention. This option, and the bioconversion of sunlight to fuels, will be discussed in future articles.

Space heating and cooling with solar energy are not available today. Solar-thermal power plants have yet to be built on any but the smallest scale, and key elements of the necessary technology have not been adequately demonstrated. But both options appear to be close enough to practical tests of their economic feasibility to warrant increased efforts. The ancient dream of power from the sun may not, after all, turn out to be impossible.

[From the Washington Post, July 18, 1973]

SOLAR ENERGY

U.S. scientists, according to report by Claire Sterling which was published on this page the other day, told a recent UNESCO conference in Paris that harnessing sunshine to reduce man's dependence on scarce and polluting fuels is no longer a matter of wishful thinking of solar energy enthusiasts. Ten years from now, representatives of a NASA-National Foundation panel reported, one out of every 10 new homes built in this country could be heated and cooled by solar rays. In less than 15 years, sun rays could produce commercial electric power. In 20 years a satellite could be in synchronous orbit beaming power down to earth by microwave. In 50 years, solar energy could supply at least 20 per cent of all the United States' energy needs. And there is no limit to where technology might advance from there if you consider the abundance of solar radiation: it is so plentiful that the energy arriving on 0.5 per cent of the land area of the United States is more than the total energy needs of this country projected for the year 2000.

Harnessing this energy, however, will require "an effort comparable in spirit and commitment to the one we put into the space program in the 1960s," according to former Rep. George P. Miller (D-Calif.), past chairman of the House Science and Astronautics Committee. So far, we have only made a hesitant beginning. The federal government, to be sure, has now at last recognized the potentials of solar energy and organized the NASA-National Science Foundation task force to explore it. Congress has appropriated $12 million for the purpose in the current fiscal year, an amount most experts consider

totally insufficient. It is less than two per cent of the total amount of government research and development funds spent on conventional energy resources such as converting coal into gas and nuclear engineering.

What is needed, according to the NSF–NASA panel, is a federal investment of $3 billion in solar research and development over the next 15 years. And what is needed, most of all, as Mr. Miller has said, is a federal commitment that must be 1) focused, 2) integrated, 3) intense and 4) continuing. In other words, laboratory research grants and small scale experimentation are not sufficient to launch the "sun age." Before solar energy becomes a substantial source of clean energy, industrial ingenuity and productive know-how must be mobilized to produce the hardware and services necessary to make the conversion devices economical. Most companies look for short term projects for new enterprises that promise a return on their investment in two or three years. Long range projects present great risk and investment capital is scare unless there is confidence that the government is really serious about it and ready to provide the direction and incentives. A firm assertion of a national priority for solar energy "R and D" is also needed to engender the public confidence essential to assure industry of public acceptance and a market.

There is little time to lose. Nuclear generating plants are as yet producing less than one per cent of our total energy needs and public apprehension about them seems to be mounting. Planning and construction of additional nuclear plants is years behind schedule. Uranium is in short supply. Liquid metal fast breeder reactors will not make a significant contribution for at least a decade. Fusion reactors seem even further off. Experts say that the first demonstration fusion reactor will probably not be built before the year 2000. Energy consumption and energy cost, meanwhile, keep increasing rapidly. In 1970, school districts across the nation, for instance, spent an average of $26.70 per pupil per year for energy. The projections of the U.S. Interior Department, which may be conservative, indicate a tripling of energy cost by 1985 and a quadrupling by 1992. In the year 2000, then, we can expect to pay $106.80 per pupil per year.

Compared to such cost, the $3 billion required to advance solar energy energetically is a bargain. It would be folly to wait for a real scare to produce the crash program that clearly has become necessary.

By Mr. NELSON (for himself, Mr. GRAVEL, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONDALE, Mr. STEVENSON, and Mr. PERCY):

S. 2820. A bill to establish administrative and governmental practices and procedures for certain kinds of surveillance activities engaged in by the administrative agencies and departments of the Government when executing their investigative, law enforcement, and other functions, and for other purposes. Referred to the Committee on the Judiciary.

WARRANTLESS WIRETAPS AND THE NATIONAL SECURITY

Mr. NELSON. Mr. President, in 1972, the U.S. Supreme Court decided the case of the United States against the United States District Court. In this case, commonly referred to as the Keith case, the Court held by a unanimous 8-to-0 vote that the fourth amendment to the U.S. Constitution precludes the Government from wiretapping the phones of domestic organizations without first obtaining a judicial warrant based on probable cause. The decision, which was based on a careful reading of constitutional history and legal precedent, was simply an action to protect the right of privacy guaranteed to each citizen by the fourth amendment.

The Keith decision did not consider whether the Government could lawfully conduct warrantless taps on domestic organizations or private citizens who have a "significant connection with a foreign power, its agents, or agencies." There is thus the possibility that the Government may continue to conduct warrantless taps against private citizens or domestic organizations if the Government believes that they have a "significant connection" with a foreign power or its agents. Indeed, testimony before congressional committees, as well as other evidence, indicates that the Government does conduct warrantless taps against domestic organizations or citizens when it believes that that connection exists.

This practice, in my view, runs afoul of the fourth amendment. There are virtually no means for the Congress, the courts, or the public at large, to determine whether that power to conduct warrantless taps has been or will be abused. The exercise of executive discretion in these cases goes largely unexamined. However, benign the Government's motives, the danger persists that unjustified warrantless taps will be installed against domestic organizations and private citizens. In short, the Government's wiretapping practices still pose a serious threat to the individual's constitutional right of privacy.

This situation should not be tolerated. Fourth amendment freedoms are among our most cherished liberties. They are a bulwark against an arbitrary government eager to violate the sanctity of an individual's privacy. Without the protection of these and other freedoms in the Bill of Rights, we assume the risk of a government with unrestrained power over the individual. And unrestrained government power is the very definition of tyranny.

Accordingly, I am introducing legislation today which will make clear the limitations which the fourth amendment imposes on the Government's wiretapping practices. Specifically, this legislation would require that no wiretaps can be installed in national security cases without prior court authorization. There would be only two basic exceptions to this rule of law.

First, the law would recognize the President's inherent constitutional power to take any measures, including the installation of wiretaps without court authorization, to protect the United States against the activities of foreign powers or their agents. Second, the law would recognize the Government's right to wiretap without prior court authorization in carefully defined emergency situations when there is insufficient time to obtain such authorization.

The need for this legislation should be beyond question. Today there is much confusion among the public and certain Government officials as to the Government's authority to wiretap without court authorization. This legislation would eliminate that confusion. In so doing, it would make clear that the fourth amendment guarantees of individual privacy have not been eroded by the advent of sophisticated surveillance devices. It would also do much to reaffirm the constitutional ideal articulated by Thomas Jefferson that—

The opinions of men are not the object of civil government, nor under its jurisdiction.

I. THE USE OF WARRANTLESS TAPS

The Government's use of warrantless wiretaps did not originate with the present administration. From the early 20th century, the Government has employed warrantless taps to obtain information relating to national security and other matters.

The practice first became widespread on the eve of World War II. At that time, President Franklin D. Roosevelt ordered his Attorney General to initiate a campaign of surveillance, including the use of warrantless wiretaps, to protect the Nation against the "fifth column danger" posed by the Nazis and other foreign subversion. The practice continued under the Truman, Eisenhower, Kennedy, and Johnson administrations, although in many cases warrantless taps were also used to obtain information unrelated to national security.

Because warrantless taps are not reviewed by a court or otherwise reported publicly, there is little public information which details the precise scope of the practice. In 1971, then Assistant Attorney General Robert Mardian indicated that 97 warrantless taps were conducted in 1970. There is virtually no means available to verify the accuracy of this figure or to determine whether the number has increased or decreased since then.

But there is no doubt that the practice continues today. In a September 1973 letter to Senator WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee, then Attorney General Elliot Richardson stated that the current administration would continue to use warrantless taps to obtain information related to national security matters. Mr. Richardson justified this practice on two basic arguments.

First, Mr. Richardson argued that the Keith decision permitted such taps. In his opinion, that decision, as well as other judicial decisions, supported the Government's contention that—

. . . a judicial warrant is not a necessary requirement for the Government's use of electronic surveillance to obtain foreign intelligence or foreign policy information necessary for the protection of national security.

Second, Mr. Richardson argued that title III of the 1968 Crime Control and Safe Streets Act seemed to recognize the President's inherent constitutional power to conduct warrantless taps related to national security matters.

Under either argument, according to Mr. Richardson, the Government may install warrantless wiretaps against private citizens and domestic organizations if the Government believes their activities affect national security matters. Mr. Richardson made clear, moreover, that the discretion to determine when warrantless taps were jnutified would be the sole province of the executive branch. There would be no opportunity for the Congress, a court, or any other public

body to examine the exercise of that discretion in order to insure that it was not abused.

The Government's unreviewed power to install wiretaps against private citizens and domestic organizations creates a situation which is dangerous and, in my view, unconstitutional.

II. THE DANGER OF WARRANTLESS TAPS

The danger here lies in the staggering potential for abuse. Various congressional hearings, as well as other events, have exposed how the cloak of national security has been manipulated by certain Government officials as a convenient excuse for warrantless taps and other questionable surveillance activities. Examples proliferate:

On December 5, 1973, Eugene LaRoque, a retired rear admiral in the U.S. Navy, revealed that the Pentagon currently has a unit which is authorized to engage in the same kind of surveillance activities conducted by the "Plumbers Unit" in the White House. The purported basis of these activities is a need to protect "national security." Rear Adm. LaRoque emphasized that there is currently no procedure for Congress, the courts, or the public to determine the scope—or lawfulness— of the Pentagon unit's surveillance activities.

In a report issued in October 1973, a House subcommittee found that certain White House officials invoked national security considerations to make the CIA their "unwitting dope" in the burglary of Daniel Ellsberg's psychiatrist's offices and in other unlawful surveillance activities.

Recently it was learned that in 1969 the administration installed warrantless taps on 13 government officials and 4 newsmen for the purported reason that these individuals were leaking or publishing sensitive foreign intelligence information. In virtually all the cases there was little or no concrete evidence to justify the taps. In many cases the evidence shows that the individual tapped did not even have access to such information. Indeed, in at least two cases the taps were continued after the individual had left Government service and had joined the Presidential campaign staff of Senator MUSKIE.

In 1969 the White House authorized the burglary of the home of newspaper columnist Joseph Kraft so that a warrantless tap could be installed. The alleged basis for this action was again national security. But there was and is no concrete evidence to establish that Mr. Kraft was acquiring or reporting any information which compromised our national security.

Testimony before the Senate Watergate Committee revealed that the White House authorized warrantless wiretaps "from time to time" when it was conducting an independent investigation of the publication of the "Pentagon papers" in 1971. The taps were placed on numerous citizens, including aides of Members of Congress, whose only connection with the "Pentagon papers" was a personal relationship with some of the reporters involved. Again, the taps were justified on national security grounds and, again, there was and is no concrete evidence to support the need for the taps.

In 1970, the White House conceived and drafted a broad plan which proposed warrantless wiretapping, burglary, and other insidious surveillance practices. The staff assistant responsible for the plan stated in a memorandum to the President that certain aspects were "clearly illegal." Nonetheless, the plan was approved on the basis of national security, only to be scrapped shortly afterward when FBI Director J. Edgar Hoover objected.

As noted earlier, administrations other than the current one have invoked national security to justify warrantless wiretaps and other questionable surveillance practices. Under the Kennedy administration, for instance, warrantless wiretaps were installed against Dr. Martin Luther King, Jr., and others in the Civil Rights Movement because certain Government officials suspected that they were Communist sympathizers or dupes. Needless to say, subsequent revelations have demonstrated that the basis for these taps was virtually nonexistent.

These few examples make clear that warrantless wiretaps, even when justified on national security grounds, are often nothing more than an effort to pry into a citizen's private affairs. And often the intrusion is as indiscriminate as it is unjustified. Any individual, regardless of his or her station in life, may suddenly find that he or she is the subject of a wiretap merely to satisfy the whim of a government official.

Recent exposures of warrantless taps maintained by the Government have rightly resulted in public outrage. Opinion polls in the past few months underscore the public's concern with the Government's ability and willingness to invade an individual's privacy. In October 1973, for example, Louis Harris found that 77 percent of the public now favors legislation which would make illegal wiretapping a major offense and that 73 percent of the public now favors legislation which would make political spying a major offense.

Equally significant is a very recent poll which Mr. Harris conducted for the Senate Subcommittee on Intergovernmental Relations. Mr. Harris found that "integrity in government"—after the economy—is the public's major concern. This fact probably explains why, according to the Harris poll, if given an opportunity to talk with the President, 74 percent of the public would first want to discuss matters relating to Government secrecy and integrity in Government generally. On the basis of these and other findings, Mr. Harris drew the following conclusions:

Fundamentally, the American people in this survey are trying to articulate two profoundly-held sentiments:

1. That government secrecy no longer can be excused as an operational necessity, since it can exclude the participation of the people in their own government, *and, indeed, can be used as a screen for subverting their freedom;* and

2. That the key to any kind of successful future leadership must be ironbound integrity. *This matter of honesty and straightdealing is one that has the public deeply alarmed.* It cannot be underestimated. *The American people simply will not rest easy until it feels that integrity in government at all levels is secured.*

"Confidence and Concern: Citizens View American Government, A Survey of Public Attitudes," Senate Subcomm. on Intergovernmental Relations, U.S. Senate, Part I, pp. 49, 59–60 153–54 (Dec. 3, 1973) (Emphasis added).

These public surveys not only reveal the public's deep fear that Government wiretapping and other practices are undermining the individual's freedoms; these surveys also explain the steady decline of public confidence in all governmental institutions—the Congress included.

III. THE UNCONSTITUTIONALITY OF WARRANTLESS TAPS

These developments alone underscore the need for Congress to act to establish broad restrictions on Government use of warrantless taps. The need for congressional action is made even more necessary since warrantless taps violate the individual freedoms which are the foundation of our constitutional system.

From the beginning, the Founding Fathers appreciated the serious dangers of a government which could violate the sanctity of an individual's privacy at will. The citizens of the American colonies suffered under British rule when the King's officers entered and searched their homes, armed with nothing more than a general warrant and a desire to suppress political dissent.

In response to these hated abuses, the Framers of our Constitution proposed the fourth amendment. That amendment provides that—

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

One need not be a historian or a lawyer to understand the basic purpose of this amendment. It is designed to protect each citizen from unreasonable invasions of his privacy by the Government.

Nor need one be a historian or a lawyer to recognize that the fourth amendment's protection is essential to our concept of democratic self-government. That protection enables each individual to think, speak, and write freely without fear of Government suppression.

Without the guarantees of the fourth amendment, the ability of the people to participate in and guide their Government is undermined. As Justice Robert Jackson declared in his dissent in the 1949 case of Brinegar versus the United States:

Among deprivations of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror in every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government. And one need only briefly to have dwelt and worked among a people possessed of many admirable qualities but deprived of these rights to know that the human personality deteriorates and dignity and self-reliance disappear where homes, persons, and possessions are subject at any hour to unheralded search and seizure by the police.

In short, the fourth amendment was intended to assure that individual liberty, rather than unrestrained government power, be the hallmark of our political system.

The fourth amendment, of course, is not self-enforcing. Its implementation requires that the Government adhere to certain procedures in conducting any lawful searches and seizures. Foremost among these procedures is the requirement that the Government obtain a judicial warrant prior to any search and seizure. As the Supreme Court stated in the 1967 case of Katz versus the United States, which concerned a warrantless wiretap designed to obtain information about a crime:

> Searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the fourth amendment.

This rule of law was reaffirmed most recently by the Supreme Court's decision in the 1971 case of Coolidge versus New Hampshire and in the Keith case.

As a matter of constitutional law, then, a prior judicial warrant is necessary in almost every situation in which the Government desires to physically enter the premises of a citizen's home. According to recent Supreme Court decisions, the rule applies with equal force when the invasion is accomplished by a telephone tap instead of by a physical entry. For the invasion of privacy is no less real when the Government intrudes its ear into a citizen's phone than when a Government official enters his home to rummage through his papers and personal effects.

The critical determinant, then, is not where or how the Government intrudes into a citizen's private affairs; instead, the principal question is simply whether the citizen's sphere of privacy has been violated. As the Supreme Court made clear in the Katz case:

> The fourth amendment protects people, not places.

Neither Congress nor the Court have ever limited the reach of the fourth amendment's protection for American citizens merely because a government's contemplated search was justified on national security grounds. Indeed, quite the contrary.

In adopting title III of the 1968 Omnibus Crime Control and Safe Streets Act, the Congress established certain procedures which, in effect, required the Government to obtain court authorizaton prior to the installation of wiretaps. In section 2511(3) of that title, Congress also stated that its action was not intended to affect the President's constitutional power to take whatever measures he thought necessary to protect the Nation against foreign attack or subversion. But this section does not recognize or define any specific constitutional power of the President to authorize warrantless taps or take any other measures; the section merely states that if the President has certain constitutional powers, title III does not disturb those powers.

The legislative history of title III in fact documents the Congress' intention that adoption of the bill not affect, one way or another, the President's constitutional powers. In the floor debate on section 2511(3), for example, Senator HOLLAND stated that by adopting that section Congress was "—not affirmatively conferring any power upon the President." Senator HART added that—

> . . . nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely vague. . . . Section 2511 (3) merely says that if the President has such a power, than its exercise is in no way affected by title III.

Relying on this legislative history, the Supreme Court in the Keith case concluded that

> . . . nothing in § 2511(3) was intended to *expand* or to *contract* or to *define* whatever presidential surveillance powers existed in matters affecting the national security.

The Court in the Keith case was concerned with Government surveillance of citizens and domestic organizations who had no "significant connections" with foreign powers or their agents. The Court held that the President had no power, constitutional or otherwise, to ignore fourth amendment limitations when spying on such citizens or organizations.

In reaching this conclusion, however, the Court did not imply that the President has authority to ignore the fourth amendment to spy on citizens or groups who do have a "significant connection" with foreign powers or their agents. The Court stated quite explicitly that—

> . . . this case involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents.

Thus, the Court here did not sanction warrantless taps justified on national security grounds. It simply lift the law where it found it.

For two basic reasons, though, it seems abundantly clear that, except in a few carefully defined situations, the law should require prior court authorization before the Government can install wiretaps against any individual or group in the United States—even when the Government's action is prompted by a concern for national security.

First, the history and language of the fourth amendment itself contemplates that the Government cannot invade an individual's privacy unless a neutral magistrate has determined that the invasion is reasonable. As noted above, the fourth amendment was designed to protect each citizen from arbitrary invasions of privacy by the Government.

The amendment was borne from the American colonies' experience with British agents who flagrantly intruded into a citizen's private affairs at will. By adopting the fourth amendment, the Founding Fathers intended to secure the individual freedoms essential to any democratic self-government. The importance of these freedoms in our scheme of government was made clear by Justice Louis Brandeis in his dissent in the 1928 case of Olmstead against the United States:

> The makers of our Constitution undertook to secure conditions favorabe to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thought, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustfiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.

There is nothing in the history or language of the fourth amendment, however, which suggests that this protection was to be suspended when the Government was motivated by a concern for national security. Nor can this fact be attributed to an oversight by the Founding Fathers.

Our country was only 11 years old when the fourth amendment was drafted. The American citizens had only recently concluded a war with England to assure their newly declared independence. The threat of foreign attack or subversion remained intact. In spite of these conditions, the fourth amendment was adopted without any exception to its application. The unmistakable conclusion, therefore, is that the absence of any exception was intended.

There is a second reason why the fourth amendment's protections should not be suspended merely because the Government's action is motivated by a concern for national security: it is in times of perceived danger that the Government's powers are more likely to be abused and individual rights violated. In the Keith case, for example, the Government argued strenuously that the fourth amendment's limitations should be waived when the Government acts to protect "domestic security." Justice Powell, speaking for a unanimous Court, rejected this argument, stating that:

> History abundantly documents the tendency of Government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its politics. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect 'domestic security.' Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent.

These same considerations apply with equal force when "national security" is the source of the Government's concern. "National security" is a vague concept which defies precise definition. The scope of its meaning often resides in the eyes of the beholder. This fact has been amply demonstrated by the incidents described earlier where "national security" was invoked to justify activities whose relation to national security was remote or nonexistent.

For this reason, invocation of "national security" considerations should not be sufficient to justify warrantless taps. Otherwise we accept the grave risk that "national security" will become a pretext to spy on those whose only "crime" is to criticize the Government's foreign policies.

The danger of this risk is compounded

since there would be little or no opportunity for the Congress, the courts, or any other public body to expose the abuse.

In short, warrantless taps—regardless of whether they are justified on national security considerations or some other grounds—empower the Government to be as arbitrary as it pleases. This is the very result which our Constitution seeks to prevent through the fourth amendment and other limitations in the Bill of Rights

Nor can it be argued that the foreign perils confronting the Nation today are greater than those which faced the Founding Fathers and that, therefore, the fourth amendment's protections should yield to the dangers of the moment. Those who drafted our Constitution intended that it be a document whose purposes and protections could find expression in any time or circumstance. The Constitution would have little meaning if its provisions could be suspended by a Government which found them inconvenient or unnecessary.

Moreover, as noted earlier, it is in times of great peril—when the Government's desire to serve the people's interest is unquestioned—that respect for the Constitution's protections is most needed. For it is in such circumstances that the Government is most likely—and most willing—to forget that individual liberty is the foundation of our political system. As the Supreme Court declared in the 1971 case of Coolidge versus New Hampshire:

> In times of unrest, whether caused by crime or racial conflict or fear of internal subversion, [the Fourth Amendment] and values that it represents may appear unrealistic or 'extravagent' to some. But the values were those of the authors of our fundamental constitutional concepts. In times not altogether unlike our own they won . . . a right of personal security against arbitrary intrusions . . . If times have changed, reducing every man's scope to do as he pleases in an urban and industrial world, the changes have made the value served by the Fourth Amendment more, not less, important.

Thus, in adopting measures to protect the security of our Nation, the Government cannot and should not be free to trample on those individual liberties which provide the foundation of our political system.

IV. LEGISLATION TO ENFORCE THE FOURTH AMENDMENT

The foregoing analysis makes clear that warrantless wiretaps—regardless of their rationale—pose serious danger to constitutional rights. This is not to suggest, however, the Government should be precluded from installing wiretaps to obtain information deemed necessary to protect our country against foreign attack or foreign subversion. Wiretaps and other forms of electronic surveillance often do prove to be a valuable resource in protecting national security.

Rather, constitutional history and recent events demonstrate that a proper balance must be struck between the Government's need to wiretap and the need to preserve those individual freedoms guaranteed by the fourth amendment and the other provisions of the Bill of Rights. Otherwise we assume that the risk that order and efficiency will be achieved at the expense of individual liberty.

The legislation I am introducing today offers a procedure to reconcile these competing interests. In essence, this bill would require the Government in cases of national security to obtain court authorization before installing wiretaps in the phones of individuals or groups within the United States. In order to obtain this authorization, the Government would have to demonstrate to a court in an ex parte proceeding that there is probable cause to believe that the tap will furnish information necessary to protect national security. Initial judicial orders would permit wiretaps for 15 days. Extensions of 10 days could be granted if the Government provides the court with good cause to continue the tap.

The procedures outlined in this bill are not novel. In fact, they merely mirror procedures which already apply to situations in which the Government seeks to install wiretaps in order to obtain information relating to domestic crimes.

There would be two basic exceptions to the application of the bill's provisions.

First, the bill recognizes the authority of the President to install warrantless taps against foreign powers or their agents. This exception is simply an acknowledgement of the President's inherent constitutional power to protect the Nation against foreign attack and foreign subversion. It is a power which has already received judicial recognition. (*United States* v. *Clay*, 430 F. 2d 165, 171 (5th Cir. 1970), *rev'd on other grounds*, 403 U.S. 698 (1971); *United States* v. *Butenko*, 318 F. Supp. 66, 70–73 (D.N.J. 1970). See "Developments in the Law: The National Security Interest and Civil Liberties," 85 *Harv. L. Rev.* 1130, 1255–57, 1266–68 (1972). To minimize the possibility of abuse, the bill would provide that every warrantless tap on a foreign power or agent must be authorized in writing by the President.

Second, the bill would waive the procedural requirements in an emergency. An emergency would be broadly defined as a situation in which the Government has an immediate and reasonable need to use a wiretap but does not have sufficient time to obtain prior court authorization. In these emergency situations, the Government could install and continue a wiretap for 48 hours. This should provide sufficient time to obtain the necessary judicial warrant.

V. CONCLUSION

Supreme Court Justice Oliver Wendell Holmes once referred to warrantless wiretapes as "dirty business." They still are. Warrantless wiretaps—whatever their rationale—provide the Government with an unreviewed power to spy on law-abiding citizens. Such taps undermine the liberties guaranteed to every citizen by the Bill of Rights. And they emasculate the ability of Congress to exercise its constitutional right to check Presidential power.

Congress cannot and should not tolerate a continuation of warrantless taps. Congress must act to protect individual liberties as well as its own constitutional prerogatives. I therefore hope that the Congress will act favorably on this legislation and thereby assure every citizen that the rule of law still prevails in our country.

Mr. President, I ask unanimous consent to have the bill I offer today printed in the RECORD.

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

S. 2820

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 "Surveillance Practices and Procedures Act of 1973."

SEC. 2. The Congress hereby finds and declares that—

(a) Recent events have uncovered abuses by certain administrative agencies, departments, and other units of the Government, when engaging in certain surveillance practices, including the use of wiretaps, for investigative, law enforcement, and other purposes.

(b) Those abuses referred to in subsection (a) have undermined and/or threatened to undermine the individual's right to privacy and other constitutional rights and liberties.

(c) The public has expressed deep concern that abusive practices and procedures by governmental agencies, departments, and/or other units of the Government when engaging in surveillance activities for investigative, law enforcement, and other purposes, may continue to undermine and/or threaten to undermine the individual's right to privacy and other constitutional rights and liberties.

(d) There is a need for the administrative agencies and departments of the Government to engage in certain surveillance practices and procedures in order to properly and satisfactorily execute their lawful investigative, law enforcement, and other functions.

(e) Congress should establish practices and procedures to be followed by the administrative agencies, departments, and other units of the Government when engaging in certain surveillance activities so as to reconcile the interest of the Government in properly and satisfactorily executing its investigative, law enforcement, and other functions with the interest of the Congress and the public in protecting the integrity of the individual's right to privacy and other constitutional rights and liberties.

(f) The need for the practices and procedures described in subsection (e) is particularly acute in cases involving the use of warrantless wiretaps and other electronic surveillance by the administrative agencies, departments and other units of the Government when executing their investigative, law enforcement and other functions.

SEC. 3. (a) Section 2510(10) of title 18, United States Code, is amended by deleting after "Code;" the following: "and".

(b) Section 2510(11) of title 18, United States Code, is amended by adding after "directed" the following: "; and".

(c) Section 2510 of title 18, United States Code is amended by adding immediately after subsection (11) the following: "(12) "foreign agent" means any person who is not an American citizen or in the process of becoming an American citizen and whose first allegiance is to a foreign power and whose activities are designed to serve the interest of that foreign power."

SEC. 4. (a) the first sentence of section 2511(3) of title 18, United States Code, is amended by inserting immediately after "measures" the following: "against foreign powers and foreign agents".

(b) The second sentence of section 2511(3) of title 18, United States Code, is amended

by inserting immediately after "measures" the following: "against foreign powers and foreign agents".

(c) Section 2511 (3) of title 18, United States Code, is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this subsection, no officer or employee of any agency, department or unit of the United States shall engage in the exercise of any of such powers by means involving the interception of wire or oral communications unless such officer or employee is first specifically authorized, in writing, by the President. Any such officer or employee so acting without having first been so authorized shall be subject to the penalties prescribed in section 2511 of this chapter."

SEC. 5. (a) Chapter 119 of title 18, United States Code, is amended by adding immediately after section 2516 thereof the following new section:

"§ 2516A. Authorization for interception of wire or oral communication in national security cases.

"(1) The Attorney General, or any Assistant Attorney General specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518A of this chapter, an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or any Federal administrative agency, department or other unit having lawful responsibility for the gathering of intelligence involving the national security, when such interception may probably provide or has provided intelligence information necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information that is essential to the security of the United States, and to protect vital national security information against foreign intelligence activities."

(b) Chapter 119 of title 18, United States Code, is amended by adding immediately after section 2518 thereof the following new section:

"§ 2518A. Procedure for interception of wire or oral communications relating to national security.

"(1) Each application for an order authorizing or approving the interception of a wire or oral communication under section 2516A of this chapter shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

"(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

"(b) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) a description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (ii) a description of the type of communications sought to be intercepted, (iii) the identity of the person, if known, whose communications are to be intercepted;

"(c) A statement as to whether or not investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(d) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

"(e) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

"(f) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

"(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application. But in no event may authorization or approval of any wire or oral communication be granted unless the applicant furnishes evidence, independent of his and others conclusory opinion, that such interception shall serve one of the purposes set forth in section 2516A above.

"(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that—

"(a) there is probable cause for belief that the interception is necessary in order to gain information serving one of the purposes set forth in § 2516A;

"(b) there is probable cause for belief that particular communications concerning one of the purposes set forth in § 2516A will be obtained through such interceptions;

"(c) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(d) there is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with matters involving the national security, or are leased to, listed in the name of, or commonly used by such person.

"(4) Each order authorizing or approving the interception of any wire or oral communication shall specify—

"(a) The identity of the person, if known, whose communications are to be intercepted;

"(b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

"(c) a description of the type of the communication sought to be intercepted;

"(d) the identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

"(e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

"(5) No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than fifteen days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (1) of this section and the court making the findings required by subsection (3) of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than ten days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communication not otherwise subject to interception under this chapter and must terminate upon attainment of the authorized objective, or in any event in fifteen days.

"(6) Whenever an order authorizing interception is entered pursuant to this chapter, the order shall require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such report shall be made at such intervals as the judge may require.

"(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, who reasonably determines that—

"(a) an emergency situation exists with respect to activities threatening the national security interest, and

"(b) there are grounds upon which an order could be entered under this section to authorize such interception, may intercept such wire or oral communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this chapter.

"(8) Any order under this section authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Such carrier, landlord, custodian, or person furnishing such facilities or services shall be compensated therefor by the applicant at the prevailing rates.".

SEC. 6. The first sentence of section 2518(8)(a) of title 18, United States Code, is amended by inserting immediately after "chapter" a comma and the following: "other than pursuant to section 2518A,".

SEC. 7. (a) The analysis of chapter 119 of title 18, United States Code, is amended by inserting immediately after the item "2516. Authorization for interception of wire or oral communications.", the following new item:

"2516A. Authorization for interception of wire or oral communications in national security cases.".

(b) Such analysis is further amended by inserting immediately after the item "2518. Procedure for interception of wire or oral communications.", the following new item: "2518A. Procedure for interception of wire or oral communications relating to national security.".

SEC. 8. Section 2519(1) is amended by inserting immediately after "2518," the following: "or section 2518A,".

By Mr. JAVITS (for himself, Mr. PERCY, Mr. HUGH SCOTT, Mr. GOLDWATER, and Mr. FANNIN):

S. 2821. A bill to extend the authorization of appropriations for the Cab-

inet Committee on Opportunities for Spanish-Speaking People. Referred to the Committee on Foreign Relations.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. JAVITS. Mr. President, I send to the desk a bill to extend the authorization of the appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People.

Section 10 of the act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People and for other purposes (83 Stat. 840, Public Law 91-181), as amended, authorizes the appropriation of such sums as may be necessary to carry out the provisions of this act during fiscal years 1970, 1971, 1972, and 1973.

Conforming to the provisions of section 12, fixing the expiration date of this act 5 years after it became effective on December 30, 1969, the proposed draft bill would amend Public Law 92-122 by striking out "and 1973" and inserting in lieu thereof "1973 and 1974" for the purpose of authorizing during such fiscal years the appropriations of such sums as may be necessary to carry out the Cabinet Committee's legislative mandate to assure that Federal programs are reaching all Spanish-speaking Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD at the conclusion of my remarks.

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

S. 2821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 10 of the Act entitled "An Act to establish the Cabinet Committee on Opportunities for Spanish Speaking People, and for other purposes," approved December 30, 1969 (83 Stat. 840, Public Law 91-181), as amended (85 Stat. 342; Public Law 92-122), is amended by striking out "and 1973," and inserting in lieu thereof "1973 and 1974."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2506

At the request of Mr. MAGNUSON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil while at the lowest reasonable cost to the consumer and for other purposes.

S. 2676

At the request of Mr. BIDEN, the Senator from Kentucky (Mr. COOK) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2676, the National Homestead Assistance Act.

S. 2793

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2793, a bill to amend the Clean Air Act in order to provide that no grant shall be made under such act for a State vehicle emission device testing program if such program provides a penalty for the removal or rendering inoperative of such device by or at the request of the purchaser of the vehicle.

S. 2794

At the request of Mr. HARTKE, the Senator from Georgia (Mr. TALMADGE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. STAFFORD), the Senator from Idaho (Mr. MCCLURE), the Senator from Minnesota (Mr. MONDALE), the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Iowa (Mr. CLARK), were added as cosponsors of S. 2794, a bill to amend chapter 36 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to continue making educational assistance and subsistence allowance payments to eligible veterans and eligible persons during periods that the educational institutions in which they are enrolled are temporarily closed pursuant to a policy proclaimed by the President or because of emergency conditions.

WATER RESOURCES DEVELOPMENT AND RIVER BASIN MONETARY AUTHORIZATIONS ACT OF 1973—AMENDMENT

AMENDMENT NO. 917

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

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (S. 2798) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

OIL AND GAS REGULATORY REFORM ACT OR 1973—AMENDMENT

AMENDMENT NO. 918

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

REFINERY AMENDMENTS

Mr. HART. Mr. President, even with the myriad of bills dealing with the energy crisis which have been introduced in the last few weeks, two major problems yet remain to be dealt with: The critical shortage of refinery capacity in this country and the dependence of the independents on the major integrated oil companies for supply.

Today, I introduce—in the form of an amendment to S. 2506, Senator STEVENSON's proposal for establishing a Federal Oil and Gas Corporation—a proposal which could put quite a dent in both of these problems.

This amendment would put the Government in the refinery business—but only long enough to oversee the construction of at least seven full-scale refineries. Individual corporations would be established to run each refinery and they very quickly would go public—through the sale of shares of stock in a manner to encourage broad-based ownership.

These refineries, under the language I propose today, would be granted first call on the oil discovered and pumped by the Federal Oil and Gas Corporation. Thus, the country would ge a boost in its refinery capacity and the industry would get a good shot of competition—by making these new corporations truly independent.

My amendment would go further in increasing competition in these industries by guaranteeing that the second priority customers for the Federal Oil and Gas Corporation's crude oil would be other independent refiners.

Mr. President, we are all well aware of the fate of independent refiners and retailers in this industry in the past year. Once shortages began to develop, it was the independents who were cut off by their suppliers—the major integrated oil companies. It was this problem which Congress dealt with in the Emergency Petroleum Allocation Act of 1973 which was enacted a few weeks back. Allocation was a good idea—in the short run—as a way of guaranteeing that the independents could stay alive and continue to offer their special brand of competition to this industry. But, if we are to be assured the benefits that competition can bring, then the independents need to be untied from the major oil companies. Those ties, commonsense tells us, must dull the competition that independents supply. For you do not bite the hand that supplies you—at least not too hard.

Establishing the new refineries will add to competition also by making it possible for new and independent retailers to start serving the market. These retailers will be independent businessmen—with no obligation to parent companies as to the manner in which they conduct their business. They will not be franchees and will be free of all the restraints and compulsions of which the Senate Antitrust and Monopoly Subcommittee has heard branded dealers complain for many, many years.

The ultimate benefactor of all this will be consumers—for they can look forward to being served in an innovative manner which is the result of true competition.

The other argument for building the refineries is the argument of numbers. While we are all well aware of the Arab shutoff to crude oil, many may not be aware that even if we had the crude we would no doubt have an energy crisis—for we do not have the refineries to refine the oil. Recent figures show that we are capable of producing 13.9 million barrels a day of product, but the demand is running at about 17½ million barrels a day.

If my proposal is enacted into law and the President should decide to build only the minimum seven refineries required, they would fill about one-third of that gap. Of course, the proposal gives the President the discretion of building more refineries if he thinks that the industry cannot supply them.

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

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

AMENDMENT No. 918

On page 15, beginning with "it" on line 13, strike out all through line 15 and insert in lieu thereof the following: "surplus crude oil remains after the crude oil requirements of the refinery corporations established under section 703 of title VII are met. Any refinery facilities the Corporation shall build, lease, or purchase will be operated in a manner which will promote competition among suppliers of natural gas or oil."

On page 16, line 5, after the word "supply" strike all through line 7 and insert in lieu thereof the following: "and delivery priority to those refining corporations established under section 703 of title VII. To the extent natural gas or oil is available after the needs of such refining corporations are met, then preference shall be given to independent refiners, cooperatives, States, and political subdivisions of States".

On page 20, after line 5, insert the following new title:

TITLE VII—ESTABLISHMENT OF PETROLEUM CORPORATION

DEFINITIONS

SEC. 701. For purposes of this title, and unless the context otherwise requires, the term—

(1) "company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in bankruptcy or official, or any liquidating agent for any for the foregoing, in his capacity as such;

(2) "control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company;

(3) "affiliated person" or "another person" means any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; any person directly or indirectly controlling, controlled by, or under common control with, such other person; any officer, director, partner, copartner, or employee of such other person;

(4) "affiliated company" means a company which is an affiliated person;

(5) "oil company" means any company or other entity domestic or foreign engaged in the production refining transmission or retailing of petroleum products or products refined therefrom whose gross assets exceed $5,000,000;

(6) "security" means any note, stock, treasury stock, bond, debenture, evidence or indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing and

(7) "independent marketer" means a person who is engaged in the marketing of distributing or refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who does not have any agreement with a refiner (i) to use a trademark, tradename, service mark, or other identifying symbol or name owned by a refiner (or any such person), or (ii) to occupy premises, and, list, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control of a refiner).

ACQUISITION OF FACILITIES

SEC. 702. (a) (1) The President is authorized and directed to take such action as may be necessary, including the acquisition of lands and interests therein, to cause to be designed and constructed a minimum of seven full-scale optimum commercial-size facilities for the refining of petroleum products, of which at least one such facility shall be located within each of the five Petroleum Administration for Defense Districts (PAD Districts).

(2) The location and construction of the refining facilities shall be carried out consistent with environmental impact considerations.

(3) The location and specifications for the refineries shall be determined within one year after the effective date of this Act, and the refining facilities are to be fully operational by January 1, 1977.

(b) The President shall transfer, subject to the provisions of subsection (c) of this section, to each of the corporations established pursuant to section 703 of this title all land and interests therein owned or acquired for such refining facilities, together with any improvements, from time to time, within two years of the establishment of each such corporation for which such assets are designated or at such earlier dates as determined by the board of directors of each such corporation.

(c) (1) The President shall take the necessary actions to transfer the assets referred to in subsection (b) to such corporations at a price equal to the cost or fair market value of such assets, whichever amount is lower. Cost and fair market value of such assets shall be determined by the Administrator of the General Accounting Office.

(2) All proceeds from the transfer of assets or from the repayment of notes shall be deposited in the Treasury as miscellaneous receipts. The purchase price shall be paid from available funds of each corporation at the time of transfer of assets, to the extent feasible, in cash, with any balance to be represented by notes maturing not later than five years from the date of issuance. Such notes shall bear interest at 5 percent per annum and may not be subordinated to any other debt incurred by any such corporation. Such notes shall be paid, to the extent feasible, by each such corporation immediately upon receipt of the proceeds from the sale of securities.

(3) The President shall make available, to each such corporation, such funds as may be necessary to complete and operate the refining facilities, including working capital. Funds made available to the corporations shall be represented by notes issued under the same terms and condition as specified for notes to be held by the Treasury under paragraph (2) of this subsection.

(4) Any notes issued by any such corporation pursuant to this section may be prepaid at any time without premium or penalty.

ESTABLISHMENT OF CORPORATION

SEC. 703. There shall be established, within one year after the date on which this Act becomes effective, for each refining facility authorized under section 702(a), one corporation for profit which will not be an agency or establishment of the United States Government. Each such corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act.

ORGANIZATION OF CORPORATION

SEC. 704. (a) The President of the United States shall appoint nine incorporators for each corporation, established under section 703, by and with the advice and consent of the Senate, who shall serve as the initial board of directors for each such corporation until the first annual meeting of public stockholders, which meeting shall be held within 90 days after the date on which the corporation's voting securities are sold to the public. Such incorporators shall arrange for the sale to the public at competitive bidding of the corporation's securities, exclusive short-term debt securities, which shall be accomplished not later than three years after the refining facility is operational, and take whatever other actions are necessary to establish each such corporation, including the filing of articles of incorporation.

(b) The directors serving prior to the date of the public sale of voting securities in each such corporation to the public, shall receive compensation at the rate of $400 for each board meeting attended, plus travel expenses and per diem.

DIRECTORS AND OFFICERS

SEC. 705. (a) Each corporation shall have a board of directors consisting of nine individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Not more than three members, or their successors, of each initial board of directors may be recommended to the stockholders for election to the board of directors at the first public shareholder meeting. No member of the board of directors or any other corporation established under section 703 is eligible for election to the board of directors of such corporation. No member of the board of directors nor any member of his immediate family may own beneficially, or of record, any interest directly or indirectly, in any other oil company. No member of the board of directors shall be a director, officer, or employee of any other oil company.

(b) Subject to the foregoing limitations, the articles of incorporation for each such corporation shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–911 (d)). The articles of incorporation of each such corporation, notwithstanding any subsequent amendment of such Act, may be amended, altered, changed, or repealed only by a vote of not less than 66⅔ per centum of the outstanding shares of the voting capital stock of such corporation, if such vote complies with all other requirements of this Act and of the articles of incorporation of the corporation with respect to the amendment, alteration, change, or repeal of such articles.

(c) Each corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual may be an officer of any such corporation if he or any member of his immediate family owns beneficially, or of record, any interest directly or indirectly, in any other oil company. No officer of any such corporation nor any member of his immediate family shall receive any salary or fees from any other oil company during the period of his employment by the corporation.

FINANCING OF CORPORATION

SEC. 706. (a) Each such corporation is authorized to issue, sell, and have outstanding equity and debt securities in such

amounts and at such times as it shall determine. The shares of capital stock, which shall be without par value, shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold at a price not in excess of $50 for each share and in a manner to encourage the widest distribution to the American public. Subject to the provisions of this section, the shares of capital stock offered and sold under this section may be owned by any person. Dividends may not be declared or paid until one year after the voting securities of the corporation are publicly held.

(b)(1) All securities issued under this section shall include the identity and address of the beneficial owner of such security and that owner shall have the exclusive right to exercise the voting rights of such security.

(2) No person shall own the capital stock of more than two corporations established under section 703.

(3) Notwithstanding any other provision of law, no person who owns one per centum or more of the voting securities of any other oil company shall be permitted to own, directly or indirectly, voting securities or any securities convertible into voting securities of any corporation established under section 703.

(4) No stockholder or affiliated person of such stockholder when considered together may own, beneficially or of record, or both, more than five per centum of the outstanding voting securities of any corporation established under section 703. In determining the percentage of outstanding voting securities, any security which is owned and which is convertible into capital stock, or any option to purchase either such a security or such capital stock, shall be taken into account.

(c) The requirement of section 45 (b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920 (b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of securities in a corporation established under section 703, and such holder may exercise such rights without regard to the percentage of stock held.

POWERS OF CORPORATION

SEC. 707. In order to achieve the objectives and to carry out the purposes of this title, each corporation established under section 703 is authorized to—

(1) acquire, own, manage, operate, and maintain a facility for the refining of petroleum products (including equipment in connection therewith);

(2) acquire such additional physical facilities, equipment, and devices as it determines necessary to its operations; and

(3) enter into contracts, leases, and other agreements as it determines necessary to carry out the purposes of this title.

SALE OF PRODUCTS

SEC. 708. Each corporation established under section 703 shall, from time to time, offer to sell on a priority and first choice basis the products of its refinery to independent marketers who hold no substantial beneficial interest in or ownership of any oil producing lands, refineries, or petroleum, or oil transmission or gathering pipelines.

REPORTS TO CONGRESS

SEC. 709. (a) Each corporation established under section 703 shall transmit to Congress annual and other periodic reports of the type and in the form and at such times as would be required to be filed with the Securities and Exchange Commission if the securities of such corporations were registered pursuant to section 12 of the Securities Exchange Act of 1934. The reporting requirements of this section shall terminate upon such date as such reports are transmitted to the Securities and Exchange Commission pursant to its requirements.

(b) Each corporation established pursuant to section 703 shall transmit to the Congress in January of each year in which such corporation has no public shareholders any recommendations for additional legislative or other action necessary to achieve the objectives of this Act.

PENALTY

SEC. 710. Any corporation established under section 703 of this title or any other person who—

(1) willfully violates any provision of this title shall be fined not more than $10,000 or imprisoned for not more than five years, or both; or

(2) realizes, or could at his election realize, a profit as a result of acquiring voting securities of any such corporation in violation of section 705 or 706 of this title shall be fined an amount equal to the amount of such profit.

AUTHORIZATION OF APPROPRIATIONS

SEC. 711. (a) Except as provided in subsection (b), there are authorized to be appropriated such sums as r ay be necessary to carry out the purpose of this title.

(b) For the purpose of carrying out the provisions of section 702 of this title, relating to the construction of refining facilities, including land acquisition, there is authorized to be appropriated, without fiscal year limitation, the sum of $3,000,000,000. In addition to the amount authorized to be appropriated under this subsection, there are authorized to be appropriated such additional sums as may be necessary as a result of ordinary fluctuations in construction costs as determined by engineering cost indices applicable to such construction.

FEDERAL ENERGY ADMINISTRATION ACT—AMENDMENT

AMENDMENT NO. 919

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

ANTIHOARDING AMENDMENT

Mr. HARTKE. Mr. President, on Thursday, December 13, the Senate Government Operations Committee reported S. 2776, the Federal Energy Emergency Administration Act. Title I of this bill would establish an administration to develop the policies and direct the programs needed to manage the energy emergency. Title II creates a Council on Energy Policy to advise the President on energy matters and prepare a long-range comprehensive energy plan to provide guidance to all Federal agencies and the private sector. The bill may reach the Senate floor by Tuesday, December 18.

Although existing conservation programs are resulting in major energy savings, the worst shortages are yet to come. Some regions of the Nation face the prospect of up to 40 percent energy shortages if weather turns severe and alternative supplies are not found. Already consumers are suffering serious hardships as a result of shortages, price increases, and restrictions on the availability of petroleum product. Shortages and hardships will be made much more severe if individuals and corporations stockpile energy supplies and hoard them to detriment of other consumers.

Accordingly this amendment would require monthly reporting of fuel inventories held by major users. It would prohibit stockpiling of energy supplies beyond ordinary and necessary requirements. Violation of antihoarding regulations would subject any person to civil penalties of up to $25,000 for each violation.

AMENDMENT NO. 923

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

Mr. MONDALE. Mr. President, I introduce for printing an amendment, on behalf of myself, the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Vermont (Mr. STAFFORD), and the Senator from Massachusetts (Mr. KENNEDY), to S. 2776, the Federal Energy Emergency Administration Act.

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

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

AMENDMENT NO. 923

On page 22, strike all on lines 4 through 17, and redesignate succeeding paragraphs accordingly.

On page 19, between lines 19 and 20, insert the following new subsections and redesignate succeeding subsections accordingly:

(c) The provisions of the Economic Stabilization Act of 1970, as amended, insofar as they are applicable with respect to the functions transferred by subsection (b) of this section, are hereby continued in effect for the duration of this Title.

(d) As used in this section, a "fuel in short supply" includes crude petroleum or any refined petroleum derivative thereof, for which the Administrator has in effect, on the date of enactment of this Act, allocation, rationing, or other mandatory controls on distribution or consumption.

(e) In the pricing of any fuel in short supply, the Administrator shall allow (except as provided in subsection (f) of this section):

(1) for crude petroleum, no more than a passthrough of cost increases actually incurred in domestic or foreign operations, except that the Administrator may implement exceptions to such rules for the sole purpose of providing increases in the price of new supplies to encourage increased domestic exploration and production of crude petroleum: *Provided*, that any such exception shall state in detail the means by which any price increases which are greater than a passthrough of costs can be expected to be effectively utilized to increase investment in new domestic exploration and production; and

(2) for refined petroleum products, no more than a cost passthrough at any level of supply or distribution for refined petroleum products, except that the Administrator may implement exceptions to such rules, to the extent that declining sales volumes necessitate such exceptions, for branded and nonbranded independent marketers, as defined by Public Law 93–159 (the Emergency Petroleum Allocation Act of 1973).

(f) The Administrator may implement interim pricing policies which permit increases greater than those pursuant to subsection (e) of this section. No such interim pricing policy which permits such increases shall be effective for more than sixty days unless within fifteen days after it is implemented, the Administrator holds a public hearing thereon, on the record, after at least ten days prior notice thereof. Based on such hearing and prior to the elapse of the aforesaid sixty day period, the Administrator shall announce his final decision on such pricing policy.

(g) The Administrator shall publish in the Federal Register no more than thirty days after enactment of this Act, rules and regu-

lations to implement the fuel pricing provisions of this section, including procedures to insure compliance therewith.

(h) Pursuant to section 118 of this Act, the Comptroller General of the United States is authorized and directed to monitor price increases granted pursuant to this section. He shall report not less than quarterly to the Congress with his comments on the fuel pricing decisions of the Administrator pursuant to this section.

AMENDMENT NO. 924

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

Mr. STEVENSON submitted an amendment intended to be proposed by him to amendment No. 912, intended to be proposed by Mr. BUCKLEY to the bill (S. 2776) to provide for the effective and efficient management of the Nation's energy policies and programs.

AMENDMENT NO. 925

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

Mr. STEVENSON. Mr. President, the issue of natural gas deregulation is complex and controversial, and it is an issue which the Senate Commerce Committee is currently holding extensive hearings on. The committee considers this subject a high priority matter and will soon report legislation to the floor. It is entirely inappropriate to take action at this time on this subject. However, if the Senate is to consider natural gas amendments as a rider to the pending energy organization legislation, a broader range of options should be examined. I am prepared to offer an amendment which is designed to prevent the oil companies from further exploiting the energy crisis.

My amendment calls for the establishment of an excess profit tax. Although there are fuel shortages throughout the Nation, the profits of the oil companies are at record levels. Such profits are occurring at a time when the Nation's consumers are suffering a serious hardship as a result of shortages, price increases, and restrictions on the availability on petroleum products. The oil industry's record profits are in part windfalls that do not benefit American consumers. If the Nation is to benefit from personal sacrifices, it should benefit from some corporate sacrifices, too. The revenues from excess profits taxation would flow to the people of the United States rather than into the private coffers of the oil industry. And the oil companies would receive an incentive to decrease profits by investing in greater productivity.

The consumer expects Congress to take a positive step to increase supplies without causing massive inflation and billions in windfall profits. This proposal is designed to help achieve that goal.

Mr. President, if the Senator from New York agrees to withdraw his amendment, I will not call up my amendment.

AMENDMENT NO. 926

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

Mr. STEVENSON. Mr. President, last week the Senator from New York (Mr. BUCKLEY) introduced amendment No. 912 to S. 2776, a bill to provide for the effective and efficient management of the Nation's energy policies and programs.

This amendment would have the effect of deregulating new natural gas prices. In my view a view which is shared by the chairman of the Commerce Committee (Mr. MAGNUSON) it is inappropriate for the Senate to consider such a complex and controversial matter without the benefit of the recommendation of the committee having jurisdiction over the matter. A natural gas amendment is particularly inappropriate on the floor at this time in light of the fact that the Commerce Committee is intensively engaged in developing a permanent solution which will provide adequate stimulation for exploration and development of untapped gas reserves without imposing enormous and unjust economic burdens on the American consumer.

The committee has examined this subject intensively over the years as part of its Federal Power Commission oversight responsibilities. In addition the committee has already completed 6 days of hearings and is holding 2 additional days of hearings this week. The record of this hearing exceeds 2,100 pages and more than 70 witnesses have testified or submitted statements. Therefore I feel it would be most appropriate if amendment No. 912 and any other amendments dealing with natural gas regulation be tabled and considered just as soon as the Commerce Committee makes its recommendation to the Senate.

However, if the Senate should decide to consider this matter tomorrow, I am submitting an amendment which proposes an alternative and improved solution to the Nation's natural gas shortages.

My amendment is similar to title I of S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer. The amendment I am submitting today would substantially increase the amount of natural gas available to consumers and, in the event of shortages, assure that supplies are fairly allocated among the regions of the Nation and classes of customers.

It would save the public billions of dollars by foreclosing massive windfall profits to the major petroleum companies, and improve the competitive structure of the oil industry by affording independent companies the opportunity to successfully compete in the marketplace. This proposal directs the FTC to conduct its own review of natural gas reserves so that for the first time the nation will not be dependent solely on the industry's estimates.

Again, it is my hope that all amendments dealing with natural gas regulation will be withdrawn when the Senate considers S. 2776. But if gas policy must be considered, I would urge the Senate adopt the regulatory reform amendment which I am now proposing.

PRISONER OF WAR AND MISSING IN ACTION TAX ACT OF 1973—AMENDMENT

AMENDMENT NO. 920

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

MINIMUM TAX AMENDMENT

Mr. KENNEDY. Mr. President, on behalf of Senators BAYH, MUSKIE, and myself, I send to the desk an amendment to H.R. 8214, and I ask that it may lie on the table and be printed. I ask unanimous consent that the text of my amendment may be printed in the RECORD, and that a joint statement by Senators BAYH and MUSKIE and myself and accompanying materials explaining the amendment may be printed in the RECORD.

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

JOINT STATEMENT—DECEMBER 14, 1973

Senators Edward M. Kennedy, Birch Bayh, and Edmund S. Muskie announced today that they intend to offer an amendment to close the existing tax loopholes used by President Nixon to avoid payment of the so-called "minimum tax," the measure enacted by Congress in 1969 to insure that wealthy individuals do not escape tax altogether on the large amounts of tax preference income they receive.

The President filed the required IRS forms for the minimum tax for the past three years (1970–1972) indicating many thousands of dollars in tax preference income. But in two of those years (1971 and 1972), he used the loopholes in existing law to reduce his minimum tax to zero, and in the third year (1970), he used the loopholes to reduce his minimum tax to only $792.81.

The amendment to be offered would affect two parts of the minimum tax. First, it would eliminate the "deduction for taxes paid," the provision under which wealthy individuals are allowed to deduct, from their tax preference income, the regular taxes they pay before the minimum tax is levied. This provision enables high-salaried individuals to use the taxes they pay on their salaries to shelter large amounts of income derived from tax preferences. Although this provision was not directly involved in the President's tax returns, it might come into play for the 1970 return, for example, if the deduction for Presidential papers is disallowed and a regular tax is assessed for that year.

The same Senators had offered a proposal earlier this year to delete the deduction for taxes paid, and it had been narrowly defeated on two occasions. The Senators blamed the earlier defeats on cries of "Wolf" from wealthy individuals and corporations affected by the change, and said they felt prospects for success were greater now because of the President's disclosures.

The second part of the amendment would affect the existing provision that exempts the first $30,000 of tax loophole income from the minimum tax. This provision was apparently used by the President to reduce his minimum tax to zero in 1971 and 1972 and to near-zero in 1970. The three Senators said the current level of the exemption was excessively high, and their proposal would reduce it to $10,000.

The amendment proposed by the Senators will be offered to the so-called "Christmas Tree" tax bill now on the Senate calendar, which the Senators said contains a number of controversial provisions to benefit certain special interests.

In commenting on their amendment, the Senators said, "It is highly appropriate that a bill containing new tax breaks for the special interests should become the vehicle for the modest tax reform measure we propose. We urge Congress to recognize the new urgency given to the public's perennial plea for tax reform as a result of the President's tax disclosures. The amendment we propose is a first down-payment on tax reform, a forerunner of comprehensive reform to come.

"How can Congress defend a tax system, that contains such flagrant inequities? How

can we have a Revenue Code that gives a free ride to the wealthiest citizens in the nation, but demands heavy taxes from the average working man and woman? What do we tell the ordinary taxpayer, who wants to know why he has to pay so much in taxes, when the President pays virtually no taxes on his $200,000 a year income and $50,000 a year expense account?"

The Senators predicted that the new disclosures by the President would generate widespread pressure on Congress for comprehensive tax reform in 1974, and would make tax reform a major election issue in Senate and House elections next year if Congress fails to act. They also said that the recent disclosures could well have an impact comparable to Secretary of the Treasury Joseph Barr's dramatic disclosure in 1969 that large numbers of wealthy individuals were using tax loopholes to escape all taxes. Mr. Barr's disclosure is widely regarded as the trigger for the Tax Reform Act of 1969.

KENNEDY-BAYH-MUSKIE MINIMUM TAX AMENDMENT—AMENDMENT TO H.R. 8214

PURPOSE

Repeal the step in the calculation of the minimum tax which currently allows a deduction for other taxes paid, and reduce the current $30,000 exemption from the minimum tax to $10,000.

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 to the bill raised the rate to 10% and added a deduction for regular taxes paid. A 1970 Senate floor amendment allowed a seven-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 exemption and less the amount of regular income tax owed, including the carry over.

The proposed amendment has two parts. The first part would eliminate the deduction and carry-over for taxes paid. These provision have 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:

	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. In the case of individuals, ninety percent of the revenue gain from this change would come from persons with adjusted gross income of $100,000 or more.

The second part of the amendment would reduce the existing $30,000 exemption to $10,000. The present level was set far too high by the 1969 Act. It enables wealthy taxpayers to enjoy their first $30,000 in tax loophole income, completely free of the minimum tax. By reducing the level to $10,000, substantial amounts of income that are currently tax-free would become subject to the minimum tax. At the same time, the $10,000 level would remain high enough to prevent any substantial deleterious impact on middle-income taxpayers with modest tax-preference income, such as a capital gain on the sale of a residence. In addition, the $10,000 level would avoid any unnecessary inconvenience in the administration of the minimum tax, since it would not require the forms to be filed or the tax to be paid on modest amounts of tax preference income.

CURRENT OPERATION AND YIELD OF 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 PROPOSED AMENDMENT (1972 INCOME LEVELS)

[In millions]

1. Current law:	
Individuals	$192
Corporations	300
Total	492
2. Elimination of deduction for taxes paid:	
Individuals	$330
Corporations	250
Total	580
3. Reduction of exemption to $10,000:	
Individuals	$131
Corporations	20
Total	151
4. Elimination of deduction for taxes paid and reduction of exemption to $10,000 because the provisions interact, the revenue gain from the two provisions combined is greater than the sum of the revenue gains from the provisions taken separately):	
Individuals	$585
Corporations	275
Total	860

DISTRIBUTION OF GAIN FROM INDIVIDUALS (1972 INCOME LEVELS)

Adjusted gross income	Number of returns affected	Minimum tax
1. Current law:		
0 to $3,000	1,000	$11,000,000
$3,000 to $5,000		
$5,000 to $7,000		
$7,000 to $10,000		
$10,000 to $15,000		
$15,000 to $20,000		
$20,000 to $50,000	6,000	7,000,000
$50,000 to $100,000	8,000	18,000,000
$100,000 and over	17,000	154,000,000
Total	32,000	192,000,000
2. Elimination of deduction for taxes paid (note: 90 percent of the revenue gain from this provision would come from individuals with adjusted gross income of $100,000 or more):		
0 to $3,000	1,000	
$3,000 to $5,000		
$5,000 to $7,000		
$7,000 to $10,000		
$10,000 to $15,000		
$15,000 to $20,000		
$20,000 to $50,000	11,000	4,000,000
$50,000 to $100,000	22,000	23,000,000
$100,000 and over	30,000	299,000,000
Total	65,000	330,000,000

	Number of Returns Affected	Additional Tax
3. Deduction of exemption to $10,000:		
0 to $3,000	3,000	4,000,000
$3,000 to $5,000	1,000	1,000,000
$5,000 to $7,000		
$7,000 to $10,000	17,000	4,000,000
$10,000 to $15,000	5,000	3,000,000
$15,000 to $20,000	9,000	4,000,000
$20,000 to $50,000	61,000	49,000,000
$50,000 to $100,000	25,000	29,000,000
$100,000 and over	21,000	38,000,000
Total	143,000	131,000,000

	Number of returns	Additional minimum tax
4. Elimination of deduction for taxes paid and reduction of exemption to $10,000 (because the provisions interact, the effect of the two provisions combined is greater than the sum of the effect of the provisions taken separately):		
0 to $3,000	3,000	4,000,000
$3,000 to $5,000	1,000	1,000,000
$5,000 to $7,000		
$7,000 to $10,000	17,000	4,000,000
$10,000 to $15,000	19,000	5,000,000
$15,000 to $20,000	39,000	11,000,000
$20,000 to $50,000	98,000	92,000,000
$50,000 to $100,000	56,000	100,000,000
$100,000 and over	40,000	368,000,000
Total	273,000	585,000,000

MAJOR TAX PREFERENCES SUBJECT TO MINIMUM TAX

Accelerated depreciation on real property accelerated depreciation on personal property subject to a net lease, amortization of certified pollution control facilities, amortization of railroad 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, and no change in the current 10% rate of the minimum tax. It affects only the deduction for taxes paid and the $30,000 exemption, the most flagrant and least justifiable loopholes in the minimum tax.

Also, contrary to arguments raised in the past against the provision to repeal the deduction for taxes paid, this change would have only a marginal impact on capital gains or on the percentage depletion allowance. The effect of the change would be to increase the maximum effective tax rate on capital gains for individuals from its present level of 36.5% to 40% (but the 40% rate would apply only to that portion of gains for any year over $460,000), and it would reduce the

depletion allowance from its present "effective" level of approximately 18% by less than a single percentage point. In the Tax Reform Act of 1969, the maximum effective tax rate on capital gains was increased from 25% to 36.5%, with no measurable overall effect on the flow of capital in the nation. And the same Act reduced the effective rate of the oil depletion allowance from 27½% to 18%, with no measurable overall effect on oil company profits. Obviously, if Wall Street and the oil industry could take these far more substantial reforms in stride in 1969, they can easily do the same with respect to the reform now proposed in the minimum tax.

AMENDMENT NO. 920

At the appropriate place in 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 (c);

(2) 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 the excludable amount.";

(3) by striking out "$30,000" in subsection (b)(1)(B) and inserting in lieu thereof "$10,000"; and

(4) by inserting a new subsection (c) as follows: "(c) For the purpose of subsection (a) of this subsection, the excludable amount shall be $10,000."

(b) The amendments made by this section shall apply to taxable years beginning after December 31, 1973.

AMENDMENT OF THE EXPORT ADMINISTRATION ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 921 AND 922

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

Mr. HATHAWAY submitted two amendments intended to be proposed by him to the bill (H.R. 8547) to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand.

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME—AMENDMENT

AMENDMENT NO. 927

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

Mr. HARRY F. BYRD, JR., submitted an amendment intended to be proposed by him to 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.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Leonard E. Alderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin for the term of 4 years. (Reappointment.)

Harry Connolly, of Oklahoma, to be U.S. marshal for the northern district of Oklahoma for the term of 4 years. (Reappointment.)

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, December 24, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE ON ANTIBUSING HEARINGS

Mr. ERVIN. Mr. President, because of the public's awareness of the critical shortage of gasoline, more Americans than ever before are expressing opposition to the senseless, massive busing of schoolchildren in order to achieve "racial balance" in the public schools. While the waste of gasoline to run the thousands of school buses engaged in this ridiculous activity is of little consequence compared with the injustices and hazards imposed on innocent little children who have been made the victims of judicial and bureaucratic tyranny, it does underscore the financial and economic burden which forced busing is imposing on our country.

From the day I took my oath of office as a U.S. Senator from North Carolina, I have opposed efforts of the Federal Government to interfere with and control this country's public school systems. Unfortunately, those of us in Congress who believe in constitutional government and in the right of every child to attend his neighborhood school have not been sufficiently strong in number to put an end to such practices as forced busing. Time and time again we have introduced legislation to restore sanity to our public school systems only to be defeated by indifference on the part of those whose communities have not been subjected to the arbitrary, cold-hearted edicts of Federal courts and agencies.

Mr. President, I sincerely believe that this indifference is coming to an end. Recent court orders and agency decrees have affected school systems in parts of the Nation heretofore untouched by Federal tyranny. Parents of schoolchildren in Michigan, Indiana, Maryland, and California are beginning to understand why parents of schoolchildren in North Carolina have been so distressed over this matter. And, most recently, the tragic shortage of petroleum and petroleum products has awakened many more Americans to the personal injustices and financial costs of continued forced busing of schoolchildren.

Mr. President, I believe the time is ripe to give serious consideration again to legislation which would put an end to forced busing and to the judicial and bureaucratic tyranny which fosters it. Therefore, as chairman of the Senate Subcommittee on Constitutional Rights, I have scheduled hearings for February 19, 20, 21, 1974—as soon as practicable after the reconvening of the 93d Congress—to study legislative proposals designed to accomplish this purpose.

One of the bills which the subcommittee will focus attention on is S. 1737, a bill I introduced with Senator JAMES ALLEN, of Alabama, to provide for freedom of choice in student assignments in public schools. This legislation severely restricts the authority of Federal departments, agencies, and officials and the jurisdiction of Federal courts with respect to the policies of our public school systems. It expressly prohibits any Federal court from issuing any order "requiring any school board to transport any students from one public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body or any school or place or in any school district."

Mr. President, I am confident that these hearings will underline the urgency of congressional action to put an end to forced busing. I will provide the Senate with more information about these hearings when the subcommittee is in a position to make more detailed arrangements.

ADDITIONAL STATEMENTS

THE ENERGY CRISIS

Mr. HARRY F. BYRD, JR. Mr. President, the hard facts of the energy crisis now are with us.

As the effects of shortages of energy make themselves felt, the people are asking a lot of questions—and rightly so. The people want to know how this problem was allowed to become so critical, and they want to know what is being done about it.

How did the energy crisis come about?

I think the basic explanation is quite simple.

Today the United States has a trillion-dollar economy. That means that the gross national product—the sum of all our goods and services—is valued at more than a thousand billion dollars a year.

We first reached a trillion-dollar economy in 1971.

Just 10 years earlier—in 1961—the gross national product was a half-trillion dollars.

Think what that means: it took 185 years of American history to reach the half-trillion-dollar level, but it took only 10 years to get the other half-trillion.

When you consider that fact, it is small wonder that we have placed a strain on our energy resources.

We have compressed 185 years of economic growth into 1 decade.

What has happened to our energy resources during these years of phenomenal growth? Naturally, they have been seriously depleted.

Let us be frank about this rapid depletion of national energy resources: neither Washington nor the private sector has been very farsighted about this situation. There has been a lot of wishful thinking about the extent and avail-

ability of resources, and not much planning or action.

It is not that we were without prophetic voices of warning. Back in 1959—14 years ago—Senator JENNINGS RANDOLPH, of West Virginia, introduced a resolution to establish a Joint Committee on a National Fuels Policy. And there have been numerous, more recent warnings of problems lying ahead in the energy field.

But action was long in coming. I gave early support to construction of the Alaska pipeline, and I find it astonishing that as late as last July this legislation—so important to development of domestic resources—passed the Senate by just one vote.

Nothing will be accomplished, however, by looking backward. We must take constructive action.

In the short run, the emphasis must be on conservation and allocation of resources.

Everyone regrets the necessity for the conservation and allocation programs. Long experience with Government programs of this kind indicates that despite the best efforts of all concerned, the regulations may not be fair to everyone.

I believe one of the most important single provisions in the emergency energy legislation recently passed by the Senate is the directive to the President to minimize the damage or dislocation to our economy, including employment and industrial capacity. It is absolutely essential that everything possible be done to keep Americans on the job and keep American goods flowing to market.

Of course that means there is going to be a pinch in fuel availability for many kinds of activities. But those administering the emergency programs must guard against any tendency to force any single sector of the economy to bear the whole burden of the energy crisis—and that includes such sectors as travel. There is bound to be some reduction in travel, but it is important to remember that a man or woman out of work in the travel industry is just as much unemployed as a factory worker who is laid off.

The day-to-day decisions about how to implement and carry out the emergency program must be made in the executive branch. I do not believe Congress should simply write blank checks of authority for the President—and I do not believe that is what we are doing—but it just would not be practical for the Congress to legislate such things as prices and gallonage allocations. This must be handled on a week-to-week administrative basis.

I want to emphasize, though, that this emphatically does not include tax proposals. There has been some suggestion that an increase in the gasoline tax might be recommended by the administration as a measure to cut consumption. I am not inclined to favor such a proposal, and of course the Congress would have to take a hard look at any such recommendation from the President.

Another area in which the Congress is required to act is modification of certain environmental protection rules. I favor easing of the automobile emission standards in the Clean Air Act, in order to give time for development of better technology as well as to conserve fuel in the short run.

Further steps in the environmental area seem advisable to me. The administration already has urged relaxation of overly stringent sulfur emission standards in the burning of coal, and I would add that if we are to get the most from our coal resources, we ought not to put on the lawbooks the unrealistic restrictions on surface mining approved by the Senate earlier this year.

None of this represents an abandonment of the goal of cleaner water and air. It is simply a recognition that technology has not yet caught up with the demand for pollution control equipment and measures that will improve the environment without imposing unacceptable penalties in energy consumption.

Another point which I feel must be kept in mind in dealing with the energy crisis is the need for Government to set an example. Wasteful consumption of energy by the Government, in these difficult times, cannot be tolerated.

I might note that I joined in sponsoring legislation to require a reduction in fuel consumption by the Department of Defense, the biggest user in the Government, and that I voted in favor of a provision to ban shipments of critically short petroleum supplies to Southeast Asia.

Because of the embargo imposed by the Arab nations on shipments of oil to the United States, the energy situation affects—and is affected by—developments in the field of foreign policy and diplomacy.

The situation in the Middle East is explosive. I believe it is imperative that the United States proceed with maximum caution in dealing with this situation, and I have made my views on this score known to the State Department.

It seems to me that as time goes by, both sides in the Middle East must be willing to yield on some points. Continued intransigence will only mean continued tension—and probably, further bloodshed.

The best interests of the United States will be served by a lasting settlement, and I think that our representatives should cooperate with the parties in working toward that end.

It has been suggested in some quarters that the United States should embargo all shipments of goods, or nearly all shipments, to the Arab countries. I see the appeal of such a recommendation: striking back is a natural thing to do. But I do not believe it would be effective. The Arabs would be able to obtain nearly everything we might deny them from other sources, especially from the Soviet Union.

The United States, I feel, should use its leverage as an exporting nation in dealing with other countries—especially, I might say, with the Soviet Union—but I do not believe, in the case of exports to the Arabs, that the United States has sufficient leverage to accomplish the objective. Such a boycott could, in fact, be harmful rather than helpful.

In one sense, the oil embargo imposed by the Arabs will have a beneficial effect in the United States. I mentioned earlier that action to cope with energy shortages was long in coming—but the Arab embargo has proved to be the catalyst needed to produce such action.

Of all the actions we have taken and will be taking in the near future, I think the most important are the ones aimed at achieving self-sufficiency in energy, or at least the greatest possible degree of independence of unreliable foreign countries.

I list among such actions the approval of the Alaska pipeline.

Another important step toward energy independence was the Senate's approval of legislation to foster research and development in the energy field.

In many respects, coal may prove to be the key to the future. It is our most abundant fuel, and I think it is vital that we move ahead with efforts to mine it and burn it in ways that are safer and cleaner than those now available. I hope there will be major efforts in the field of coal liquefaction and coal gasification.

In the long run, I think one of the most attractive possibilities is solar energy. I understand that it is not yet practical, at least for large-scale usage, but I believe that a maximum effort should be made to develop ways to harness and store the power of the Sun. Alone among energy sources, it is limitless and without adverse environmental effects.

Nuclear energy is being thoroughly explored. It may well be that nuclear power will "bridge the gap," so to speak, between our reliance on fossil fuels and the energy sources of the future—such as solar and geothermal energy.

I think we must insist, however, that major efforts be devoted to making nuclear energy safe—and that includes dealing realistically with the problem of radioactive wastes. The larger the scale on which we are obliged to use nuclear energy, the greater the problems that will be associated with its use.

A whole host of other possible resources—from oil in shale and tar sands all the way to harnessing the power of the tides—must be given consideration and study.

We will find the answers to our energy problems only if we explore every avenue.

ROBERT MOSES: MASTER BUILDER

Mr. BUCKLEY. Mr. President, today marks the 85th birthday of one of the most remarkable men of our century. I refer to Robert Moses, the master builder, whose contributions to New York and to the Nation are incalculable.

It has been said of Robert Moses that he "accomplished six lifetimes worth of building in two generations" and that he is "truly part and parcel of urban American history."

In more than 50 years of public service, he has been engaged in the planning and building of parks and playgrounds, highways and parkways, beaches and outdoor recreational facilities in New York City and New York State, and the gigantic St. Lawrence and Niagara power projects. In recognition of these achievements, he has received honorary degrees from numerous colleges and universities, in addition to hundreds of medals, hon-

ors, and awards. He has served as a consultant to many major cities, both in this country and abroad.

He was chairman of the Power Authority of the State of New York from 1954 to 1963, during which time he directed the financing and construction of the $720 million Niagara power project and the $650 million St. Lawrence power project.

As president of the New York World's Fair—attended by 52 million people—he completed Fushing Meadows Park, which received over $100 million in permanent improvements as a result of the fair.

He has served on scores of committees and commissions, was coordinator of construction for the United Nations headquarters and was a founder of the Lincoln Center.

Robert Moses, on his 85th birthday, can look back in pride today to the great work he has accomplished. Our century has seen so very much destruction and unreason that the career of Robert Moses, devoted to building and reason, is one that should properly be applauded by all those who believe, as he does, that human beings, working together in cooperation, can build and prosper. To this great master builder on his 85th birthday I offer my warmest congratulations and thanks not only for what he has given us through his talent, but equally important for what he has taught us through his example.

THE LAND USE CONTROVERSY

Mr. McGOVERN. Mr. President, a great deal of misinformation and distortion is being spread in parts of my State about the bill which Senator JACKSON sponsored and which the Senate passed earlier this year, S. 268, the Land Use Policy and Planning Assistance Act.

It is apparent that the gross distortions of the intent and purpose of this bill are the result not of citizen research and study, but of a massive campaign of misinformation spread by the powerful vested interests who hope to reap the windfall of continuing our present do-nothing policy on land use.

Mr. Leonard Downie, Jr., a deputy metropolitan editor of the Washington Post, has written a timely and thorough article entitled "National Land Use: A Move To Save What Is Left," which appears in the December 17 issue of the Nation magazine. I ask unanimous consent that it be printed in the RECORD.

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

NATIONAL LAND USE—A MOVE TO SAVE WHAT IS LEFT

(By Leonard Downie, Jr.)

WASHINGTON.—An important battle that has attracted too little national attention is being fought in Congress over the future use of this country's remaining undeveloped land. Lobbyists for land developers, the National Association of Realtors and the U.S. Chamber of Commerce are working hard in the House of Representatives to kill or cripple a Senate-passed bill that would push the fifty states to take over regulation of major land uses within their borders. Opposing these lobbyists are a number of environmental groups, led by the Environmental Policy Center; they have been the legislation's chief public supporters, other than its author, Sen. Henry M. Jackson (D., Wash.), the chairman of the Senate Interior Committee.

As it passed the Senate in June, the Jackson bill contained a $1 billion package of federal grants for states that set up effective machinery for statewide planning of land use and the strict regulation at the state level of large-scale new development—from private suburban housing subdivisions and rural recreation operations to public airports and interstate highway interchanges. To qualify for the new federal money, each state would have to show that its land-use controls conformed to national guidelines that have been written into Senator Jackson's bill.

Jackson tried in the Senate to add to this $1 billion federal carrot a legislative stick that would threaten non-complying states with loss of some of the federal grants they already receive for construction of highways, airports and sewer and water projects. He was unsuccessful, but even without that provision, the bill is regarded by real estate and business interests as threatening to usurp the zoning authority of local governments and to restrict by unconstitutional means the development rights of landowners. In a policy statement adopted at its mid-November national convention here, the National Association of Realtors characterized such legislation as a "counter-productive attack on private property ownership." And in a special national newsletter condemning the bill, the Chamber of Commerce called it "sweeping federal intervention into a traditionally state and local matter."

The Chamber of Commerce, the realtors' group and the right-wing Liberty Lobby also recently mobilized their memberships to produce a mail campaign against the legislation that has put considerable pressure on members of the House Interior Committee, which has spent several months rewriting the House version of the Jackson bill. The committee has already watered down several of its key provisions, and still more compromises are expected by apprehensive environmental lobbyists.

"We've had to go along with these changes just so we can get some kind of bill reported out of the committee," explained David Calfee of the Environmental Policy Center. The Jackson bill had previously passed the Senate in 1972, only to be bottled up by the House Interior Committee for the rest of that session of Congress. Calfee hopes to see the new legislation reach the House floor for a vote sometime early next year.

The present Jackson bill would allow local governments to retain control over zoning for small-scale land uses, but it would force states seeking federal funds to regulate five kinds of land uses, defined in the bill as being of "more than local concern":

Any use of areas of "critical" environmental importance, such as beaches, wetlands, significant wildlife habitats and historic sites.

Large-scale urban development, including suburban subdivisions, shopping centers and industrial parks.

Equally large second-home and recreation-lot subdivisions of rural land.

Regional public utilities like waste disposal plants that have a major effect on land used.

Other key public projects like airports, major highway interchanges and recreational facilities.

In order to qualify, a state land-use control program would be expected, for instance, to insure that new developments did not encroach on public beaches, threaten historic buildings, overload water and sewage systems, erode soil, or overburden local and state government services. Failure to meet such criteria would result in loss of the state's share of the bill's federal planning grants. If Jackson's sanction provision had been added, a state failing to set up an acceptable land-use control program within five years of the bill's enactment would lose first 7 per cent, then 14 per cent and eventually 21 per cent of its normal allotted federal grants for highways, airports and sewer and water projects.

This sanction provision became a lightning rod for Senatorial opposition to the bill. Senators opposing the legislation as a whole were joined in the fight against the sanction by Senators who sit on the committees that dole out highway and airport grants. However, once the sanction amendment was defeated, many members who had voted against it eased their consciences by supporting the rest of Jackson's bill, and it passed easily—also in part because at that point the real estate lobby was not out in force.

The House version of the land-use bill, introduced by Rep. Morris K. Udall (D., Ariz.), at first included most of the important provisions of the Jackson bill. But the real estate lobbyists suddenly materialized and began to whittle away, once they realized that the bill had a good chance of making it to the House floor (its most bitter opponent on the House Interior Committee in 1972, Rep. Wayne Aspinall [D., Colo.], had since lost his seat).

The first item to go in closed Interior Committee deliberations last fall was Udall's version of Jackson's grant-cutting sanction. Next, in response to pressure from realtors, the bill's definition of a suburban subdivision large enough to come under state scrutiny was changed from one with fifty or more units to one "having more than local impact." Then the legislation's requirement that states make certain that these subdivisions not harm the environment or overload local services was so changed that the bill now only suggests criteria, which the states may or may not follow.

While the Jackson-Udall legislation is being weakened still further in committee, the Chamber of Commerce has written a substitute bill that contains no binding federal guidelines, directives or review at all. In effect, it will offer federal money to the states for merely drawing up land-use master plans, and will not require that they be enforced or that new development be regulated in any way. The Chamber of Commerce hopes to win House Interior Committee approval of the substitute.

This kind of legislation would, of course, leave things much as they are now—with largely uncontrolled development chewing up too much land, fouling the air and water, cutting off the public from beaches, lakes and mountaintops and destroying wildlife. Plenty of cities, counties and some states already have land-use master plans of varying kinds. But in most cases they are rarely enforced or are regularly amended to accommodate some new development rather than being used as instruments to channel and shape development according to public needs and environmental considerations.

Local zoning officials, in particular, have been notoriously susceptible, for financial and other reasons, to the designs of developers. The Chamber of Commerce pleads in its attack on the Jackson bill that people deserve as much attention as the environment, but who can seriously argue that the helter-skelter development now doing irreversible damage to our environment is nevertheless producing splendid communities for the American people?

Jackson, when he drew up his land-use bill, tried to address himself to the goal of producing better communities with less waste of land or harm to the environment. Yet there is serious question whether this legislation—even before members of the House Interior Committee began working it over—could really have accomplished that purpose. The original bill gave the states five years to set

up land-use control machinery—a disturbingly long delay for public action, when private developers would be rushing ahead with their own plans. The bill would have forced states to adopt and enforce master plans drawn according to federal guidelines, but the manner of enforcement would be left entirely to state officials (both the politics of getting a bill through Congress and, most likely, legal tradition in the courts, would reserve that discretion for the states). Thus, big developers and their powerful financial backers would be free to apply on state officials—in a convenient centralization of the process—the same corrupting pressures they have in the past so successfully put on local zoning authorities scattered throughout each state.

Some supporters of the Jackson bill point as an example of what the states could do to a proposed land-use plan for California being promoted by a nonprofit conservation group, California Tomorrow. Its plan suggests dividing California's 100 million acres of land into four principal use zones: agricultural, conservation, urban and regional reserve. The land designated for each zone would, of course, comprise many unconnected parcels scattered throughout the state.

Land placed by California Tomorrow in the agricultural zone would be forever restricted to farming and some rural residential use. The conservation zones of mountains, foothills, forests, river and stream valleys, seashore and other important natural areas would similarly be placed forever off limits to new devleopment, except for some carefully controlled recreational uses. The urban zones, which would comprise both present urbanized areas and other sites designated as suitable for new growth, would be open to development within guidelines to be laid down by regional authorities which would be created throughout the state. These authorities would also decide whether land set aside in the fourth category, the regional reserve zone, should eventually be designated for urbanization, public recreational uses, agricultural land, or protection as additional open space.

Despite wide promotion of the California Tomorrow plan in meetings of state conservation, business, civic and government leaders, there has been no indication that the state will ever adopt anything like it, even if the Jackson land-use bill were to be approved by Congress. California voters recently did approve a state referendum creating an immediate moratorium on new Pacific shoreline development and setting up regional authorities to study what should be done in the future with coastal land, but any plans drawn by these authorites must be approved by the state legislature and the voters, and it is likely that real estate interests will work hard to defeat any proposals that seriously restrict large-scale coastal development.

The California Tomorrow plan also contains assurances of the integrity of the regional authorities that would be created to administer land use within each of the four proposed statewide zones. What is to stop real estate interests from continuing to do what they please in the urban and regional reserve zones, or to greatly abuse the exceptions envisioned for the otherwise no-growth agricultural and conservation zones?

More important, both the California Tomorrow proposal and the land-use control process envisioned in the original Jackson bill constitute largely negative influences on community development in the United States. At worst, each state's program could be used by short-sighted environmental interests and protectionist suburbanites to stop growth altogether, even in those many places where some kind of carefully planned development is needed to provide more and better homes for the tens of millions of families needing them now and in the near future.

At best, creative application of state controls could force real estate development into those areas where it would be most desirable and insure that more trees would be saved from bulldozers and more streams protected from choking siltation. But the Jackson bill's detailed national guidelines hold no positive promise that such development, once it is properly located and made compatible with the natural environment, would automatically be a better place in which to live. And it is difficult to imagine how such guidelines could have been added to the bill. It takes much more than land-use controls to create new communities free of the continuing, perplexing problems of transportation, housing quality, social adjustment, segregation and exorbitant costs.

These shortcomings are not arguments for the defeat of the Jackson bill. Its enactment in the form in which it passed the Senate could be the first small step toward more intelligent land use and environmental protection in states whose officials have sufficient integrity and imagination to make the best use of such a law's new authority and federal financial assistance. But it could hardly be expected to produce, in Senator Jackson's words, "the kind of blueprint which will spell quality life, good environment and sound economic growth."

Experiments in these areas have been tried in Europe where, surprisingly, land-use planning and controls of the kind contained in the Jackson bill are rare. Instead, the national and regional governments of European countries and their metropolitan areas plunge much more deeply into land use and development themselves.

The national government of Great Britain is directly financing and controlling through loans to public development corporations the building of some thirty new towns on the edges of its big cities.

France has begun the similar public development of a number of new towns around Paris and other cities. In Sweden the city of Stockholm has itself bought up most of the surrounding suburban land and is leasing it at relatively low cost to private developers, who build communities according to strict specifications set by the city.

Out of these land-use programs by European governments have come any number of successful experiments: the first post-World War II pedestrian-only shopping malls and the community-wide foot and bicycle pathways in the new towns of Britain; suburban neighborhoods in Sweden clustered around stores, social services and recreational facilities, and connected one to the other by subway lines from downtown Stockholm; giant French strides in factory-built housing, and a recently developed community trash incineration system used to heat one French new town's homes and offices; and the land-saving clustering of homes around public open spaces in new communities throughout Europe.

Americans find some of this strictly planned and government-backed European development somewhat sterile; in other places, the rational order, the greenery and the convenience of all the components of a community are attractive. Many of the residents of these European communities find their primary satisfaction is to live in decent, comparatively inexpensive homes, because it is the working class for whom these heavily subsidized communities have been built.

On balance, the particular kind of experimentation that has been tried in Europe is not what should be of greatest importance to Americans concerned about the quality of their new development. Rather, we should be learning from the fact that Europeans *are* boldly experimenting, while we muddle along repeating the same mistakes—such as heavily investing government funds and loan guarantees in a so-called federal "new town" program that has thus far produced only bigger and slightly more attractive privately developed suburbs (see Downie: "The 'New-Town' Mirage," *The Nation*, May 15, 1972).

Bold experimentation cannot, of course, be expected from a federal land-use bill that, if the U.S. Chamber of Commerce has its way, would merely funnel more open-ended federal grants to the states—much as the largely ineffectual and much abused Law Enforcement Assistance grant program does now. Neither should really significant change be expected if the strongest possible bill, as drafted by Senator Jackson, is passed by Congress. It could stop the states from allowing the worst uses to be made of the underdeveloped land remaining within their borders, but it would do little to insure that they make drastically better use of it.

INDEPENDENT SPECIAL PROSECUTOR LEGISLATION: A POSTSCRIPT

Mr. HRUSKA. Mr. President, it was to my keen regret that I was unable to be present in the Chamber this past Wednesday to participate in the colloquy dealing with the fate of the two competing legislative proposals to establish the Office of an Independent Special Prosecutor. At the time, however, the Committee on the Judiciary on which I serve was engaged in hearings on the nomination of the senior Senator from Ohio (Mr. SAXBE) to be Attorney General of the United States.

I take this opportunity to salute the joint leadership for their concern over the disruptive effect which S. 2611, the Hart-Bayh proposal, might have had on the investigation and prosecution of Watergate-related offenses. This, of course has been my primary concern with the Hart-Bayh bill since the time of its introduction. Indeed, it was this same concern which led me to cosponsor S. 2642, a bill introduced by the junior Senator from Ohio (Mr. TAFT) to create a strong legislative Office of Special Prosecutor, but with little or no potential for disruption of ongoing investigations and prosecutions.

The notion of the appointment of a Special Prosecutor within the judicial branch of our Government arose with such a bang this past October that it precipitated a stampede in Congress. However, it ended, hopefully forever, on this past Wednesday with only a whimper.

My friend, the junior Senator from Ohio (Mr. TAFT) is not a member of the Judiciary Committee. However, by sheer force of intellect he did play a very substantial role in the deliberations and actions of the committee which gave rise to a responsible alternative to the Hart-Bayh bill. His role in this regard was, in my opinion, public service of the highest order. I commend him for his work.

I ask unanimous consent that the following documents be printed in the RECORD:

First. Independent Special Prosecutor legislation: The alternatives in a nutshell.

Second. Washington Post editorial, November 16, 1973, and December 11, 1973, and article of December 11, 1973.

Third. Acting Attorney General Bork's letter of December 7, 1973, on S. 2734.

Fourth. Excerpts from report on S.

2642, Independent Special Prosecutor Act of 1973.

Fifth. Judge Gesell's opinion in case challenging legality of discharge of Mr. Archibald Cox, the last two paragraphs of which pertain to the court's grave misgivings as to a court-appointed Special Prosecutor.

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

INDEPENDENT SPECIAL PROSECUTOR LEGISLATION: THE ALTERNATIVES IN A NUTSHELL

Legislative Alternatives: There are three measures before the Senate: (1) S. 2611, as amended, (reported by the Judiciary Committee), the Hart-Bayh bill; (2) S. 2642, as amended, (reported by the Judiciary Committee), the Hruska-Taft bill; and (3) S. 2734, the Percy-Baker bill (floor amendment).

Committee Action: The Judiciary Committee, deadlocked on this issue, ordered reported without recommendation for further action by the Senate both the Hart-Bayh bill and the Hruska-Taft bill. The Percy-Baker bill was not reported.

General Purpose: All three measures are captioned the "Independent Special Prosecutor Act of 1673" and, although other relatively minor differences exist between them, they are generally parallel in all essential regards, save their respective appointment and removal provisions. Thus, all three bills establish the office of Special Prosecutor with broad jurisdiction over "Watergate" related offenses and limit removal to situations of aggravated cricumstance.

APPOINTMENT AND REMOVAL

1. S. 2611, the Hart-Bayh bill, provides for appointment and removal of the Special Prosecutor by a panel of three D.C. District Court Judges, thus placing the office squarely in the Judicial Branch.

2. S. 2642, the Hruska-Taft bill, provides the appointment by the Attorney General, and declares that, pursuant to assurances made by the Acting Attorney General, the Senate will have the right to disapprove any candidate for appointment. With respect to removal, the bill provides:

(a) that in the event cause for dismissal were deemed to exist, the Attorney General at the outset would only be empowered to suspend the Special Prosecutor for 30 days;

(b) that, upon suspension, the Attorney General would be required to notify both Houses of Congress of his action and to set forth the reasons for the suspension;

(c) that, upon suspension, the Special Prosecutor would be authorized to bring suit immediately for reinstatement under a specific grant of jurisdiction to the U.S. District Courts and action would receive expedited treatment; and

(d) that the D.C. District Court would be empowered to appoint an interim Special Prosecutor in the event of a suspension or other disability or temporary vacancy in the office.

3. S. 2734, the Percy-Baker bill, provides for appointment by the President, by and with the advice and consent of the Senate. With respect to removal, the bill tracks S. 2642 completely but again substitutes the President for the Attorney General.

CONSTITUTIONAL ISSUES INHERENT IN APPOINTMENT AND REMOVAL PROVISIONS

1. S. 2611, the Hart-Bayh bill, is considered to be unconstitutional with respect to both its appointment and removal provisions by former Attorney General Richardson, Dean Cramton of the Cornell Law School, Acting Attorney General Bork and others, as being violative of the fundamental Separation of Powers Doctrine in attempting to transfer a core Executive function, *viz.* the prosecution of offenses, to the Judicial Branch. However, on the other hand, the measure is considered to be constitutional by a number of distinguished legal academicians and the American Bar Association. The primary sponsor of the bill (Senator Hart) has indicated that ". . . reasonable men disagree as to the certainty of the constitutional questions that are raised."

2. S. 2642, the Hruska-Taft bill, has raised no constitutional issue.

3. S. 2734, the Percy-Baker bill, is considered to be unconstitutional with respect to its removal provisions by the same people opposed to the Hart-Bayh bill and for the same fundamental reason, i.e., Separation of Powers. Correspondingly, it is generally considered to be constitutional in this respect by the supporters of the Hart-Bayh bill.

PRACTICAL CONSIDERATION

1. S. 2611, the Hart-Bayh bill, if enacted, would definitely invite judicial challenge. While provision for expedited review is contained in the measure, a final judicial disposition of the constitutional issue would likely take at least several months, during which period of time the Special Prosecutor would be unable to pursue his responsibilities. A judicial determination that the bill is unconstitutional would have even more severe consequences with the likelihood being that indictments would be quashed, prosecutions jeopardized and individual rights threatened.

2. S. 2642, the Hruska-Taft bill which suffers no arguable consittutional infirmities, would raise no practical problems of the nature just discussed with respect to the Hart-Bayh bill.

3. S. 2734, the Percy-Baker bill, by virtue of its removal provisions, raises the same fundamental constitutional issue posed by the Hart-Bayh bill. It is completely plausible to expect, therefore, that, upon enactment, the authority of the Special Prosecutor would come under judicial attack and thereby raise all of those concomitant problems discussed with respect to the Hart-Bayh bill.

POSITION OF D. C. DISTRICT COURT JUDGES

S. 2611, the Hart-Bayh bill, requires that the Special Prosecutor be appointed by a panel of three members of the U. S. District Court for the District of Columbia. However, Chief Judge John Sirica and a majority of the members of that bench, including Judge Gesell, have publicly indicated that they disapprove of this proposed procedure. Thus, there is a very distinct possibility that the district court judges for the District of Columbia may refuse to appoint a Special Prosecutor, paving the way for further delay, confusion and uncertainty.

THE "INDEPENDENCE" ISSUE

1. S. 2611, the Hart-Bayh bill, is obviously very risky medicine for the ills it seeks to cure. However, proponents urge that we must risk its likely adverse side effects in order to ensure the "independence" of the Special Prosecutor and to avoid any "appearance of evil" which would otherwise exist in the mind of the public were the Special Prosecutor to be lodged in the Executive Branch. The opponents of the Hart-Bayh bill urge that real independence is found, not in gross hyperbole and slogans, but in strong guarantees against the unwarranted dismissal of a Special Prosecutor.

2. S. 2642, the Hruska-Taft bill, provides the strongest possible guarantees against unwarranted dismissal. The Special Prosecutor would have the benefit of a 30-day "cooling off" period before he could be removed and then could only be removed for a showing of malfeasance, neglect of duty or violation of law. During this 30-day period, the Special Prosecutor could invoke judicial process to block his pending removal or take his case to Congress. Finally, the D. C. District Court would have the power to appoint an interim prosecutor if a vacancy did occur.

S. 2734, the Percy-Baker bill, if found to be unconstitutional with respect to its removal provisions, would provide no guarantees of unwarranted dismissal. However, even assuming it were constitutional, it is nothing more than the operational equivalent of the Hruska-Taft bill.

CONCLUSION

S. 2642, the Hruska-Taft bill, raises no unnecessary constitutional difficulties with the problems that rise in their wake and is completely responsive to the problems at hand.

[From the Washington Post, Nov. 16, 1973]

PROTECTING THE SPECIAL PROSECUTOR

"Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court."

The quotation comes from U.S. District Judge Gerhard A. Gesell's memorandum explaining his decision in an important Watergate-related case the other day. Judge Gesell made his observation in the course of declaring that Acting Attorney General Robert H. Bork had acted illegally in firing Special Watergate Prosecutor Archibald Cox on October 20. Taken together, Judge Gesell's admonitions concerning the proper role of the courts and his interpretation of the law as it concerns the Special Prosecutor's tenure seem to us to argue forcefully against legislation now pending that would authorize the appointment of a Special Prosecutor by the U.S. District Court. The question is whether such legislation is either necessary or desirable, and we believe the answer on each count is, no.

The purpose of the congressmen and senators who are supporting the creation of a court-appointed prosecutor is admirable: it is to guarantee an independent, impartial, pressure-free prosecutor's office, one that is not subject to the will, whim or threat of those under investigation. And, not incidentally, it is to assure that the appearance of all this will be equal to the reality, so that people will be able to have confidence in the integrity of the prosecutor's office. However, we believe that this purpose would best be satisfied by other means—specifically by the enactment of legislation requiring Senate confirmation of the administration-appointed Special Prosecutor and also giving even firmer statutory basis to the office of the Special Prosecutor.

Judge Gesell's reading of the law is relevant here. He did not find that Acting Attorney General Bork had acted illegally in firing Mr. Cox by reason of any breach of the commitments given the Senate by Elliot Richardson concerning Mr. Cox's position. Those commitments, Judge Gesell said—whatever the "moral or political" implications of abandoning them—"had no legal effect." Rather, he found the illegality to reside in Mr. Bork's violation of a Justice Department regulation authorized by statute and setting forth the conditions governing the Special Prosecutor's job. Those conditions, as Judge Gesell observed, included the following: "He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that 'The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.'"

What is particularly interesting and apt about this judgment is that the Justice De-

partment regulation, which Judge Gesell sees as having had "the force and effect of law" and which he also sees as preventing the President himself from dismissing a Special Prosecutor, is back in effect. In other words, its terms extend to and protect Leon Jaworski the new Special Prosecutor who has just been named to the job by Acting Attorney General Bork. It seems to us that an administration-appointed Special Prosecutor whose views and purposes had been examined by the Senate in confirmation hearings, whose subsequent confirmation made him in some appreciable degree answerable to Congress and whose job security had been enhanced by strengthening of the statutory basis of his office would be as free of administration pressure and dictation as could be guaranteed by any process—including the process of having him appointed by and answerable to the U.S. District Court.

We would argue that such a prosecutor would have another special advantage: it is the likelihood that any findings he made or charges he brought against the President of the United States would be credited by the public. Here we find ourselves taking an entirely opposite view from those who hold that a court-appointed prosecutor would enjoy more public confidence than anyone—Mr. Jaworski included—who owed his appointment to the Nixon administration. On the contrary, it seems to us that his appointment by the administration would at once oblige him to demonstrate his prosecutorial independence and give particular force to his position, especially as he pursued investigations of those intimately connected with the administration. It is important now that people believe in the integrity of the Special Prosecutor. But it is not nearly as important as it will be if and when the Prosecutor comes into direct conflict with Mr. Nixon, as Mr. Cox did, or actually implicates him in criminal activities.

These are essentially political considerations, and it seems to us that they weigh equally in the scale when you are thinking about the Special Prosecutor's freedom to pursue the work Mr. Cox began. High among those considerations we would list a new political restraint on Mr. Nixon; at what cost could he repeat his performance of the weekend of October 20? The President is only now recovering—and just barely—from the repercussions of that event and to the extent that he is recovering at all, he owes everything to a hasty retreat from his position on releasing the subpoenaed tapes and on abolishing Mr. Cox's office along with Mr. Cox's appointment.

What with the Ervin Committee, the House Judiciary Committee and the Special Prosecutor's office already in existence, it seems to us that the addition of a court-appointed prosecutor would only dissipate energy and promote confusion in the task of bringing the Watergate offenses to light and the Watergate offenders to justice. There is, in fact, too much confusion, distraction and overlap now. We think the center of action should be the Special Prosecutor's office. And we think the tools are at hand for Congress * * *.

[From the Washington Post, Dec. 11, 1973]

CONGRESS AND MR. JAWORSKI

The shock and dismay that attended President Nixon's firing of Archibald Cox on October 20, quite naturally—and admirably—led many members of Congress to consider ways in which they might guarantee the independence and professional longevity of whoever succeeded him as Special Watergate Prosecutor. It is worth recalling that those were the days before Leon Jaworski had come upon the scene and before it was evident that the Special Watergate Prosecution Force was not destined to go the way of the dodo bird. So, in the aftermath of the October 20 "massacre," as it was known, a certain number of bills were introduced in the House and Senate seeking to create a pressure and intimidation-free prosecutor's office. Now they are coming to a vote in each chamber and the question is whether intervening events have not rendered them at best obsolete and at worst positively harmful to the prospects of Mr. Jaworski's success. We think the answer is that this legislation has in fact been made both unnecessary and undesirable by what has occurred in the past several weeks.

In an article elsewhere on this page, Rep. Williams Cohen, a Republican from Maine, argue the case against what is apparently the most popular of these bills: a measure authorizing the U.S. District Court to name a Special Watergate Prosecutor who is wholly insulated from Executive Branch manipulation and answerable only to itself. We think Mr. Cohen is right. From the point of view of those who are genuinely committed to the vitality and effectiveness of the Special Watergate Prosecutor's office, it is probable that the best thing that could happen to this legislation—if it is passed—is that it be vetoed. That is because it has such an enormous potential for mischief, deliberate and inadvertent.

At a minimum, and in the best and most innocent of worlds, the mere creation of a wholly new prosecutor's office would be bound to delay and complicate the present prosecutor's job, to generate obstructive legal challenges and otherwise to dissipate the momentum Mr. Jaworski has gathered. In a less innocent world, which seems to be the one we live in, enactment of such legislation could be taken by the White House as a pretext to get rid of Mr. Jaworski, or at least to hamper and undermine his work. A President so inclined would not veto the legislation—he would welcome it.

Mr. Jaworski's record in his brief time in office is a crucial element in this calculation. He has by all accounts demonstrated himself to be determined, independent and, generally speaking, equal to the job. The White House has already begun to put out stories concerning its dissatisfaction with some of his activities. In the House, an alternative measure to the court-appointed prosecutor bill which is known as the "Dennis substitute" and would merely strengthen Mr. Jaworski's tenure and independence is being supported by Representative Cohen and others. While this approach sounds preferable to us, it is our general view that the best result would be enactment of no legislation at all at this time—including legislation which we have previously supported making the prosecutor's appointment subject to Senate confirmation and strengthening the statutory basis of his independence.

We think Mr. Jaworski is doing just fine. We think the enactment of legislation affecting his office, even that mandating relatively modest changes in his charter, puts his continuance in office and his effectiveness at risk. And we think that very large body of congressmen and senators who have committed themselves to the creation of a court-appointed prosecutor, along with those who are committed to the passage of less drastic measures, should be seeking ways to leave these votes in abeyance for the moment. Traditionally, after all, Congress is known for a certain skill at putting off and putting over what it does not wish to bring to a final vote. Finding ways to do just that in this matter should not strain its inventiveness.

[From the Washington Post, Dec. 11, 1973]

ENDANGERING THE SPECIAL PROSECUTOR

(By William S. Cohen)

Justice Holmes once wrote that a "catchword can hold analysis in fetters for 50 years." It is a noteworthy observation, for as Congress prepares to debate and deliberate on the subject of a special prosecutor, it is in danger of being mesmerized by the popular call for an "independent" prosecutor. The need for a special prosecutor whose independance cannot be summarily intruded upon by the body that is the subject of investigation can no longer be a matter of legitimate debate. The question is, how can the objective of establishing the office of special prosecutor be achieved most expeditiously and in a manner that will survive constitutional attack?

The House Judiciary Committee has reported favorably on a bill that would require a panel of U.S. District Court judges to appoint the special prosecutor. Though the bill has several commendable features designed to strengthen it against challenges that are certain to follow, most proponents of the bill, including Archibald Cox, have conceded that it is not free from Constitutional doubt.

It is argued, however, with a familiar ring of pain reliever commercials, that three out of four experts agree that the bill is Constitutional. When further delay in taking action on Watergate-related criminal activities can only contribute to the disingetration of public confidence in our institutions, one must ask what public interest is being served in adopting a bill that has a quarter-moon chance of being invalidated?

In addition, the U.S. District Court in Washington, in a unique unsolicited "advisory" opinion, stated that the proposal would be unwise, unwelcomed and (impliedly) unconstitutional. Proponents of the bill dismiss the admonition as not rising to the dignity of judicial *dicta*. It is interesting to speculate what reception the Court's opinion would have received had it endorsed the Judiciary Committee's proposal.

But all of this misses the mark. The question really is not one of independence. Mr. Cox was independent and Leon Jaworski, to the great despair of some, is demonstrating daily that he too is independent. Congress can draw statutory prohibitions against arbitrary orders emanating from the White House concerning the prosecutor's tenure. The problem has been and is the lack of access to presidential documents, memoranda and recordings. Congress, through a confirmation process by the Senate could insist upon a commitment that is tantamount to a waiver of that vague and seemingly all-purpose doctrine of executive privilege as a condition precedent to its approval of a special prosecutor nominated by the President. Mr. Nixon has said in private that the "special prosecutor should have everything and when he asks for it, he shall get it." Vice President Ford has testified that in his opinion executive privilege should not be invoked in any claims involving alleged criminal conduct. This proposal would simply commit broad promises into the semi-permanence of statutory ink.

Congress, however, dazzled by the glitter of obtaining a special prosecutor who could never be fired by the President for any reason—legitimate or not—appears unwilling to adopt any alternative course of action. Moreover, many proponents of the court-appointed prosecutor privately suggest that whether or not the committee bill proves to be constitutional is of little consequence, since the question soon will be moot.

These members envision the following sequence of events: The bill for a court-appointed special prosecutor will pass the House and Senate. The President will veto the bill and the veto will be sustained. Mr. Jaworski, in the meantime, will continue his efforts in securing indictments against all wrongdoers. If he succeeds, he will be praised by all; should he fail, the proponents of the bill can maintain that they stood tall in the pursuit of justice while the President and his votaries (anyone who opposed their bill) achieved their goal of frustrating and defeating the search for truth.

But assume a different scenario. Assume that certain White House advisers, unhappy with Mr. Jaworski's independence, were to suggest to the President that while they

believed the bill to be unconstitutional, the President should not veto it and allows the courts to make the determination. The immediate result would be weeks and perhaps months of delay, confusion and confrontation. Mr. Jaworski would not be able to continue his efforts because congressional action would have superseded his appointment. The President would be under no obligation to "fully cooperate" with a court-appointed prosecutor whose office would almost certainly be challenged, if not by the White House, then surely by prospective defendants. Thus the quest for truth would be delayed and perhaps even derailed.

While it is not the most desirable arrangement, what is best for the country "at this point in time" is to allow Mr. Jaworski to continue in office, with his integrity and demonstrated independence buttressed by strong statutory protection. The greatest safeguard against his dismissal by the President is public opinion. President Nixon crossed that Rubicon on October 20, 1973. He is not in a position to cross it a second time.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 7, 1973.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your request for views on S. 2734, a bill "To establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes."

S. 2734 would provide for the creation of an Independent Special Prosecution Office, with the Special Prosecutor to be appointed by the President, by and with the advice and consent of the Senate. The Special Prosecutor could be removed by the President only for neglect of duty, malfeasance in office, or violation of the Act creating the office. A notice of dismissal would have to be delivered to both Houses of Congress, and the dismissal would become effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which notice is delivered to it. The bill would give the district courts original jurisdiction of an action brought by the Special Prosecutor with respect to his removal or attempted removal from office.

By providing for a presidential advice and consent appointment, S. 2734 avoids the constitutional problems inherent in the proposals providing for a court-appointed Special Prosecutor. However, by providing such an appointment, the bill creates an officer in the Executive Branch whose removal is subject, in my opinion, to the constraints discussed in the case of *Myers* v. *United States*, 272 U.S. 52 (1926), which held that restrictions could not constitutionally be placed on the removal power of the President in the case of postmasters who were appointed by the President by and with the advice and consent of the Senate. S. 2734 attempts to avoid the problem posed by the *Myers* case by making the Special Prosecution Office "independent." That office, however, would not be independent in the same sense as the various independent agencies which perform quasi-judicial and quasi-legislative functions are independent, since the Special Prosecution Office would be performing a function which is essentially an Executive Branch function, the prosecution of criminal cases. For this reason, the holding of *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1934), that Congress could place restrictions on the President's firing of a presidential appointee to the Federal Trade Commission, does not resolve the issue whether such restrictions can be placed on the firing of the Special Prosecutor if he is appointed by the President by and with the advice and consent of the Senate.

In conclusion, I believe the *Myers* case casts great doubt on the constitutionality of the removal provisions in S. 2734. This doubt is not removed by *Humphrey's Executor*. Under the circumstances it would be preferable to create the Special Prosecutor as an "inferior Officer" appointed by the Attorney General with appropriate restrictions on the power of the Attorney General to remove him from office.

Sincerely,

ROBERT H. BORK,
Acting Attorney General.

EXCERPTS FROM REPORT ON S. 2642, INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

GENERAL STATEMENT

In the aftermath of the explosive events of October 20, 1973, the Committee on the Judiciary began an extensive series of hearings in order to examine the events which precipitated the firing of former Special Prosecutor Archibald Cox and the resignations of former Attorney General Elliot Richardson and former Deputy Attorney General William Ruckelshaus.[1] In addition, the Committee quickly came to focus upon a number of legislative proposals designed to ensure the unfettered continuation of the work begun by Archibald Cox.[2]

At the conclusion of hearings, it seemed abundantly clear that there was virtual unanimity within both the Committee and the Congress as a whole with respect to the need for legislation creating the Office of an Independent Special Prosecutor with jurisdiction over "Watergate"-related offenses. However, serious questions still exist with respect to the form which legislative guarantees of independence should take.

Meeting in Executive Session on November 21, 1973, your Committee unanimously agreed to order reported two competing legislative items—S. 2611, as amended, and S. 2642, as amended by the Hruska-Taft amendment in the nature of a substitute. Both measures are captioned the "Independent Special Prosecutor Act of 1973" and, although other differences exist which are discussed *infra*, they are generally parallel in all essential regards, save their respective appointment and removal provisions.

S. 2611, as reported, provides for the appointment of a Special Prosecutor by a panel of three members of the United States District Court for the District of Columbia.[3] Correspondingly, the panel also has the sole and exclusive power to dismiss the Special Prosecutor,[4] and only for such aggravated circumstances as set forth in the bill.[5]

On the other hand, S. 2642, as reported, provides for appointment by the Attorney General,[6] and declares that, pursuant to assurances made by the Acting Attorney General, the Senate will have the right to disapprove any candidate for appointment.[7]

With respect to removal, S. 2642 provides that the Special Prosecutor would be subject to removal by the Attorney General only for certain aggravated circumstances as set forth in the bill.[8] In the event such cause for removal were deemed to exist, the Attorney General at the outset would only be empowered to suspend temporarily the Special Prosecutor.[9] Moreover, upon suspension, the Attorney General would be required to notify both Houses of Congress of his action and to set forth the reasons for the suspension.[10]

The suspension were to occur, the Special Prosecutor would be authorized to bring suit immediately for reinstatement under a specific grant of jurisdiction to the United States District Courts and such action would receive expedited treatment.[11]

Finally, under S. 2642, the United States District Court for the District of Columbia would be empowered to appoint an interim Special Prosecutor to serve in the event an original appointment were never made under Section 4 of the bill or in the event of a suspension or other disability or temporary vacancy in the office.[12]

The proponents of S. 2642 would readily concede that S. 2611 is arguably constitutional in its treatment of the appointment and removal provisions.[13] However, we would expect that the proponents of S. 2611 would also readily recognize that these same provisions are *arguably unconstitutional* as being violative of the fundamental Separation of Powers Doctrine in attempting to transfer a core Executive function, *viz.* the prosecution of offenses against the United States, to the Judicial Branch.[14]

By virtue of this basic constitutional issue which is raised by S. 2611, but not by S. 2642, the operations of a Special Prosecutor appointed in accordance with the former bill could be severely disrupted, indictments quashed, prosecutions inexcusably jeopardized and individual rights severely threatened as the issues were pursued through various stages of litigation. Regardless of the ultimate disposition of the constitutional issue before the Supreme Court, the interests of the public would be substantially compromised for no real or apparent reason.

THE CONSTITUTIONAL ISSUE

1. General

The framers in Article II, as elsewhere in the Constitution, painted with a broad brush, and it has been left to nearly 200 years of interpretation by each of the three coordinate branches of the Republic, to define the scope of their respective powers. Yet, despite disputes over the powers granted to the Executive branch in other areas, it has been consistently conceded that the function of prosecuting offenses against the United States belongs exclusively to the Executive.

Article II of the Constitution vests all executive power in the President and further commands him to "take Care that the Laws be faithfully executed." In *Springer* v. *Philippine Islands*, 277 U.S. 189, 202 (1922), the Supreme Court, in general discussion of the separation of powers principle, observed, "[l]egislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are executive functions."

Applying this principle, the Fifth Circuit in *United States* v. *Cox*, 342 F.2. 167, *cert. denied*, 381 U.S. 935 (1965) ruled that the judiciary could not encroach upon this purely executive function. There, a federal grand jury had returned an indictment for perjury against blacks who testified in a civil rights case and the presiding judge ordered the United States Attorney to sign the indictment. At the direction of Attorney General Katzenbach, however, the United States Attorney refused the order. Upon appeal, the contempt citation issued against the U.S Attorney was reversed.

Sitting *en banc*, the Court of Appeals held that the Attorney General is the hand of the President in taking care that the laws of the United States in the prosecution of offenses are faithfully executed. Although it recognized that as a member of the bar, the attorney for the United States is an officer of the court, the court ruled that nevertheless he is "an executive official of the Government, and it is as an officer of the executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows," said the court, that "as an incident of the constitutional separation of powers . . . the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions." Judge Wisdom, concurring specially, noted: "The prosecution of offenses against the United States is an executive function within the exclusive prerogative of the Attorney General."[15] He further ob-

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Footnotes at end of article.

served that "the functions of prosecutor and judge are incompatible."[16] The Supreme Court declined to review the *Cox* decision.

The principle that the Executive alone has the duty and the power to enforce the laws through prosecution before the courts has been restated on many occasions.[17]

Very recently, in a case most apposite, District Judge Richey of the United States District Court for the District of Columbia denied an application for the appointment of an independent special prosecutor to investigate the Watergate incident. Judge Richey viewed such action as both an unwarranted interference with the prosecutorial discretion of the Executive and a violation of the Doctrine of Separation of Powers.[18]

These cases indicate that the responsibility in conducting the prosecution of offenses against the United States lies with the Executive and only with the Executive. And where the responsibility lies, so must lie the power to discharge effectively that responsibility. As Judge (now Chief Justice Burger), speaking for the court in *Newman* v. *United States*, 382 F. 2d 479 (U.S. App. D.C. 1967) said, "[t]he Constitution places on the Executive the duty to see that the laws are faithfully executed and the responsibility must reside with that power."

In the face of these formidable precedents, S. 2611 would divest the Executive of the power to prosecute "Watergate"-related offenses by vesting the powers to appoint and to remove the Special Prosecutor in the courts. In short, prosecutorial powers would be lodged outside the Executive in apparent derogation of Article II which directs the Executive "to take care that the Laws be faithfully executed." Such an effort shoulders a heavy burden in attempting to justify a departure from the deeply embedded understanding of the Constitution. As Mr. Justice Frankfurter said in his concurring opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 610 (1952), "the Constitution is a framework for government. Therefore, the way the framework is consistently operated fairly establishes that it has operated according to its true nature." In this light, let us examine some of the theories which purport to permit a departure from this framework.

2. Article II, section 2, clause 2

Article II, Section 2 grants wide powers to the President with respect to a number of matters, including the nomination of certain officials by and with the advice and consent of the Senate and then as an exception to the nomination and confirmation procedure states:

"But the Congress may by law vest the Appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Proponents of S. 2611 rely on this provision in arguing that appointment of a Special Prosecutor (an "inferior" federal officer) may be placed in the hands of a court of law. As a corollary, it is argued that the removal power, with its effective ability to supervise and ultimately control the operations of a Special Prosecutor, accompanies the power of appointment.

Ex Parte Siebold, 100 U.S. 371 (1879) is cited as the leading case. There the Supreme Court upheld a statute which authorized the federal courts to supervise certain elections of candidates for the House of Representatives. Observing that it is ". . . usual and proper to vest the appointment of interior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers pertain . . .," the Court reasoned that the Constitution did not requie such a result because, if it did, there would be difficulty "in many cases to determine to which department an office properly belonged."[19]

Notably, the example given by the Court of an executive officer whcse appointment Congress might vest in someone other than the President was a marshal which the Court characterized as ". . . preeminently the officer of the courts." And as Dean Cramton pointed out in his testimony before the Committee, the officer in question in *Siebold* performed functions "akin to those in which courts have traditionally appointed masters. Moreover, Congress has the power to investigate the qualifications of its own members and the blending of powers involved in the functions of the appointed officials did not involve criminal law enforcement."[20] Thus under the *Siebold* case, a court may appoint an officer who performs functions which characteristically derive from several departments, or in other words, functions which blend the power such as those performed by a marshal or election supervisor. The case goes no further. On the basis of its facts and reasoning, therefore, the *Siebold* case does not speak to a situation such as the present one where the officer to be appointed performs purely executive functions.[21]

A reading of *Siebold* that would permit judicial appointment, and as an incident removal, of important executive officials would be entirely inconsistent with our scheme of government. Such a reading would allow Congress to insulate the Chief Executive from his subordinates, including Under Secretaries, Assistant Secretaries and advisers who serve in the Executive Office of the President by vesting the appointment and removal power in the courts. "The encroachment on the independence and responsibility of the Executive branch," Dean Cramton has testified, "would be impaired intolerably by legislation of this character.[22]

The decision in *Myers* v. *United States*, 272 U.S. 52 (1926), confirms this conclusion. There, the Supreme Court held that a statute attempting to limit the President's power to remove postmasters was unconstitutional. In concluding that a finding that limited the President's power of removing officers of the United States whom he had appointed with the advice and consent of the Senate would make it impossible for the President to discharge his constitutional responsibility to execute the law, the Court reasoned:

"A reference of the whole power of removal to general legislation by Congress is quite out of keeping with the plan of government devised by the framers of the Constitution. It could never have been intended to leave to Congress unlimited discretion to vary fundamentally the operation of the great independent executive branch of government and thus most seriously to weaken it. It would be a delegation by the Convention to Congress of the function of defining the primary boundaries of another of the three great divisions of government."[23]

While some of the broad language in *Myers* was limited by the Supreme Court's subsequent decision in *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935), the *ratio decidendi* of *Myers*, namely, that the responsibility of the Executive with respect to executive officers cannot be divested, was reaffirmed in *Humphrey's Executor*.[24]

Siebold does not support the appointment of a Special Prosecutor by the courts for a second reason. In ruling on the appointment of the election supervisor, the Court considered whether there was any incongruity in the judicial appointment and observed:

"[T]he duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void. It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depository of official power capable of exercising it.[25]"

The judicial appointment of a Special Prosecutor, and the supervision which would be required if the appointing judges were to fulfill their responsibility effectively to review the conduct of the prosecution in determining whether to remove the prosecutor for gross impropriety or gross dereliction as S. 2611 contemplates, appear incongruous with the judicial function. As Judge Wisdom said in *United States* v. *Cox*, discussed earlier, "the functions of prosecutor and judge are incompatible."[26]

More recently, Judge Gessell in *Nader* v. *Bork*,[27] observing that legislation such as S. 2611 would be incompatible with the judicial role, stated:

"The suggestion that the Judiciary be given responsibility for the appointment and supervision on a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States* v. *Marzano*, 149 F. 2d 923, 926 (1945): Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."[28] [Emphasis added.]

Added force was given to this observation by the communication of Chief Judge Sirica of the D.C. District Court to the Chairman of the Committee which, in pertinent part, notes:

"I am in full agreement with Judge Gesell's statement * * * I might (also mention that * * * eight of our judges * * * remarked that they disapprove of a procedure that would require this court to appoint a special prosecutor."[29]

Thus, because *Siebold* can be read only to permit the judicial appointment, and as an incident removal, of those officers not performing pure and essentially executive functions and because the appointment of a special prosecutor would be incongruous with judicial duties, it cannot support S. 2611.

Two other cases are cited to support the proposition that under Article II, Section 2, clause 2, the Congress can delegate to the judiciary power to appoint a Special Prosectuor—*United States* v. *Solomon*, 216 F. Supp. 835 (S.D. N.Y. 1936) and *Hobson* v. *Hansen*, 265 F. Supp. 902 (D.D.C. 1967), appeal dismissed 393 U.S. 801 (1968).

In *Solomon*, a federal district court upheld the constitutionality of a statute vesting in federal district courts the power to appoint United States Attorneys to fill vacancies for a temporary period. In finding that the statutory procedure did not violate the Doctrine of Separation of Powers the court stressed that the appointment of the attorney was temporary and that it did not derogate the powers, indeed the responsibility, of the Executive. The President retained the power to remove a court-appointed U.S. Attorney, to replace him with his own appointment, and through the Attorney General to direct his actions in the same way he may any other U.S. Attorney. This, of course, is not the case presented by S. 2611, for under that bill only the judiciary can appoint or remove the Special Prosecutor.

In *Hobson* v. *Hansen*, a three-judge court in a 2–1 decision upheld the constitutionality of a statute granting United States district

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judges in the District of Columbia the power to appoint members of the Board of Education of the District. The majority opinion rested upon two alternate bases. First, the Court found authority for the challenged statute under Article I, Section 8, clause 17, giving Congress exclusive power to legislate for the District. The majority also concluded that the appointment power was authorized under Article II, Section 2, clause 2, giving Congress the authority to vest in courts the power to appoint inferior officers, and explicitly found that the "incongruity standard" referred to in *Siebold, supra,* did not prohibit the court to exercise such an appointment function, noting also that the United States District Court for the District of Columbia exercises dual judicial-legislative powers with respect to the District. Thus, *Hobson* is not a precedent for the procedure proposed by S. 2611 because the court-appointed board of education members, who were local officials and not federal officers, did not exercise any constitutionally-mandated executive powers of the President under Article II of the Constitution.

While it is true that the Separation of Powers principle does not require three watertight compartments, each branch of the government has core functions, the performance of which cannot be transferred to other branches. To hold otherwise would be to permit one branch to swallow up the functions and thereby the independence of and checks by another branch. The prosecution of offenses against the United States is such a core function. Indeed, it is a function that was placed in one of the four original executive departments. S. 2611, because it vests the appointment and removal of an executive officer exercising a core Executive function in the hands of a panel of federal judges appears to be in derogation of Article II of the Constitution.

3. The necessary and proper clause

It has also been suggested that the traditional understanding of the Constitution which places the prosecutorial power solely in the Executive branch may be circumvented by exercising power granted to Congress by the "necessary and proper" clause. Article I, section 8, clause 18 of the Constitution provides that Congress shall have power "[t]o make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." This clause is not a "delegation of a new and independent Power." *Kansas* v. *Colorado,* 206 U.S. 46, 88 (1907). Instead, it grants to Congress the power to select any means reasonably adapted "for carrying into Execution" the expressed powers. By its terms, it is thus a clause of implementation. It empowers Congress not to abrogate the powers expressly vested in the Government "or in any Department or officer thereof" but to implement those powers.

In interpreting the necessary and proper clause, Chief Justice Marshall, in his classic opinion in *McCulloch* v. *Maryland,* 4 Wheat. 316, 420 (1819), reiterated the general principle that constitutionally-granted powers must be read in the light of other powers conferred by the Constitution and with reference to the overall intention of the Framers:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

A reading of the Necessary and Proper clause that empowered Congress to transfer crucial executive functions to other branches of the government would run afoul of the Doctrine of Separation of Powers, for it would transform our govenment of checks and balances into a paliamentary system where the legislature would control the acts of Executive officials, and through them, the acts of the President. The power to create a Special Prosecutor outside the Executive branch cannot be found among the enumerated powers. As Acting Attorney General Bork testified before your Committee:

"* * * [t]he theory, therefore must be that the power to make laws necessary and proper for the enforcement of the laws includes the power to remove law enforcement from the Executive Branch. If the Necessary and Proper Clause were read in that fashion it would be a power lodged in Congress that swallows up much of the rest of the Constitution. Under this theory, for example there could have been no doubt of the constitutionality of the plan to pack the Supreme Court in the 1930's. In fact, if a recalcitrant Supreme Court frustrated Congress wishes by applying the Constitution, the Congess could declare it necessary and proper that the Congress rather than the court decide constitutional cases. No one has ever suspected before that the Necessary and Proper Clause was a power to amend the Constitution that makes wholly unnecessay the specific procedures for amendment provided by Article V. The Necessary and Proper clause must be read as a means of making the exercise of powers by the various branches effective, not as a means of shifting powers between the branches of government. Thus Congress may create or abolish various positions within the Department of Justice. It may provide or take away jurisdiction. It may pass or repeal substantive laws. It may appropriate funds or not as it sees fit. But all of this does not add up to a theory that can keep the laws but forbid the Executive Branch to enforce them and transfer the enforcement function to itself or to the courts."

4. Extraordinary circumstances theory

A theory that has gained currency in some quarters is that extraordinary circumstances presented by the current situation in which a special prosecutor would be investigating individuals who were, or are, high executive officials, permit a departure from the established, constitutional framework. Stated categorically, this contention cannot withstand analysis.

Under our Constitution, extraordinary circumstances or emergency situations have never been a source of power. If the separation of powers principle means anything it means that the framework of our government cannot be disregarded in order to accomplish a result that at the moment appears expedient. In short, extraordinary circumstances do not excuse actions that would be otherwise unconstitutional in ordinary times. As the Supreme Court said in *Ex Parte Milligan,* 4 Wall. 2 (1866), an "emergency may not create power."

Our judgment concerning the constitutionality of proposed legislation must not be influenced by the exigencies of the moment. Current passions, as Mr Justice Holmes stated, should not be allowed to "exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."[20]

S. 2611: RISKY MEDICINE

The stated purpose of S. 2611 is to shield the special prosecutor from executive interference and to provide him with maximum independence in the performance of his duties. While all would agree with the goal of the bill, indeed S. 2642 seeks to serve the same purpose, we must consider the risks which are inherent in the procedures contemplated by S. 2611 by virtue of its tenuous constitutional footing.

The constitutionality of S. 2611 has already been attacked and doubtlessly will invite judicial challenge should it be enacted. As the earlier discussion of S. 2611 pointed out, the proposal rests on an arguably unconstitutional footing. To be sure, S. 2611 does provide for an expedited review procedure. Nevertheless, a constitutional challenge cannot be filed, even under that procedure, until after defendants have been arrested and arraigned, evidence presented to the grand jury and indictments returned, and defense motions filed. Even if the bill was held constitutional, the litigation would cause delay and engender uncertainty. It is important to remember, in this respect, that some of the incidents apparently within the jurisdiction of the special prosecutor date from 1969, and under the normal five-year statute of limitations, opportunity to prosecute will expire next year.

A judicial determination that the bill is unconstitutional would have even more severe consequences. It would cause an immediate adverse impact on all prosecutions arising out of the new special prosecutor's activities.

Consider some of the possible consequences of the S. 2611 procedure:

First. Any action taken by the new special prosecutor such as the signing of indictments and informations, would be null and void. Accordingly, indictments would be dismissed and convictions overturned. The special prosecutor could not be deemed a *de facto* officer, thus rendering his acts valid, because the entire establishment of the Office of Special Prosecutor would likely to be held unconstitutional on the ground that prosecutorial powers would be lodged outside the executive branch. Under *Norton* v. *Shelby County,* 118 U.S. 425 (1886), the Supreme Court ruled that the acts of local commissioners in signing local bond issues had no validity in law because the act that created their office was unconstitutional. The Court reasoned that there could be no *de facto* officers when the office they attempted to fill was a legal nullity.[21]

Second. The secrecy of the grand jury proceedings may be breached by the presence of a prosecutor who lacked authority to appear before the grand jury. In *United States* v. *Heinz,* 177 F. 770 (1910), the court granted a motion to quash an indictment because of the presence in a grand jury room of a special assistance improperly appointed by the Attorney General.

Third. There is the very real possibility that the delay incurred would let the statute of limitations run on some offenses. During the intervening time, evidence also may be lost, witnesses become unavailable and memories fade. Accordingly, unnecessary delay can only work to weaken the Government's case.

Fourth. Publicity generated by the first, invalid trial may deny defendants due process and an impartial jury as required by the Fifth and Sixth Amendments, respectively, and as a result may bar any future retrials.

Fifth. Persons otherwise properly convicted may go free because of the possible denial of the right to a speedy trial guaranteed by the Sixth Amendment.

Sixth. Defendants would continue to be exposed to embarrassment, anxiety, expense, and restrictions on their liberty in contravention of the policies which underpin both the double jeopardy and speedy trial provisions of the Constitution.

In sum, the proponents of S. 2611 ask the Congress to sail hazardous seas. The risks are indeed intolerable. Accordingly, Senators should be particularly circumspect in their consideration of S. 2611. The bill has the potential for immunizing future Watergate defendants from prosecution, and care should be exercised to avoid the result, to paraphrase Justice Cardozo, that "the criminal should go free because the *Congress* has blundered."

Footnotes at end of article.

S. 2611: OTHER DEFECTS

Apart from the probable constitutional defects in S. 2611 and the hazardous ramifications that flow therefrom, the bill seems unwise for several other practical reasons:

First, because the broad jurisdiction of the Special Prosecutor is made exclusive, the Special Prosecutor will be forced either to invest considerable amounts of time in investigating and prosecuting offenses that have little or no relation to the alleged offenses that gave rise to the authorizing legislation or such offenses would go unpunished. The jurisdiction which is created for the Special Prosecutor is, by necessity, overly broad. In practice, he will not wish to explore every avenue open to him. However, under S. 2611 if a postmaster appointed years ago in some obsecure village was allegedly involved in a crime, only the Special Prosecutor would have the jurisdiction to prosecute and this jurisdiction could not be transferred. Thus, the United States Attorneys or the Criminal Division would be barred from prosecuting the offense.

The Special Prosecutor has exclusive jurisdiction over allegations involving Presidential appointees. However, he might wish to forego pursuit of such a mundane case but for the fact that the offender would go free because no other federal officer would have the jurisdiction to prosecute.

Under S. 2642, however, the Special Prosecutor is granted primary but not exclusive jurisdiction. Accordingly, the Special Prosecutor can ensure that any matters truly falling within his bailiwick will be vigorously investigated while matters on the periphery can be left to the Department of Justice.

Second, S. 2642, by authorizing the Special Prosecutor to demand the services of any officer of the Department of Justice or any other federal department or agency, fails to recognize the disruptive effect on the statutory responsibility of agencies that such an open charter could wreak. Under such a provision, agency officials would be required to assist the Special Prosecutor to the detriment of other agency functions no matter how compelling or important they be. Indeed, even the Attorney General or Secretary of State would be subject to the will or whim of the appointee. Surely, if any other officer in the Executive branch were granted such power, cries of tyranny would be raised. The exigencies of the moment should not cause us to be any less circumspect with respect to a Special Prosecutor.

Third, the establishment of a new Special Prosecutor outside the Executive branch jeopardizes the continuity of the ongoing investigation and prosecution. It is by no means clear that the staff of the Special Prosecution force would remain intact should a new office be established and a new Special Prosecutor appointed by the courts.

Fourth, involvement of the courts in the hiring, supervising and possible firing of a Special Prosecutor is certain to interfere with their judicial duties and embroil them in political controversy.[23] Chief Justice Stone, in a letter refusing President Roosevelt's request asking the Chief Justice to sit on a commission to settle a wartime synthetic rubber problem, explained that the exercise of extrajudicial duties would impair the integrity of the judicial office:

"A judge, and especially the Chief Justice, cannot engage in political debate or make a public defense of his acts. When his action is judicial he may always rely upon the support of the defined record upon which his action is based and of the opinion in which he and his associates unite as stating the ground of the decision. But when he participates in the action of the executive or legislative departments of government he is without those supports. He exposes himself to attack and indeed invites it, which because of his peculiar situation inevitably impairs his value as a judge and the appropriate influence of his office. Mason, *Extra-Judicial Work for Judges: The Views of Chief Justice Stone*, 67 Harv. L. Rev. 193 (1953)".

Judge Wright of the District of Columbia Circuit has expressed similar views:

"Attention to extrajudicial activities is an unwanted diversion from what ought to be the judge's exclusive focus and commitment: decided cases * * *. Since [nonjudicial] duties involve democratic choice, it is politically illegitimate to assign them to the federal judiciary, which is neither responsive nor responsible to the public will * * *. Most critically, public confidence in the judiciary is * * * placed in risk whenever judges step outside the courtroom into the vortex of political activity. Judges should be saved 'from the entanglements, at times the partisan suspicions, so often the result of other and conflicting duties.' *Hobson* v. *Hansen*, 265 F. Supp. 902, 915–16 (D.D.C. 1967) dissenting opinion)".

These arguments have special force with respect to S. 2611 which would thrust a panel of three district judges into the highly inflamed and political vortex produced by the Watergate incident. Apparently, Chief Judge John Sirica of the United States District Court for the District of Columbia agrees. He has stated, in a letter included in the appendix of this Report, that the vesting of the appointment and removal power in a panel of three district judges would be inappropriate. According to the Chief Judge, eight of his colleagues on the 14 judge district court agree with him.

This fact indicates that there is a very distinct possibility that the district court judges for the District of Columbia may refuse to appoint a special prosecutor pursuant to S. 2611. Considerable delay, confusion, uncertainty, and perhaps protracted litigation would result to the detriment of the investigation and prosecution of Watergate related offenses.

S. 2642: A RESPONSIBLE ALTERNATIVE

S. 2642, like S. 2611, seeks to ensure the independence of a special prosecutor's office so that in appearance and in fact "Watergate"-related offenses are thoroughly and vigorously investigated and prosecuted. Unlike S. 2611 however, S. 2642 rests on firm constitutional grounds. This conclusion has been confirmed by Acting Attorney General Bork:

"Of the two bills, S. 2642, the Taft bill as amended, is preferable because, in my opinion, it presents no constitutional difficulties that might cast doubt on the legitimacy of the Special Prosecutor's future actions. The other proposal could result in protracted litigation, causing delay and uncertainty."[33]

Under S. 2642, the Attorney General would appoint a Special Prosecutor with the independent understanding that the Senate will play a prominent *de facto* role in the appointment process. Acting Attorney General Bork has given his assurance that he will consult with the Senate leaders prior to making any appointment to the office of Special Prosecutor and that he will not appoint anyone whom the Senate disapproves by resolution.[34]

In the event of a vacancy in the office of Special Prosecutor, S. 2642 provides that the United States District Court for the District of Columbia may appoint an interim Special Prosecutor until the vacancy is filled. This provision is in accord with the established practice with respect to United States Attorneys.[35]

Finally, section 11(a) of S. 2642 which restricts the power of removal of the special prosecutor by the Attorney General to cause—neglect of duty, malfeasance in office, or violation of the act—is grounded on *United States* v. *Perkins*, 116 U.S. 483 (1885). In unholding a federal statute that vested the appointment of cadet-engineers in the Secretary of the Navy but limited his power of removal, the Supreme Court said:

"We have no doubt that when Congress, by law, vests the appointment of inferior officers in the heads of the Departments it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in Congress to thus vest the appointment implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed.[36]"

THE "INDEPENDENCE" ISSUE

Proponents of S. 2611 urge that we must risk the likely adverse consequences which rise in the wake of the fundamental constitutional issue posed by their bill in order to assure the "independence" of the Special Prosecutor, both in fact and in terms of public perception. They contend that the Executive cannot be entrusted to investigate itself. However, it is submitted that this simplistic approach to the problem at hand does not hold up under detailed scrutiny. The "independence" issue raised as a point of departure with respect to S. 2611 and S. 2642 is a false one.

The litmus test for determining the presence or absence of adequate guarantees of Prosecutor lies not in slogan but in ensuring: (1) that a capable man of integrity is in charge of the task; (2) that the Special Prosecutor is empowered to conduct the operation free of all restraints; and (3) that strong safeguards exist to prevent his unwarranted dismissal.

The central question then is whether S. 2611 provides sufficiently greater guarantees with respect to satisfying these three indicia of independence as to warrant its adoption in the face of the obvious constitutional and concomitant difficulties the bill brings with it.

With respect to the first indicium of independence, both bills are largely inapposite. Hopefully, either the District Court for the District of Columbia or the Attorney General, with the approval of the Senate called for by Acting Attorney General Bork, would seek to appoint Leon Jaworski as the logical choice for the statutory position of Special Prosecutor or, in the event Mr. Jaworski were unavailable, another candidate who possessed the same level of unquestionable ability and integrity would be chosen.

With respect to the second indicium, S. 2611 and S. 2642 are generally parallel in their treatment of the powers and authority of the Special Prosecutor.

With respect to the final indicium of independence, *i.e.*, assuring that the Special Prosecutor will not be subject to unwarranted dismissal, it is submitted that S. 2642 establishes the strongest tier of safeguards possible. In this regard, as discussed *supra*, the Special Prosecutor would have the benefit of a 30-day "cooling-off" period before he could be removed and then could only be removed for a showing of malfeasance in office, neglect of duty or violation of law. During this 30-day period, the Special Prosecutor could invoke judicial process to block his pending removal if appropriate. Finally, the District Court for the District of Columbia would have the power to appoint an interim Special Prosecutor if a vacancy did occur.

S. 2611 provides that the Special Prosecutor may be dismissed only for a gross impropriety, gross dereliction of duty, or physical or mental disability preventing discharge of his abilities as determined by the panel of judges who appointed him in the first instance. Thus it provides no more than S. 2642 in the way of a meaningful response to the problem of unwarranted attempts at removal.

It can be assumed, we believe, that the public perception of the indicia of independence as set forth in S. 2611 will correspond with the analysis set forth above. Stated another way, if no real threat to "independence" is contained within S. 2642, none will be perceived. In this particular respect, the notion of any "appearance of evil" as a sep-

arate rationale for rejecting S. 2642 would seem to be extremely ephemeral at best.

FOOTNOTES

[1] "Special Prosecutor," Hearings before the Committee on the Judiciary, U.S. Senate, Oct. 29 through Nov. 20, 1973 (two vols.) (92d Cong., 1st sess.). Hereinafter cited as *Hearings*.

[2] S. 2600, introduced on October 23, 1973, by Senator Chiles; S. 2603, introduced on October 23, 1973, by Senator Stevenson; S. 2611, introduced on October 26, 1973, by Senator Bayh, Hart, *et al.*; S. 2616, introduced on October 30, 1973, by Senators Percy, Baker and Cook; S. 2631, introduced on October 30, 1973, by Senators Baker and Brock; S. 2642, introduced on November 20, 1973, by Senators Percy, Baker, *et al.*

[3] S. 2611, sec. 3.

[4] S. 2611, sec. 10.

[5] *Ibid.*

[6] S. 2642, sec. 4.

[7] S. 2642, sec. 2(g) and letter dated November 26, 1973, from Acting Attorney General Bork (Appendix, *infra*).

[8] S. 2642, sec. 11(a).

[9] S. 2642, sec. 11(b).

[10] *Ibid.*

[11] S. 2642, sec. 11(c).

[12] S. 2642. sec. 11(e)—It should also be noted that the removal provisions of S. 2642 are intended to supplement, rather than supplant, the present assurances given by President Nixon to Acting Attorney General Bork with respect to Special Prosecutor Leon Jaworski, i.e., Mr. Jaworski will not be dismissed absent a consensus favoring dismissal from among the leadership and chairmen and ranking Republicans of the Judiciary Committees in both the Senate and House of Representatives. See Department of Justice, Order No. 551–73, 28 C.F.R. O. 37 (November 2, 1973).

[13] See testimony of Archibald Cox, Senators Stevenson and Chiles; Professor Phillip Kurland, William Kenan, Jr., Paul Freund and Dean Monard Paulsen, along with Statements of Law School Deans, and American Bar Association. *Hearings* at pp. 1–143, 143–78. 223–26, 319–41, 341–48, 226–37 (additional references unavailable at the time of the filing of this Report).

[14] See testimony of Senator Taft, former Attorney General Elliot Richardson, Dean Roger Cramton and Acting Attorney General Bork. *Hearings* at pp. 178–223, 237–318 (additional page references unavailable). See also the letter from Chief Judge John Sirica to Chairman Eastland at Appendix, *infra*.

[15] 342 F.2d at 190.

[16] 342 F.2d at 192.

[17] See, *e.g.*, *Ponzi* v. *Fessenden*, 258 U.S. 254, 262 (1922); *Weisberg* v. *Department of Justice*, No. 71–1026, decided on rehearing *en banc* October 24, 1973 ("Functions in this area [prosecutorial discretion] belong to the Executive under the Constitution, Article II, Sections 1 and 3 * * *"); *Parker* v. *Kennedy*, 212 F. Supp. 594, 595 (1963) (Determinations whether prosecutions should be commenced are within the ambit of the Attorney General's executive discretionary power); *Pugach* v. *Klein*, 193 F. Supp. 630 (D.D.C. 1961) ("The prerogative of enforcing the criminal law was vested by the Constitution, not in the Courts, nor in private citizens, but squarely in the executive arm of the government"). See also *Nader* v. *Kleindienst*, Civ. No. 243–772 (D.D.C. 1973); and *Moses* v. *Kennedy*, 219 F. Supp. 762 (D.D.C. 1963).

[18] Findings of Fact and Order 7 at 2, *O'Brien* v. *Finance Committee To Re-Elect the President*, Civ. No. 1233–72 (D.D.C., decided Sept. 25. 1972)

[19] 100 U.S. at 397–98.

[20] *Hearings*, at p. — (page reference unavailable).

[21] See, *e.g.*, *Ponzi* v. *Fessenden*,, and *Cox* v. *United States*, *supra*.

[22] *Hearings*, at p. — (page reference unavailable).

[23] 272 U.S. at 127.

[24] See 295 U.S. at 627–28.

[25] 100 U.S. at 397–98.

[26] 342 F.2d at 192.

[27] Civ. No. 1954–73 (D.D.C. Nov. 14, 1973).

[28] *Id.* at 10–11.

[29] See Appendix.

[30] *Northern Securities Co.* v. *United States*, 193 U.S. 197, 400–01 (1904) (dissenting opinion).

[31] 118 U.S. at 441.

[32] Supervision of the conduct of the prosecution by the Special Prosecutor would be required in order to ensure that he is not guilty of gross improprieties or gross dereliction of his duties warranting his removal.

[33] See letter dated November 20, 1973, Appendix, *infra*.

[34] A *de jure* advice and consent role in an appointment by a department head could raise a constitutional issue. Article II, Section 2, Clause 2 provides that the President may nominate certain officials, by and with the advice and consent of the Senate. The next part of the clause, however, provides that "the Congress may by law vest the Appointment * * * in the Heads of Departments" but make no provision for Senatorial advice and consent on such an appointment. The inference could be drawn from the text, therefore, that an appointment by a department head may not be subject to advice and consent by the Senate. In any event, such an appointment procedure would clearly produce a constitutional oddity.

[35] See 28 U.S.C. 546; *Solomon* v. *United States*, *supra*.

[36] 116 U.S., at 485. The question of whether Congress can restrict the power of removal of those officers appointed by the President, by and with the advice and consent of the Senate—a question which the *Perkins* Court expressly declined to consider—was decided forty-one years later in *Myers* v. *United States*, 272 U.S. 52 (1926). There the Supreme Court held that the President has the exclusive power of removing executive officers of the United States whom he has appointed with the advice and consent of the Senate.

Accordingly, a bill which would place the power of appointment of a special prosecutor in the President with the advice and consent of the Senate and restricts his power of removal would run afoul of the *Myers* decision as reaffirmed in *Humphrey's Executor* v. *United States*, 295 U.S. 602, 627–28 (1935).

[In the U.S. District Court for the District of Columbia]

MEMORANDUM

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug, and Representative Jerome R. Waldie, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant. Civil Action No. 1954–73.

This is a declaratory judgment and injunction action arising out of the discharge of Archibald Cox from the office of Watergate Special Prosecutor. Defendant Robert H. Bork was the Acting Attorney General who discharged Mr. Cox. Plaintiffs named in the Amended Complaint are as listed above.

Some issues have already been decided. The matter first came before the Court on plaintiff's motion for preliminary injunction and a request that the trial of the action on the merits be consolidated with the preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. Defendant filed opposition papers, and a hearing was held on the detailed affidavits and briefs filed by the parties. The Court determined that the case was in proper posture for a determination on the merits at that time.

All injunctive relief requested in the proposed preliminary injunction tendered at the hearing and in the Amended Complaint was denied from the bench. The effect of the injunctions sought would have been to reinstate Mr. Cox as Watergate Special Prosecutor and to halt the Watergate investigation until he had reassumed control. It appeared to the Court that Mr. Cox's participation in this case was required before such relief could be granted. *See* Rule 19(a) of the Federal Rules of Civil Procedure. Yet Mr. Cox has not entered into this litigation, nor has he otherwise sought to be reinstated as Special Prosecutor. On the contrary, his return to prior duties at Harvard has been publicly announced. Moreover, a new Watergate Special Prosecutor was sworn in on November 5, 1973, and the Court felt that the public interest would not be served by placing any restrictions upon his on-going investigation of Watergate-related matters.

Plaintiffs continue to press for a declaratory judgment on the only remaining issue to be resolved: the legality of the discharge of Mr. Cox and of the temporary abolition of the Office of Watergate Special Prosecutor. To this end, it must initially be determined whether plaintiffs have standing and whether a justiciable controversy still exists.

Defendant Bork contends that the congressional plaintiffs lack standing [1] and that the controversy is moot. This position is without merit. The discharge of Mr. Cox precipitated a widespread concern, if not lack of confidence, in the administration of justice. Numerous bills are pending in the Senate and House of Representatives which attempt to insulate the Watergate inquiries and prosecutions from Executive interference, and impeachment of the President because of his alleged role in the Watergate matter—including the firing of Mr. Cox—is under active consideration.[2] Given these unusual circumstances, the standing of the three congressional plaintiffs to pursue their effort to obtain a judicial determination as to the legality of the Cox discharge falls squarely within the recent holding of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird*, No. 71–1510 (D.C. Cir. March 20, 1973). Faced with a challenge by a group of congressmen to the legality of the Indo-China War, the Court recognized standing in the following forceful terms:

"If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Constitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. . . ."

Id. at 4.

Unable to distinguish this holding, defendant Bork suggests that the instant case has been mooted by subsequent events and that the Court as a discretionary matter should refuse to rule on the legality of the Cox discharge. This view of the matter is more academic than realistic, and fails to recognize the insistent demand for some degree of certainty with regard to these distressing events which have engendered considerable public distrust of government. There is a pressing need to declare a rule of law that will give guidance for future conduct with regard to the Watergate inquiry.

While it is perfectly true that the importance of the question presented cannot alone save a case from mootness, *Marchand* v. *Director, United States Probation Office*, 421 F.2d 331, 333 (1st Cir. 1970), the congressional plaintiffs before the Court have a substantial and continuing interest in this litigation. It is an undisputed fact that pending legislation may be affected by the outcome of this dispute and that the challenged conduct of the defendant could be repeated with regard to the new Watergate Special Prosecutor if he presses too hard,[3] an event which would undoubtedly prompt

further congressional action. This situation not only saves the case from mootness, *see United States* v. *Concentrated Phosphate Export Assoc.*, 393 U.S. 199, 203–04 (1968); *Friend* v. *United States*, 388 F.2d 579 (D.C. Cir. 1967), but forces decision. The Court has before it an issue that is far from speculative and a strong showing has been made that judicial determination of that issue is required by the public interest. Under these circumstances, it would be an abuse of discretion not to act.

Turning then to the merits, the facts are not in dispute and must be briefly stated to place the legal discussion in the proper context.

The duties and responsibilities of the Office of Watergate Special Prosecutor were set forth in a formal Department of Justice regulation,[4] as authorized by statute.[5] This regulation gave the Watergate Special Prosecutor very broad power to investigate and prosecute offenses arising out of the Watergate break-in, the 1972 Presidential election, and allegations involving the President, members of the White House staff or presidential appointees. Specifically, he was charged with responsibility to conduct court proceedings and to determine whether or not to contest assertions of Executive privilege. He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On the same day this regulaion was promulgated, Archibald Cox was designated as Watergate Special Prosecutor.[6] Less than four months later, Mr. Cox was fired by defendant Bork. It is freely admitted that he was not discharged for an extraordinary impropriety.[7] Instead, Mr. Cox was discharged on the order of the President because he was insisting upon White House compliance with a Court Order which was no longer subject to further judicial review. After the Attorney General had resigned rather than fire Mr. Cox on this ground and the Deputy Attorney General had been discharged for refusing to do so, defendant Bork formally dismissed Mr. Cox on October 20, 1973, sending him the following letter: [8]

"DEAR MR. COX: As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

"In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

"Very truly yours,

"ROBERT H. BORK,
"Acting Attorney General."

Thereafter, on October 23, Mr. Bork rescinded the underlying Watergate Special Prosecutor regulation, retroactively, effective as of October 21.[9]

The issues presented for declaratory judgment are whether Mr. Cox was lawfully discharged by defendant on October 20, while the regulation was still in existence, and, if not, whether the subsequent cancellation of the regulation lawfully accomplished his discharge. Both suppositions will be considered.

It should first be noted that Mr. Cox was not nominated by the President and did not serve at the President's pleasure. As an appointee of the Attorney General,[10] Mr. Cox served subject to congressional rather than Presidential control. *See Myers* v. *United States*, 272 U.S. 52 (1926). The Attorney General derived his authority to hire Mr. Cox and to fix his term of service from various Acts of Congress.[11] Congress therefore had the power directly to limit the circumstances under which Mr. Cox could be discharged, *see United States* v. *Perkins*, 116 U.S. 483 (1886), and to delegate that power to the Attorney General, *see Service* v. *Dulles*, 354 U.S. 363 (1957). Had no such limitations been issued, the Attorney General would have had the authority to fire Mr. Cox at any time and for any reason. However, he chose to limit his own authority in this regard by promulgating the Watergate Special Prosecutor regulation previously described. It is settled beyond dispute that under such circumstances an agency regulation has the force and effect of law, and is binding upon the body that issues it. *Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954) ("*Accardi I*"); *Bonita* v. *Wirtz*, 369 F.2d 203 (D.C. Cir. 1966); *American Broadcasting Co.* v. *F.T.C.*, 179 F.2d 437 (D.C. Cir. 1949); *United States* v. *Chapman*, 179 F. Supp. 447 (E.D. N.Y. 1959). As the Ninth Circuit observed in *United States* v. *Short*, 240 F.2d 292, 298 (9th Cir. 1956):;

"An administrative regulation promulgated within the authority granted by statute has the force of law and will be given full effect by the courts."

Even more directly on point, the Supreme Court has twice held that an Executive department may not discharge one of its officers in a manner inconsistent with its own regulations concerning such discharge. *See Vitarelli* v. *Seaton*, 359 U.S. 535 (1959); *Service* v. *Dulles*, *supra*. The firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal.

Defendant suggests that, even if Mr. Cox's discharge had been unlawful on October 20, the subsequent abolition of the Office of Watergate Special Prosecutor was legal and effectively discharged Mr. Cox at that time. This contention is also without merit. It is true that an agency has wide discretion in amending or revoking its regulations. *United States* v. *O'Brien*, 391 U.S. 367, 380 (1968). However, we are once again confronted with a situation in which the Attorney General voluntarily limited his otherwise broad authority. The instant regulation contains within its own terms a provision that the Watergate Special Prosecutor (as opposed to any particular occupant of that office) will continue to carry out his responsibilities until he consents to the termination of that assignment.[12] This clause can only be read as a bar to the total abolition of the Office of Watergate Special Prosecutor without the Special Prosecutor's consent, and the Court sees no reason why the Attorney General cannot by regulation impose such a limitation upon himself and his successors.

Even if the Court were to hold otherwise, however, it could not conclude that the defendant's Order of October 23 revoking the regulation was legal. An agency's power to revoke its regulations is not unlimited—such action must be neither arbitrary nor unreasonable. *Kelly* v. *United States Dept. of Interior*, 339 F. Supp. 1095, 1100 (E.D. Cal 1972). *Cf. Grain Elevator, Flour and Feed Mill Workers* v. *N.L.R.B.*, 376 F. 2d 774 (D.C. Cir.), *cert. denied*, 389 U.S. 932 (1967); *Morrison Mill Co.* v. *Freeman*, 365 F. 2d 525 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 1024 (1967). In the instant case, the defendant abolished the Office of Watergate Special Prosecutor on October 23, and reinstated it less than three weeks later under a virtually identical regulation.[13] It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

These conclusions do not necessarily indicate that defendant's recent actions in appointing a new Watergate Special Prosecutor are themselves illegal, since Mr. Cox's evident decision not to seek reinstatement necessitated the prompt appointment of a successor to carry on the important work in which Mr. Cox had been engaged. But that fact does not cure past illegalities, for nothing in Mr. Cox's behavior as of October 23 amounted to an extraordinary impropriety, constituted consent to the abolition of his office, or provided defendant with a reasonable basis for such abolition.

Plaintiffs have emphasized that over and beyond these authorities the Acting Attorney General was prevented from fixing Mr. Cox by the explicit and detailed commitments given to the Senate, at the time of Mr. Richardson's confirmation, when the precise terms of the regulation designed to assure Mr. Cox's independence were hammered out. Whatever may be the moral or political implications of the President's decision to disregard those commitments, they do not alter the fact that the commitments had no legal effect. Mr. Cox's position was not made subject to Senate confirmation, nor did Congress legislate to prevent illegal or arbitrary action affecting the independence of the Watergate Special Prosecutor.

The Court recognizes that this case emanates in part from congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States* v. *Marzano*, 149 F.2d 923, 926 (1945):

"Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

This Memorandum contains the Courts' findings of fact and conclusions of law. The rulings made are set out in the attached Final Order and Declaratory Judgment.

GERHARD A. GESELL,
U.S. District Judge.

NOVEMBER 14, 1973.

FOOTNOTES

[1] At the injunction hearing, the Court dismissed Mr. Nader as a plaintiff from the bench, it being abundantly clear that he had no legal right to pursue these claims. *Flast* v. *Cohen*, 392 U.S. 83, 102 (1968).

[2] Referring to various bills pending in the Senate, Senator Moss stated, "I am severely hampered in my ability to discharge my duties because of uncertainty which exists with respect to the legality of Special Prosecutor Cox's dismissal and the abolition of his office." Affidavit of Senator Frank E. Moss, dated October 29, 1973. Congressman Waldie is a member of the House Judiciary Committee and both he and Congresswoman Abzug have introduced resolutions calling for the impeachment of the President because of the Cox dismissal and other matters.

[3] The regulation from which the present Watergate Special Prosecutor, Mr. Leon Jaworski, derives his authority and his independence from the Executive branch is virtually identical to the original regulation at issue in this case. *See* note 13 *infra*. It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge him.

Footnotes at end of article.

[4] 38 F.R. 14688 (June 4, 1973). The terms of this regulation were developed after negotiations with the Senate Judiciary Committee and were submitted to the Committee during its hearings on the nomination of Elliot Richardson for Attorney General. Hearings Before the Senate Comm. on the Judiciary, 93rd Con., 1st Sess. 144–46 (1973).

[5] * * * U.S.C. § 301.

[6] Justice Department Internal Order 518–73 (May 31, 1973).

[7] *See* Defendant's Brief in Opposition to Plaintiffs' Motion for Preliminary Injuction, at 13.

[8] Exhibit 12 to the Affidavit of W. Thomas Jacks.

[9] 38 F.R. 29466 (Oct. 23, 1973).

[10] *See* 38 F.R. 14688 (June 4, 1973).

[11] 5 U.S.C. § 301; 28 U.S.C. §§ 509–10.

[12] *See* 38 F.R. 14688 (June 4, 1973): "The Special Prosecutor will carry out these responsibilities with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."

[13] The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the "consensus" of certain specific congressional leaders that discharge is appropriate. *Compare* 38 F.R. 30738 (Nov. 9, 1973) *with* 38 F.R. 14688 (June 4, 1973).

[In the U.S. District Court for the District of Columbia]

FINAL ORDER AND DECLARATORY JUDGMENT

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug and Representative Jerome R. Waldie, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant. Civil Action No. 1954–73.

On the basis of findings of fact and conclusions of law set forth in an accompanying Memorandum filed this day, it is hereby

Ordered and decreed that:

(1) Plaintiff's motion for leave to file an Amended Complaint and add additional plaintiffs is granted.

(2) Plaintiff's motion for preliminary injunction is denied, and the trial of the action on the merits is advanced and consolidated with the hearing on said motion.

(3) Mr. Ralph Nader is dismissed as plaintiff for lack of standing.

(4) All injunctions prayed for in the Amended Complaint are denied.

(5) The Court declares that Archibald Cox, appointed Watergate Special Prosecutor pursuant to 28 C.F.R. § 0.37 (1973), was illegally discharged from that office.

GERHARD A. GESELL,
U.S. District Judge.

NOVEMBER 14, 1973.

TRIALS AGAINST SOVIET JEWS TRYING TO EMIGRATE

Mr. TUNNEY. Mr. President, 3 days ago, the House overwhelmingly passed the Mills-Vanik provision withholding U.S. credits and MFN status from countries which deny their citizens the right or opportunity to emigrate. The companion measure, the Jackson amendment, sponsored by 77 Senators, will be considered in the Senate over the next few months. Soviet authorities stimulate congressional support for such legislation by continuing to persecute and intimidate Soviet citizens who apply to emigrate.

Just recently such repression has increased. A wave of trials has been unleashed against Soviet Jews trying to emigrate. The trials serve as a means of intimidating others who might consider applying for exit visas.

In the last month, two Soviet Jews have been tried on spurious charges and sentenced to 5 and 3½ years imprisonment respectively. A third trial is scheduled for December 17. Other trials are in preparation. Each trial is held against a Jew residing in a different city, so that the other Jewish residents of that locality will be warned of the fate which may befall them if they too apply to emigrate. In each case the real "crime" of the accused is his application and efforts to emigrate from the Soviet Union.

Aleksandr Feldman, of Kiev, who applied to emigrate 2 years ago, was the victim of a contrived KGB—secret police—plot. Feldman was followed home one day by two KGB agents and a woman. The woman started to scream. The two KGB agents arrested Feldman in the presence of the deputy head of the local KGB who conveniently happened to be there. They told him he could plead guilty to having either beaten or raped the woman; Feldman refused both pleas. He was tried on November 23 and found guilty of "malicious hooliganism." Feldman's appeal is to be heard imminently. If the appeal fails, he will spend the next 3½ years in a labor camp.

Leonid Zabelishensky, an electrical engineer from Sverdlovsk, is scheduled to be brought to trial December 17. After applying in November 1971, to emigrate to Israel, he was immediately dismissed from his job. He has been kept by the Soviet authorities from working in his profession ever since, although he has obtained menial jobs. He is being brought to trial on the charge of "parasitism" since he has been unemployed for several months—albeit his wife works and earns a substantial income.

I have sent telegrams to Ambassador Anatoly Dobrynin; to the prosecutor and judge in the Zabelishensky case; and to the appropriate judge and Ukrainian Communist Party head on behalf of Aleksandr Feldman. I have urged each of these officials to dismiss the charges against these two men, whose only crime is their desire to emigrate, and to allow them to join their families in Israel.

WORLD FOOD PROBLEMS

Mr. McGOVERN. Mr. President, it was my pleasure to address a conference on national food policy sponsored by Gov. Milton Shapp, of Pennsylvania, on December 6. At that conference, one of the outstanding speeches was delivered by Tony T. Dechant, president of the National Farmers Union.

Because Mr. Dechant speaks as a recognized leader of an important sector of the agricultural community, and because his views reflect a true national interest and a humanitarian interest, I ask unanimous consent that his address be printed in the RECORD.

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

ADDRESS BY TONY DECHANT

This conference is timely. Our country desperately needs a national food policy.

This is a time of multiple crises for our country.

The energy crisis confronts every citizen with transportation bottlenecks and exposure to the winter's cold.

Our national economic crisis of rising unemployment and rampant inflation threatens every family.

Our crisis in foreign relations, springing from the deterioration in the confidence of our traditional friends and allies, is undermining the patterns of international cooperation that were so carefully nurtured, with American leadership, since World War II, and threatens to plunge the world into the chaos of bi-lateral "big deals" and narrow nationalistic self-seeking that brought first worldwide depression and then World War in the 1930's.

No less grave than any of these is our national food crisis.

The United States today is dangerously short of food.

What is worse, we are dangerously short even of farmers. We are dangerously short of farming capacity—of machinery and breeding stock and production supplies. We are dangerously short, above all, of morale among our farm people. All this portends that our danger will grow worse unless we correct its cause.

Today's food crisis is a direct consequence of the agricultural policies of the Nixon-Butz regime.

I hope consumers and their representatives will pay close attention to this conference. Surely the interest of consumers in food policy should be no less than that of producers—although I am afraid the farmers in America have done their jobs so well throughout most of the past generation that consumers have come to take their abundant food supply for granted. If the complacency of consumers is now at last overcome, then the national food crisis that confronts us today will have started to create one of the indispensable conditions for resolving it.

"FARM PROGRAMS" ARE FOOD PROGRAMS

Consumers need, first of all, to recognize that farm programs are FOOD Programs.

In just a few short years, the regime of President Nixon and Secretary of Agriculture Butz has wrecked our national farm programs, which were built with bi-partisan support and leadership during the past forty years. This heedless and irresponsible wrecking operation has brought the nation, and farmers and consumers together, to the food crisis of today.

The first major blow was enactment of the 1970 Farm Act, after a bitter fight in Congress. This legislation was engineered by the Nixon White House with ruthless use of the veto threat. It has been praised to the skies by both Nixon and Butz. It empowered the Nixon Administration to further erode farm prices, and to complete the wrecking of two indispensable features of an adequate farm program:

1. It wrecked the "ever-normal granary" machinery for building and managing reserves of basic farm commodities, by forcing commodity loan rates far below the level of viable returns to producers, and by "dumping" the last remaining CCC-owned stocks onto the market in a ruthless effort to break farm prices.

2. It wrecked the government's capability to manage supplies of storable commodities, so as to keep reserves at reasonable levels, at costs that would be reasonable and acceptable.

The next step was the recruitment by President Nixon of Earl Butz, a long-time agri-business politician, as Secretary of Agriculture.

Butz set out with flamboyant vigor to exploit the programs of the Department of Agriculture to further the Nixon election campaign. He boasted that he would "spend money like a drunken sailor" and he did. It would have been a lot better for the country—and for both farmers and consumers—if he had stayed sober. The country will be a long time getting over the hang-over.

RECORD SPENDING BY BUTZ

It is fair to wonder what a long-time enemy of farm programs, as Mr. Butz has been, would find to do during an election year that would be helpful to the Administration's cause among farmers who overwhelmingly believe in farm programs. But Earl Butz showed that he is not a man to be swayed by principle when he has a political motive to satisfy.

In the 1972 election year, Secretary Butz spent more money than any Secretary of Agriculture in history to pay farmers to idle the biggest acreage of land ever kept out of production under government programs. How's that for a long-time critic of farm programs?

More than $3½ billion was paid out to farmers in 1972, to keep 63 million acres out of production.

That's about two times as much as the annual expenditures on comparable programs throughout the Kennedy-Johnson Administration.

The American cropland that was kept idle in 1972 totals more than all the cropland in the entire United Kingdom. It amounts to about one acre out of five of all the cropland in the USA.

It would have cost less for the government to buy the entire production from that land, if it had been cropped instead of held idle, and either stored it for a food reserve, or shipped it overseas under the Food for Peace program.

TODAY'S FOOD CRISIS WAS RESULT

This "drunken sailor" binge, and the Watergate activities, and unprecedented campaign spending, and lots of other things worked together to win the election for Richard Nixon in 1972.

But among other consequences, it ran the USA—and the world—straight into the worst food shortage emergency since World War II.

The extent of today's food shortage is being understated and covered-up by the U.S. Department of Agriculture.

The U.S. Department of Agriculture continues in public to uphold its estimate of 250 million bushels as the total amount of wheat that will be left over at the end of this marketing year next July 1.

This would be the smallest reserve since the world food emergency at the end of World War II. But then America's and the world's populations were far smaller. More than a billion people have been added to the human population since then, and the requirements for domestic consumption and for export have gone up even more.

SHORTAGE WORSE THAN OFFICIALS ADMIT

But the finer print in USDA's own reports reveals a far more desperate situation even than this.

A careful search and review of the government's own reports on wheat production, wheat stocks, domestic consumption estimates, shipments already made overseas, and reports of overseas sales, shows that the total wheat supply in the United States will be down to the vanishing point by the end of this marketing year.

Indeed, these detailed reports show that the entire U.S. supply of three of the five major types of wheat have already been oversold—and this includes our main bread-wheat type.

The total carry-over that is indicated by these government figures is around fifty million bushels. This would be by far the smallest ever recorded in the United States. It is less than the practical minimum, beyond the point at which the trade and processors' "pipe lines" can really be cleaned out.

What does this mean to consumers? What does this mean to our country? What does it mean to the world?

It means simply this:

A short crop in 1974 would catch America with no wheat reserve to fall back on.

A short grain crop anywhere on earth—or a natural disaster anywhere on earth—or an international military crisis anywhere on earth—would catch America short of one of its most valuable resources.

A world grain crop like that of 1972 would doom millions to starvation.

And even if the best we can hope should happen, today's food shortage is making short-run and long-term trouble for both consumers and farmers, and for our national interest.

It is stimulating competing production. It has greatly encouraged our export customers to seek self-sufficiency in food. It has created costly and wasteful inefficiencies and dislocations in other agricultural and food industries.

NIXON THREATENS TO END FARM PROGRAMS

So much for the Butz Binge of '72, and the headaches that have followed. Let's look now at the third Nixon blow to wreck our bi-partisan national farm and food programs.

The blow fell very early on "the morning after" the Butz Binge of 1972. Shortly after Inauguration Day, in February 1973, Nixon called for all farm price and income support programs to be eliminated within three years.

Remember, this was when Nixon was riding high. This was at the time he was impounding funds appropriated by Congress, thereby imperiously abolishing legally-constituted government activities. This was when Nixon was nullifying laws that had been passed by Congress and signed by the President himself shortly before the election, and daring Congress to try to impeach him if they didn't like it. This was at the time the Attorney General was dispatched to serve notice on Congress that Nixon claimed the power to authorize any employee of the Federal Government to refuse to testify before any Congressional committee on any subject.

Nixon's declaration that all farm price and income support programs should be eliminated within three years was the high-tide mark of the Nixon-Butz enmity against farm programs

It is that enmity against the very principle of public farm programs that is the source of today's food crisis. It is a prejudiced point of view that has learned nothing from 40 years of conscientious bi-partisan effort in our country to build the strong and productive agricultural system and the abundance of food that to this moment has been the envy of the world.

It has forgotten nothing, nor forsaken anything, of the dogmatic, fanatical, hysterical obstruction that was mounted down through four decades against governmental programs to promote soil conservation, and rural electrification, and farm price stability, and commodity supply adjustment, and an "ever-normal granary" to protect the American people and our export customers against the variations in crop yields that every sane man and woman knows will continue to vex mankind.

It is the same old enmity that plagued the efforts for a strong American agriculture made by Franklin Roosevelt and Henry Wallace and Charlie Brannan and Harry Truman.

It has no kinship with the Republican tradition of Charles McNary and Clifford Hope and George Aiken—all of whom, with many others, were sincere co-partners in developing the national farm and food policy that the Nixon Administration has now reduced to wreckage.

It is a relic of the troglodytic forces which resisted the New Deal in everything it did, and which to this day objects to the reality of the Twentieth Century.

That, my friends, is the root from which our national food crisis has sprung.

And that is what still stands in the way today of overcoming the nation's food crisis.

FARMERS FEAR PRICE COLLAPSE

Most of the time Nixon and Butz have managed to mask their basic hostility to the very principle of public farm programs. Here as in other things, the advice of Nixon's one-time chief mentor in governmental and political business, John Mitchell, is apropos: "Judge us by what we do, not what we say," said Mr. Mitchell.

So too is the theory of one observer that Nixon systematically follows a tactic of "Victory through Failure"—of wrecking a program he secretly despises by pretending to embrace it, then mismanaging it so badly that the whole idea loses public support.

From the viewpoints either of farmers or consumers, the enmity of the Nixon Administration toward public programs to stabilize food supplies and farm prices seems senseless. But it does make a kind of sense to the giant multinational agri-business corporations which dominate the world's grain trade and processing.

They profiteer on the consumers in the times of boom. They profiteer on the farmers in the times of bust.

These are the constituents of Mr. Butz; and they are the political allies of Mr. Nixon.

And that's precisely what's scaring American farmers today. That's what's holding them back from the all-out attack upon the world's food shortage that our nation needs and farmers themselves would want to make.

The farmers of the United States are simply scared to death that the Nixon-Butz agricultural policies are heading straight into a mammoth bust in farm prices.

The agricultural law enacted in 1973 is some protection—but it is not enough.

In the first place, Nixon and Butz fought tooth and toe-nail with their veto threat to keep the bill's low target prices down. They succeeded all too well.

They succeeded too well also in killing a meaningful provision to adjust target prices to keep pace with increases in costs of production.

In the second place, farmers do not trust the Nixon Administration to keep faith with the intent and spirit of Congress as expressed in the 1973 farm law. This mistrust is held with good reason, after the impoundments of funds and the nullification of lawful programs that were experienced only a few months ago.

And in the third place, Nixon's erratic, violent, and unpredictable use of price controls, export embargoes, increases in imports, and other economic powers, leaves farmers scared to death that still-unimagined new dangers might be sprung on them tomorrow.

CONFIDENCE NEEDED TO BOOST FOOD

Farmers are patriotic. Farmers recognize that *the nation's interest* as well as their own requires abundant production. We must have agricultural products for export in order to maintain our country's economic, political, and military credibility in the world. We must at all costs provide enough to eat for our own people.

But *abundant farm production* takes a lot of doing. It *takes a lot of doing* just to maintain normal production. It *takes much more doing* to get the increased production that is now needed.

Farming an extra acre along with every four that was cropped in 1972 won't just happen. It will take a lot more labor, a lot more machines, a lot more fuel, a lot more fertilizer, a lot more of borrowed money at high interest rates. Remember—this additional

land represents more acreage than *all the cropland in the United Kingdom*, or in any other country in the world except for a handful of the very biggest.

Some of the added cropland can be farmed, and it will be farmed, some of it by "overtime" work without much added machines or workers.

But for the most part, farming resources are already stretched about as thin as they can go. Farmers have to look ahead before they open up new acreage. They will have to pay back the money they borrow to buy new machines, with interest—and that won't be done in a single year, nor in two or three or four. They will have to pay higher wages to get the farm boys who have gone for city jobs to come back to farming. And they'll have to pay more for fuel and fertilizer and everything else they need.

And when farmers today look ahead under Nixon and Butz, they're simply scared out.

What they see is a national Administration that is publicly committed to the ideal of collapsing farm prices "to clear the market" in times of surplus.

What they fear is the near certainty, so long as the Nixon-Butz policies prevail, of a calamitous worldwide farm price crash, possibly as soon as 1974, almost surely by 1975 or 1976.

The government's own reports show the results of the farmers' colossal lack of confidence in the Nixon-Butz policies:

Milk production has fallen every month for a year and is now 5 percent below a year ago;

Meat production is far behind last year and despite a recent brief recovery is still 2 percent below a year ago;

Placements of cattle in feedlots—which foretells the beef supply six months from now—are running far below a year ago.

Even the production of grains on the additional land that was "freed" by the Department of Agriculture for production this year did not actually increase output as much as was expected. And it is far from assured as yet that production of grains will be increased substantially in 1974, despite all the new acreage that has been released. How can we turn this around?

How can we surmount today's food crisis, and then move on to achieve long-range assurance of enough to eat for all of us, at prices that are fair both to consumers and to farmers?

Both the short-run and the long-run solutions should start at the same place.

We must have a responsible, workable, equitable, and positive new national food policy to replace the wrong and dangerous policies of the Nixon Administration.

This new policy must be understood and supported by the public, by consumers as well as farmers, and it must be executed faithfully and effectively by our government.

FOOD RESERVES NEEDED

Fortunately, we don't need to start from scratch to invent suitable implements for making such a national food policy work.

A caution is in order against yielding to fadism in seeking solutions to our problems. Even the most ancient of lessons is not invalidated just because some have ignored, or forgotten, or still refuse to learn it. The Old Testament, in the story of Joseph of Egypt, provides the best lesson yet for dealing with year-to-year variations in agricultural yields. There's no need to hunt for some shiny new gimmick. We need simply to store the surplus of the fat years to use during the shortage of the lean years. And that brings me to the first point in what I suggest is an appropriate national food policy for the United States:

1. The government should be made responsible and be empowered to maintain a modern, fully-adequate "ever-normal granary" to provide ample reserves of basic foodstuffs for use in times of emergencies and shortage.

NEED PRICE, SUPPLY STABILIZATION

In resolving the problems and correcting the damage from violent fluctuations in agricultural prices, which spring straight from the organic nature of agricultural production, the best mechanism yet designed is also an old and familiar one—the non-recourse commodity loan.

The non-recourse commodity loan is one of the main means whereby farmers' prices for basic storable commodities have been supported and stabilized under the farm programs of the past forty years. Briefly, the government announces that it will advance a stated amount per bushel or per pound to the farmer, with his commodity to be pledged as collateral. If the market price is favorable, the farmer may pass up the government's offer and market his produce. Or he may take out a loan, wait until the market price rises after the harvest-season glut, then pay off the loan and market his product at the better price. Or if the market fails to rise, he may simply surrender the collateral to the government when the loan comes due, with no further recourse by the government against him.

Beware of the slanders against this essential element of a sound farm and food program that have been spread abroad for a whole generation by those whose self-interest lies in the jungle economy of boom and bust!

A commodity loan program can readily be operated so as to maintain a general range of prices around the desired standard for the commodity, with full freedom for differentials reflecting quality, location, and other factors to be set in the market place.

And as for long-term allocations of farming resources between this commodity or that, this too can be accomplished much more smoothly and efficiently in conjunction with a well-administered commodity loan and "ever-normal granary" program than by the real market-place of violent booms and busts, as distinguished from the illusory "unseen-hand" ideal of the free-market romanticists.

Another virtue of the commodity loan system is that it helps to stabilize agricultural price levels generally by providing stability in the price and supply of major feedstuffs for livestock and poultry, and by establishing a stabilized level of alternate returns to producers of other crops which compete with the basic crops for the use of land.

This, then, is the second point that I propose for a national food policy for farmers and consumers:

2. Non-recourse commodity loans should be offered to farmers for basic storable farm commodities as a primary means of supporting and stabilizing agricultural and food prices.

Another ancient goal of civilized mankind is equity. For farmers, "equity" is spelled PARITY.

Here again, the cynics of the boom and bust persuasion have used ridicule and distortion to kill the commitment to equity that resides in the heart of every religion and every good man's conscience.

FARMERS' NEED AND DESERVE "PARITY"

The concept of parity for farmers—the idea that farmers should be entitled to returns for their labor, their managerial efforts, and their investments, on a par with the returns enjoyed by their fellow citizens for comparable efforts and resources, is an ancient one. It is among the very oldest that Congress has sought to define in law.

The "parity index" is the ancestor of the cost-of-living index, which is incorporated in one way or another in countless labor wage contracts and other economic instruments—including those affecting the salaries and pensions of bureaucrats and Congressmen. The parity index is as up-to-date as the cost-of-living index or any other statistical measure in common use—notwithstanding the misleading jeers from the farmers' detractors about its venerable beginnings.

And as much as any other, the parity index can be kept fully up-to-date and relevant to the realities of farmers' costs.

The real issue is whether farmers should be accorded equity in our economy. And here the modern verdict of our modern society must be affirmative, more surely today than ever before.

The third point, then, in our national food policy should be:

3. The government of the United States should reaffirm its commitment to the goal of parity prices and parity of incomes for farmers, and that commitment should be implemented at last by positive action, by supporting and stabilizing farm prices at 100 percent of parity.

Provisions for adjusting supplies to needs have been another target of propaganda attacks against farm programs. Copious tears are shed in the name of farmers "victimized by government regimentation." But their true source is the eyes of the crocodile, who hopes to find his treasure in the "bust" of unmanageable farm surpluses. Farmers themselves usually vote for farm program acreage allotments and marketing quotas in officially-conducted referenda by margins above nine-to-one.

EFFECTIVE "SUPPLY MANAGEMENT" NEEDED

"Supply management" both of products output, and of labor input, is a routine function in virtually every major industry. Supply management is no more nor less than essential industrial discipline, a primary obligation of sound business management. If there is an issue of principle, it is whether a large number of independent farmers may use the means of a government program to discipline the output of their product according to publicly approved standards, or must be destroyed in the chaos of boom-and-bust until a few giant successors gain the power to do it privately.

Here again, the small inefficiencies that accompany measures to adjust farm production to needs are far out-weighed by the short-run and the long-run advantages to farmers and the public. And this is the fourth point in a national food policy:

4. Farmers should be empowered, through acreage allotments and marketing quotas or other suitable means, to adjust their production when necessary to avoid the accumulation of unwanted surpluses and to avoid waste and excessive program costs.

Our nation's agricultural interests and food needs are interdependent with those of other countries. Our farmers must compete with the farmers of other countries for both foreign and domestic markets. Our consumers must compete too, with consumers in other countries for many major foodstuffs.

NEED WORLD FOOD POLICY TOO

For all the reasons that the United States needs a *national* food policy, the people of America need also *a world food policy*.

Every modern country has its national food and agricultural policies. The needed next stage in formation of a world food policy is to harmonize the national food policies and programs of the major trading nations.

Fortunately, this next step need not be as difficult as it is significant.

We have had more successful experience with internation cooperation in food production, food distribution, and food marketing, than in any other industry. As long ago as the aftermath of World War I, Herbert Hoover administered for the government of the United States the largest food aid programs the world had seen up to that time. In World War II, we co-operated intimately with our allies to make American food power count to the maximum in helping to win the war. Again in the aftermath of the second world war, American food saved millions in Europe from starvation, sparked devastated economies onto the road to recovery, and

prevented political and social collapse. And through our Food for Peace program since 1954, our government has cooperated closely with a hundred countries to supply and distribute food aid and to stimulate economic and market development.

In all those activities, the role of the United States has been something in the nature of "chief benefactor" in mainly bilateral country-by-country relationships with other governments.

But we have had considerable and successful experience also with international commodity agreements, under which several countries deal with us and each other more or less as equals.

Basically, an international commodity agreement is a bargain between a group of buyers and a group of sellers. The goal is to agree on prices and other terms that are considered fair both to importing countries and to exporting countries, and then to insure that they are carried out.

The enemies of farm price support programs are enemies also of international commodity agreements—and for the same reasons.

The international grain and food and feed traders know no nationality. They have no compunctions about breaking the price for farmers in one country with cheap surplus products from some place else. Nor do they hesitate to short one country's consumers of food in order to turn a bigger profit some place else.

Above all, they want the marekts to stay "free". Free to "bust" most of the time, as it usually turns out. But free to "boom" too, when a natural disaster or other calamity occurs. For they are best able to play the angles and to profiteer from wild swings in prices.

International wheat agreements have been negotiated and operated during most of the past twenty-five years. Grain trade critics—echoed by the Nixon Administration—charge that the wheat agreements work "only when they're not needed".

That is flatly untrue. Exporting countries have sold hundreds of millions of bushels of wheat at prices below the world market in keeping with their guaranteed maximum prices when supplies became scarce. And on the other hand, more than a billion bushels of wheat at a time were held in storage in the United States and Canada and out of the world market to keep the prices well above the agreed minimum price when supplies outran demand.

The only genuine failure of an international agreement on wheat occurred in 1969, within a few months after the Nixon Administration took office. The Nixon Administration deliberately paid subsidies to exporters of 30 cents per bushel, thereby breaking the minimum price floor and wrecking the agreement.

It is true that a new international grains agreement, covering wheat and feed grains, will need to be improved to deal with changed world trade conditions. Provision for equitable sharing of the costs of maintaining reserves is most important.

But ambitious as it is, an international grains agreement is a practical and realistic goal. Every country that's needed for an international grains agreement to be workable is in favor of it—with the solitary exception of the USA. And there are signs that the Nixon Administration's hold-out position may be weakening, however grudgingly.

This brings me to the fifth point that I consider essential in a national food policy:

5. Participation by the United States in negotiating and operating an international grains agreement under which importing and exporting countries agree to support trade in grains within an agreed range of prices, and to cooperate in regulating the flow of grains into world trade, bearing the costs and responsibility for maintaining reserves, and sharing in food aid to needy people in disaster areas and in the poor countries.

Now there's just one more vital point. Indeed, it is the vital point—vital not only for food, but for survival.

NEED REVIVAL OF COOPERATION AMONG NATIONS

The period of history that began during World War II has been notable for many things. One that we too easily forget is the remarkable degree of international cooperation that has been developed under American leadership in the world. We have had troubles and disappointments and there is yet much sorrow and suffering in the world.

But this time has brought to us, and to the peoples of our allies and our former enemies in Europe and Asia, an unprecedented era of prosperity, of deepening social and economic interrelationships, and of the spread of the rule of law and civility in transactions between us.

Today this pattern of international cooperation is strained as never before. Much of the fault may be others'. But in any case, the leader and the preeminent national power among our friends, we bear the large responsibility for setting the example and giving direction to our common cause.

Today more than ever before, we need to cooperate, particularly with the nations of Europe and Asia that are our traditional allies. We need to bring the USSR and China firmly into our system of international cooperation, and resist their natural temptation to try to play one off against the others. And we need to draw in also the poor countries with their huge numbers of hungry people.

The world energy crisis surely brings to the fore a lively sense of the danger to us all if we should return to the pre-War country-by-country maneuvering and dealing for narrow advantage that degenerated into worldwide depression and then to war.

We and our economic and cultural and political allies literally must cooperate or die—die out at least, as modern, prosperous, progressive societies. The closest parallel to our present danger is the worldwide depression of the 1930's.

A severe economic depression of such a scale obviously would affect massively the supply and demand for food. It would overwhelm anything else that might be done to affect farm prices and food consumption.

BEST WAY TO BETTER FOOD SITUATION

What we stand to gain from revitalized international cooperation is every bit as dramatically appealing as the dangers, if it fails, are disheartening.

Better diets and better nutrition for hundreds of millions of people have been in the forefront of the advances secured within our community of international trading partners since the end of World War II.

It is often charged, for example, that the Kennedy Round of trade negotiations accomplished little benefit to American agriculture. But this is a myopic and narrow minded disportion. It takes account only of the advantage that might be gained by farmers of one country in their competition with other farmers. It overlooks the truly significant value to agriculture of expanding trade—the enormous increase in total demand for food that is generated by rising employment and higher incomes. Indeed, the real results of the Kennedy Round in gains for agricultural trade have exceeded the wildest expectations.

An immediate next priority must be to expand effective demand for food among the nearly-half of mankind who are still malnourished and underfed. The way to do it is simply to do more—and better—and more widely—of what we have done so successfully for a generation among our closest allies.

Most of the attention given to food supply in consideration of food problems is simply misplaced and futile. It is the ability to demand food in the marketplace—"purchasing power"—that usually decides whether one may eat or not. Farmers of every country have learned all too well the familiar paradox of hunger in the shadow of unmarketable surpluses. Correction of inadequate demand will work automatically to correct inadequacy of supplies. When the farmers know the customers can pay, they will soon enough find ways to produce. But surplus supplies don't automatically—or even easily—assure increased consumption. Even in the United States, we had perhaps the greatest number of malnourished people in our history in 1960 at the same time we had-time record "surpluses" of food.

The most useful and urgent measure that is needed to improve food supply and nutrition for the world's hungry is to create employment for the breadwinners.

The forthcoming trade negotiations should shift their primary emphasis to expanding the opportunities for the less-developed countries to increase their exports to the markets of the rich.

This, then, should be the sixth and final point in a sound national food policy:

6. The United States should reassert its leading role among the non-communist countries of the world, and should seek their renewed commitment to the principles and practice of international cooperation with special immediate emphasis upon expanding trade with the underdeveloped countries.

What I've had to say on the subject of "national food policy" will seem to range over nearly the full scope of public affairs. That should not be surprising. Food, after all is even more vital to human activity than petroleum, when you get down to it. Food seems a routine matter only when there's plenty of it. Gasoline and fuel oil seemed routine affairs too, only a few weeks ago.

But new realities are making themselves felt in the world these days. One of them is that food—and farmers—may no longer be taken for granted, not even in the USDA.

CLEARCUTTING

Mr. NELSON. Mr. President, traditionally, we have viewed the land and its resources as commodities to be exploited at will, with little concern for values other than that of immediate economic yield.

The pollution crisis, the damage to the landscape from coast to coast, and now, the energy crisis, ought to be lesson enough that we must become wise stewards of the land, the water, the air, of all the resources on which life and civilization depend.

No writer in America today has more persistently and effectively argued for the need for a national ethic of environmental stewardship than Michael Frome, conservation editor of Field & Stream.

In a recent article for Business & Society Review/Innovation, Mr. Frome addresses the issue of forest "clearcutting," another example of stripping the land for maximum short-term economic benefit with minimum long-range ecological concern.

Mr. Frome eloquently argues for tight curbs on the growing practice of clearcutting, confining this method to experimental uses until it can be determined whether it represents meaningful progress from any point of view.

Mr. President, I ask unanimous consent that Mr. Frome's thoughtful article be printed in the RECORD.

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

ONLY GOD CAN MAKE A TREE, BUT ANY CORPORATION CAN CLEARCUT A FOREST

(By Michael Frome)

The practice of clearcutting timber on public and private forests has become the subject of heated debate, both nationally and in various regions of the country—as well it should, considering the high stakes in economics, ecology, and esthetics. Controversies have arisen over the management of the California redwoods, the Douglas fir forests of the Pacific Northwest, spruce forests of southeast Alaska, lodgepole and ponderosa pine forests of the Rocky Mountains, the hardwood forests of the Northeast, and the mixed hardwood-pine forests of Appalachia and the South. Within the past three years, hearings on clearcutting have been conducted before committees of both houses of Congress. Reports and studies have been made by the Council on Environmental Quality, the United States Forest Service, deans of forestry schools, and concerned citizen groups. Yet there is still no resolution of the debate.

What is clearcutting? In an editorial appearing in its April 1972 issue, the magazine *Field & Stream* presented this blunt appraisal of the practice:

"It is a method of harvesting trees which causes complete devastation. It is more harmful than a forest fire. The land is churned up over vast areas by big machinery. Every tree is cut down and most of the surface plants are killed. Until grasses and shrubs can get started again, the land is wide open to extreme erosion. Timber companies prefer this method of harvest because it is cheaper than cutting selected mature trees and leaving the remainder unharmed and because having once destroyed a mixture of kinds of trees on a certain tract they can plant one type of tree, which they prefer. These trees are planted in neat little rows, all standing the same height and all reaching maturity at the same time for another cutting. But it is no longer a forest any more than an orchard is a forest. There are no open grassy glens, no bushes, no aspen or alders. Everything is crowded and shaded out by the trees, and for the major part of the growth years of the trees there is little food for animals or birds. It is a sterile sort of forest designed by a computer."

Quite different descriptions of clearcutting are offered by its advocates, who include, in addition to most of the forestry profession, large corporations holding investments in timber lands or in mills.

"It is efficient, economic, and in general produces forest products and resources useful to man," declared Dr. Kenneth P. Davis of Yale University, president of the Society of American Foresters, while testifying before a Senate committee in 1970. The immediate consideration was a proposed moratorium on clearcutting in the national forests, as urged by citizen conservationists. To halt clearcutting, he warned, "would place an unwarranted and disruptive restriction on using a proper and, in many situations, necessary method of managing forest lands."

Edward P. Cliff, Chief of the Forest Service, addressing the National Council of State Garden Clubs in May 1965, declared that the practice "is something like an urban renewal project, a necessary violent prelude to a new housing development. When we harvest overmature, defective timber that would otherwise be wasted, there is bound to be a temporary loss of natural beauty. But there is also the promise of what is to come: a thrifty new forest replacing the old. The point is that there often must be a drastic, even violent upheaval to create new forests. It can come naturally—and wastefully—without rhyme or reason as it has in the past, through fires, hurricanes, insects, and other destructive agents. Or it can take place on a planned, purposeful, and productive basis."

Mr. Cliff served as Chief Forester from 1962 to 1972. Under his aegis clearcutting came of age; he defended and promoted it with fervor. "For the young, 'citified,' articulate part of our citizenry," he declared before the Pacific Logging Congress of 1966, "it is especially easy and natural to get stirred up about outdoor beauty, recreation, wilderness, vanishing wildlife species and environmental pollution. It is not likely that very many know or even particularly care much about how timber is grown, harvested, and used to meet their needs." The Chief likened accelerated timber cutting through modern technology to gardening, or farming of field crops. "Wild old stands have pristine beauty which is instantly felt and appreciated," he wrote in the 1967 *Yearbook of Agriculture*. "But a newer forest, man-planned and managed and coming up sturdily where century-old giants formerly stood, also has its brand of beauty—similar in its way to the terraced contours and the orderly vegetative growth upon well-managed farmlands."

The clearcutting concept, as enunciated by Dr. Davis and Mr. Cliff, plainly emphasizes the anthropocentric—the design of nature for the use of man; it rejects the notion that resource managers must "think in ecosystems"—that they must relate every decision and every action to the entire complex picture rather than to an isolated component of the ecosystem, let alone to considerations of expediency or short-term economic returns. It denies the principles evoked by Aldo Leopold, forester of another generation and yet a pioneer of today's ecological movement, who wrote: "The land is one organism. Its parts, like our own parts, compete with each other and cooperate with each other. The competitions are "as much a part of the inner workings as the cooperations."

YELLOW JOURNALISM

Clearcutting's bias toward commodity production in the short run, rather than toward protection of the resource in all its aspects for the long run, is often the main basis of attack in the media. Strong criticisms along these lines in *Field & Stream* and other publications (notably the *New York Times, Reader's Digest, Atlantic Monthly, Des Moines Register and Tribune and Montana Daily Missoulian*) have been summarily dismissed by spokesmen for the timber industry, the forestry profession, and the Forest Service with such epithets as "sensationalism," "hit-and-run reporting," and "yellow journalism." In a speech on "The Nature of Public Reaction to Clearcutting," delivered in February 1972, an official of the Forest Service, John R. Castles, declared: "Probably the most frustrating and insidious form of pressure is that generated by irresponsible or ill-informed news media people who seize on unsubstantiated reports, half-truth rumors, misinformation, or outright distortions without checking them further."

But the evidence, even from timber-forestry witnesses, appears to substantiate charges that clearcutting is environmentally pollutive and ecologically disruptive, as well as designed principally for immediate profit. In an article in the February 1972 issue of the *Journal of Forestry*, for instance, Dr. David M. Smith, professor of silviculture at Yale, described the emergence of the new synthetic forest: "Combinations of herbicides, prescribed burning, and powerful site-preparation machinery made it possible, almost for the first time, to start new stands entirely free of the competition of preestablished vegetation. In some localities, it has become possible to contemplate deliberate efforts to eliminate natural populations and replace them with the planted products of conscious genetic selections. . . . It takes no great wit to see that within this frame of reference, the optimum cutting practice will be that which removes nearly everyhing that will pay its way out of the woods. The future benefits which might be derived from growth on reserved merchantable trees are quite intangible from this point of view."

Professor Smith went further, joining the critics in their concern over damage done by heavy machinery used in logging and site preparation. "The vegetation can be swiftly repaired," he wrote, "but it may take centuries or millenia to repair the kind of damage to the soil that result from deep gouging or scraping action. It is time there was more concern for adapting the machinery to the silviculture and less resignation to the idea that soil damage is an inevitable consequence of practical forest operation."

John McGuire, who succeeded Mr. Cliff as Chief of the Forest Service, also conceded in an interview published in *American Forests* magazine of October 1972, that: "Roads have been cut where they shouldn't have been permitted. Erosions have followed that make it impossible to get a forest of quality, or even any forest, in that area again." But instead of talking about eliminating roads in order to regain protection of the natural resource, he proposed construction of an additional 100,000 to 150,000 miles of highway in the national forests, thus tending to give credence to charges that the Forest Service is the handmaiden of special economic interests. Or, as Justice William O. Douglas declared in his dissent in the *Mineral King* case (Sierra Club v. Morton), issued April 19, 1972: "The Forest Service—one of the federal agencies behind the scheme to despoil Mineral King—has been notorious for its alignment with lumber companies, although its mandate from Congress directs it to consider the various aspects of multiple use in its supervision of the national forests." In the same message, Justice Douglas likened clearcutting to strip mining.

The most dangerous kinds of chemical poisons, poured into the soil and seeping into streams, are implicit tools of clearcutting. Entomologists warn that a pure stand of timber forms an ideal situation for damage from insects and disease; infection is rapid from tree to tree, and if one species is destroyed, there is nothing left. A monoculturally managed forest, therefore, creates the need for pesticides and herbicides. Ultimately these chemicals do more harm than good, for the biotic diversity is destroyed. Nevertheless, the Forest Service has poisoned millions of acres of public land, encouraged the use of ecologically crude poisons on millions of additional acres, and ignored pleas and protests.

The general fear among environmentalists is that more wood is being cut than grown on both public and private forests. The timber industry called for increased logging of the national forests—even though three-quarters of commercial forest land is in private hands—and the Forest Service responded by trebling its cutting of timber in the period from 1950 to 1970. Still, the industry wants the Forest Service to increase production by accelerated cutting of old-growth forests and by ecologically questionable programs of thinning and fertilizing. It fought enactment of the Wilderness Act of 1964 and now opposes establishment of additional inviolate wilderness, although such areas stabilize soil and watersheds, provide habitat for a variety of wildlife species, and are cherished for recreational pursuits.

BALANCE OF WILDLIFE ENDANGERED

Justification of clearcutting is repeatedly attemped on grounds that it produces more game. "Actually, this is the strongest argument for clearcutting, because artificial openings in the forest are a boon to wildlife," wrote William E. Towell, executive vice-president of the American Forestry Association.

It is true that clearcuts produce quail habitat, often where nonexistent before, and that an abundance of deer browse is produced on many clearcut areas. Biologists note that these benefits are temporary, however; before many years, quail habitat and deer

browse decline. Within ten years following planting the pine canopy can be expected to close; until thinning, this clearcut is of use only as cover to wildlife. With increasingly short cutting rotations, it is difficult to anticipate how "mast" (foods such as berries and nuts) will be provided in the future for turkeys, squirrels, and deer. Removal of mast trees and cover is now destroying prime squirrel and turkey habitat, and lack of mast may reduce the carrying capacity for deer after a relatively few years. In the sequence of events, the clearing and conversion to pine in natural pine-hardwood areas, or hardwood areas with high deer populations, sometimes induces destruction of planted pines by deer, with the accompanying demand for hunters to "bring the deer population into balance."

Even though logging may improve deer habitat, serious disturbance eliminates such species as spotted owls and pine martens, which require old growth conifers for survival. Birds actually furnish the cost efficient and least costly form of insect control in the forest. It is their definitive function in providing, balance to the ecosystem. A single woodpecker, for example, has been estimated to be able to consume the larvae of 13,675 highly destructive wood-boring beetles per year. It is fair to generalize that the more numerous and varied the bird population of a forest, the broader the spectrum of natural insect control. John Small, executive director of the Point Reyes Bird Observatory, a California research organization focusing on the ecology of nongame species, has reported on an analysis of nine breeding-bird censuses in coniferous forests in California, Colorado, and South Dakota. The analysis showed that 25 percent of the total number of birds using these forests are of species that nest in holes. These hole-nesters require older trees with some decayed portions in order to breed successfully (and feed large broods of young on destructive insects), although they forage on trees of various ages. "Any forestry practice producing solid stands of trees of the same age reduces the diversity of bird species able to breed, and this in turn severely reduces possible insect control," according to Mr. Small. "Clearcutting is the most drastic example."

The South is perhaps being hit harder by clearcutting than any other section of the country. Vast areas that once supported mixed forests have been reduced to even-aged stands of pine, as like as apple orchards or orange groves. The sole purpose in transforming forests into farm lots is to provide pulp and paper for an affluent, throwaway society. "For a paper company, the obvious objective of pine management is to produce the largest volume of usable wood fibre per acre," wrote Henry Clepper in the August 1971 issue of *American Forests*, in describing the operations of International Paper Co., a timberland giant which owns 8 million acres in the United States and Canada—including 5 million acres in the South—and controls an additional 15 million acres under long-term lease from the Canadian government. "To attain this goal, foresters must control the site, which is to say the forest environment."

The *Louisiana Conservationist* in 1971 described how this is achieved. Under a headline, "Flourishing Forests Threaten Wildlife," this state publication noted: "When the stand reaches the desired stage of maturity the entire timber crop will be cut and the whole process repeated. To complete this cycle anywhere from 15 to 80 years may be required, depending upon the wood products desired. Already thousands of acres in blocks, ranging from 160 to well over 1,000 acres, have been stripped of existing timber, bulldozed, chopped, or burned clean, and then seeded or planted with pine. The small stream bottoms which have historically supported hardwoods are now the main targets. They provide a last and most critical retreat for game within the great sea of pine."

The industry's design to transform the rural South into a man-dominated forest, or massive pine factory, is embodied in a highly publicized campaign called "The Third Forest." According to the industry's report, titled *The South's Third Forest—How It Can Meet Future Needs*, there are now 24 billion cubic feet of "cull' trees—unwanted hardwoods—which take space needed for "better" trees. The removal of cull trees in order to provide for future growing stock would constitute the bulk of timber stand improvement on no less than 90 million acres. Dr. George Cornwell, professor of wildlife ecology at the University of Florida, commented on this proposal as follows:

"As wildlife habitat, cull trees usually mean food (mast) and housing (den and nest). In terms of natural beauty, most culls would be more highly valued by the forest recreationist than the 'better' trees planted in their places. Imagine my disappointment on learning that, after several decades of wildlife managers' pleading with forest managers to retain these den, nest, and mast producing trees for wildlife use, a major Southern forest policy plan would call for their removal throughout the Third Forest. This approach to the cull tree is symptomatic of the recommended silvicultural practices in the South's Third Forest and would appear to reflect a nearly total contempt for non-timber values."

Until the upsurge of recent years, clearcutting had been accepted as a silvicultural practice only in certain short-lived forest types which reproduce easily, such as aspen, jack pine, lodgepole pine, and some southern pines. But it always had been applied in small patches, so that surrounding trees deterred hot, dry winds from desiccating the forest soil, and were close enough to supply the openings with seed for regeneration while providing shade cover for young seedlings. The more prevalent system of silviculture was selective logging, or "selection-cutting." Essentially, this system is designed to follow and fit into nature's pattern of growth, maturity, and decline by selecting individual trees, or very small groups of trees, in order to favor species tolerant of shade, or larger groups up to quarter-acre clearings to favor species intolerant of shade.

With the advent of large machinery, however, clearcutting became a habit. It bagan in the Pacific Northwest, on the basis of assertions that Douglas fir, the most profitable—and hence most desirable—species, reproduces only in full sunlight. Since then clearcutting has spread to cover nearly all forest types.

ECONOMICS AND ECOLOGY IN BALANCE

What alternatives are there to clearcutting? Dr. Leon Minckler, professor of forestry at Syracuse University, who spent twenty years on research for the Forest Service, insists that clearcutting is not the way to go, that Eastern hardwood trees do regenerate better through other techniques. Other forest technicians, are now challenging the idea that Douglas fir must be cut in large blocks, In an article in the *Journal of Forestry* for January 1972 Dr. Minckler wrote:

"For integrated uses (such as timber, wildlife, watershed, recreation, and esthetics), management should aim toward maximum diversity and minimum damage to the environment. This can be accomplished by single tree selection, group selection, small patch cutting of a few acres, or a combination of these. Clearcutting, on the other hand, tends to minimize diversity and makes it almost impossible to avoid damage to the site, to streams, and to esthetic qualities. Most of all, it eliminates the forested character of a particular area for a long time. Ecologically it is a major disturbance. When harvesting mature stands, clearcutting is a cheap and effective way of extracting timber, but the sacrifice of other values may be a poor trade-off for cheap timber harvesting. In immature or partially matured stands, clearcutting may not even be the cheapest way of harvesting timber."

According to Gordon Robinson, a veteran California forester and consultant to the Sierra Club, good forestry consists of growing timber on long rotations, generally from 100 to 200 years, depending on the species and quality of the soil, but invariably allowing trees to reach full maturity before being cut. "It is not enough to have orderly fields of young trees varying in age from patch to patch," he declares. "In looking at a well-managed forest one will observe that the land is growing all the timber it can and that most of the growth consists of high-quality, highly valuable material in the lower portions of large older trees. It will be evident that no erosion is taking place."

In short, while the corporate forester or timberman may insist that trees can be harvested and cultivated like any farm crop. in a genuine balanced-use forest immediate values must be integrated with long-range protection of soil, water, wildlife, wilderness, and scenery, and with assurances that harvested areas will grow more trees for future timber needs.

Business has a natural and understandable tendency to stress economics rather than ecology when thinking about resources. But land is an integral part of all life, and its resources remain part of the environment. In dealing with them, business needs to blend ecology and economics in its thinking. No landowner, large or small, should be able to control land use entirely for his own benefit without regard for what his actions do to others. Ownership is a trust which must be exercised in the interest of all—and one of the prime ingredients of that interest is the quality of the environment.

Dealing as we do with a complex earth mechanism which we only partially understand, we should be as cautious as possible in tampering with natural forces. Clearcutting has been subject to so many challenges and criticisms, and may do such serious long-range damage to soils and streams of the nation, that it needs to be curbed at once and restricted to experimental uses only, until answers are fully known.

Certainly any system of conservation based solely on commodity production or economic self-interest is hopelessly lopsided. It tends to ignore, and thus to eliminate, elements in the life-community of the land that lack commercial value, but which are essential to its well-being; if the land mechanism as a whole is good, then every part is good, whether we understand it or not. Perhaps the first rule to guide those who use and administer the land should be that economic parts of the biotic clock will not function without the uneconomic parts. Once that rule is learned and applied, then and only then can we sustain healthy, productive forests for the long-term future.

GIFTS OF PRESIDENTIAL LETTERS AND DOCUMENTS

Mr. CURTIS. Mr. President, in recent weeks we have heard a great deal about the practice of giving away papers and documents to the U.S. Government. Questions have been raised and it is important that we have all the information available.

Equality before the law is a principle that needs no defense. If we are to draw any conclusions in reference to the tax treatment of a taxpayer by reason of the gifts of paper and documents we should look at the whole picture. We should ascertain how all others in a similar circumstance are treated. One way to judge accuracy of appraisals and evaluation of gifts is to examine all similar gifts. I hope this will be done.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that I have received from the National Archives and a letter from the same agency to our former colleague, Mr. John Williams, of Delaware, and some attached material.

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

NATIONAL ARCHIVES AND
RECORDS SERVICE,
Washington, D.C., December 17, 1973.

Hon. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CURTIS: Enclosed is a copy of our letter to former Senator John J. Williams, dated December 7, 1973, together with the lists which accompanied that letter.

If we can be of further service, please do not hesitate to call on us.

Sincerely,

JAMES E. O'NEILL,
Deputy Archivist of the United States.

DECEMBER 7, 1973.

Hon. JOHN J. WILLIAMS,
Hillsboro, Del.

DEAR SENATOR WILLIAMS: Thank you for your letter of November 21, 1973, asking about personal papers that have been donated to the United States Government during the past ten years.

The National Archives is authorized to accept gifts of personal papers as are some other Government agencies or depositories, among them, the Library of Congress, the Department of State, the Office of Naval History, the U.S. Military Academy, and the U.S. Army Military History Research Collection, Carlisle Barracks, Pennsylvania. However, the National Archives has no records of personal papers donated to such other institutions.

The bulk of personal papers donated to the National Archives and Records Service are those donated by a President, his friends, and associates and preserved in a Presidential library. The General Services Administration now administers six Presidential libraries with combined holdings of over 100 million manuscript pages. In order to give you the information you request, we have asked the individual libraries to list the collections of papers given or bequeathed to them over the past ten years. Their lists are enclosed.

Papers donated to Presidential libraries are opened for research as soon as possible. Restrictions relating to national security may be removed only in accordance with law or Executive order. Restrictions imposed in writing by the donor, according to the law governing such donations (44 USC 2108), must be respected for the period stated, or until revoked or terminated by the donor or a person legally qualified to act in his behalf. In spite of these factors, significant portions of papers in Presidential libraries have been made available for research within six years after the acquisition of the papers. This is in marked contrast to the rate of access afforded the papers of many earlier Presidents. The Adams papers, now in the Massachusetts Historical Society, were closed to the public until 1955. The papers of Abraham Lincoln, as stipulated by Robert Todd Lincoln when he deposited them in the Library of Congress, were closed to research until 1947.

While it is impossible to specify the exact restrictions on donated papers except with reference to each individual deed of gift, it is possible to generalize about the categories of materials that typically are closed. A list of these is enclosed.

The National Archives is not authorized by law to place a monetary evaluation on papers in private hands and does not do so. Appraisals of the documents, if donors have such appraisals made, are not reported to the National Archives.

We hope the information we have given will be of help to you in evaluating the effect of the amendment you sponsored to the Tax Reform Act of 1969.

Sincerely,

JAMES E. O'NEILL,
Acting Archivist of the United States.

[November 1963–November 1973]

DONATIONS OF PERSONAL PAPERS TO PRESIDENTIAL LIBRARIES

HERBERT HOOVER LIBRARY

Year of gift or bequest and collection

1963.
1964.
1965—Akerson, George Edward, Jr.; Belgian American Educational Foundation, Inc.; Durand, Edward Dana; and Tansill, Charles Callan.
1966 Adair, Fred Lyman; Milbank, Katharine; and Stratton, Maud (Mrs. Charles).
1967—MacNider, Hanford; Mollenhoff, Clark; Morley, Felix M.; Nye, Gerald Prentice; Rickard, Edgar; Trohan, Walter; and Tuck, William Hallam.
1968—Grady, Paul Franklin; MacChesney, Nathan William; MacLafferty, James H.; Shafroth, John Franklin; and Wilson, Hugh Robert.
May 28, 1969—Nash, Bradley DeLamater.
1970—Castle, William Richards, Jr., and Richey, Lawrence.
1971—Marshall, Verne and Wallace, Lawrence Wilkerson.
1972—Croxton, Frederick C.; Davis, Roy Tasco; Hastings, George A.; and MacNeil, Neil.
1973—Sorely, Colonel Lewis and Wood, Robert E.

FRANKLIN D. ROOSEVELT LIBRARY

Year of gift or bequest and collection

1963—Field, Henry; Roosevelt, Anna Eleanor; and Smith, Hilda.
1964—Tugwell, Rexford G.; Olds, Leland; Lubin, Isador; Hackett, John & Henry T.; and Delano, Frederic A.
1965—Brubaker, Howard; Fahy, Charles; Gaston, Herbert; and Mauhs, Sharon J.
1966—O'Connor, Basil; Davis, Jerome; Brant, Irving; Blum, John Morton; and Carmody, John M.
1967—Wiley, John Cooper; Spingarn, Stephen J.; Shepardson, Whitney Hart; Delano family; and Cox, Oscar.
1968—Odegard, Peter H.; and Rosenman, Samuel I.
July 7, 1969—Early, Stephen T.
Dec. 20, 1969—Fahey, John H.
1970—Jackson, Gardner.
1971—Corrigan, Francis; Dimock, Marshall E.; Morgenthau, Henry M., Jr.; and Thomas, Elbert D.
1972.
1973.

HARRY S. TRUMAN LIBRARY

Year of gift or bequest and collection

1963—Webb, James E.; Lloyd, David D.; and Mitchell, Stephen A.
1964—Wolfshon, Joel D.; Rigdon, William M.; Webb, James E.; Springarn, Stephen J.; Heslep, Charter; Block, Ralph; Calvin, Michael J.; Kenney, W. John; Vaughan, Harry H.; Knudson, James K., Koehler, John T.; Helsep, Charter; and Campbell, Wallace J.
1965—Snyder, John W.; Clayton, William L.; Garwood, Ellen Clayton; Webb, James E.; Wolfsohn, Joel D.; Evans, Tom L.; Blaisdell, Thomas C., Jr.; and Adams, Lina D.
1966—Minton, Sherman; Enarson, Harold L.; Colm, Gerhard; Rice, Stuart A.; Hassett, William D.; Matthews, Francis P.; Brophy, William A.; and Webb, James E.
1967—Wear, Sam M.; Nourse, Edwin G.; Cowen, Myron M.; Dixon, Stephen J.; Keeley, Mary Paxton; Smith, Harold D.; Baldridge, Holmes; Clifford, Clark M.; Neustadt, Richard E.; Halverson, H. H.; Brophy, William A.; and Mason, Lowell B.
1968—Vanech, A. Devitt; Easley, Harry; Johnson, Herschel V.; Murphy, Charles S.; Hildreth, Melvin D.; Matthews, Francis P.; Arnold, Edwin G.; Aylward, James P.; Roberts, Willa Mae; and Webb, James E.
Feb. 27, 1969—Lamont, Lansing.
Mar. 16, 1969—Evans, Tom L.
Apr. 1, 1969—Webb, James E.
June 1, 1969— Dunlap, John B.; Anslinger, Harry J.; and Rosenman, Samuel L.
July 3, 1969—Miller, Edward G., Jr.
July 16, 1969—Tate, Jack B.
July 21, 1969—Maher, Sister Patrick Ellen.
July 23, 1969—Turner, Robert C.
Sept. 27, 1969—Edminster, Lynn R.
Nov. 15 ,1969—Kaiser, Philip M.
1970—Snyder, John W.; Wolfsohn, Joel D.; Nash, Philleo; Noland, Mary Ethel; Goodwin, Robert; Boyle, William M., Jr.; Waring, Frank A.; and Salant, Walter S.
1971—Daniels, Jonathan; Grady, Henry F.; Snyder, John W.; and Kimball, Dan A.
1972—Alison, John R.; Mitchell, Stephen A.; Messall, Victor R.; Dennison, Robert L.; Walsh, Jerome A.; Snyder, John W.; Decker, Clarence R.; Snyder, John W.; Harl, Maple T.; Belsley, G. Lyle; Bennett, Henry G.; Allen, George V.; Maxwell, Robert W.; Finletter, Thomas K.; Katz, Milton; McGuire, Charles H.; Fahy, Charles H.; Robinson, Harold G.; Andrews, Mark; and Truman, Harry S.
1973—Radius, Walter A.; Bellows, Everett H.; Doty, Dale E.; Gladieus, Bernard L.; McGohey, John F. X.; Long, Westray Battle; Frantz, Henry W.; Bunce, W. Kenneth; Brooks, Philip C.; Taylor, George W.; Flynt, Rudolph C. M.; McCahill, William P.; Erskine, Graves P.; McKee, John L.; Laughlin, Anne; Webb, James E.; Horne, Roman L.; Will, Ralph R.; O'Gara, John E.; Acheson, Dean; Fox, Abijah V.; Iverson, Kenneth R.; Reiff, Henry; Hovde, Bryan J.; and Mara, Cornelius J.

DWIGHT D. EISENHOWER LIBRARY

Year of gift or bequest and collection

1964—Bragdon, John Stewart; McElroy, Neil H.; and Rogers, William P.
1965—Burns, Arthur F. and Finucane, Charles C.
1966—Eisenhower, Mamie Doud.
1967—Lovelace, Delos W.
1968—Morrow, E. Frederic and Morrow, E. Frederic.
March 10, 1969—Schaefer, J. Earl.
April 30, 1969—Aurand, Henry S.
June 9, 1969—Clark, A. Dayton.
June 18, 1969—Paul, Willard S.
June 23, 1969—Bacon, Edward A.
June 27, 1969—Dwight D. Eisenhower.
July 9, 1969—Mueller, Frederick H.
July 31, 1969—Burcher, Harry C.
Aug. 11, 1969—Else, John Hubert.
Aug. 12, 1969—Outerbirdge, William W.
Aug. 14, 1969—Hobbs, Leland.
Aug. 15, 1969—Davis, Thomas Jefferson.
Aug. 21, 1969—Mitchell, James P.
Aug. 25, 1969—Buenning, Arvel E.
Sept., 196[illegible]—Parks, Floyd L.
Sept. 19, 1969—Bennett, Elmer F.
Oct. 4, 1969—Newbury, Frank D.
Oct. 14, 1969—Larkin, Thomas B.
Oct. 20, 1969—Schulz, Robert L.
Oct. 29, 1969—Waugh, Samuel C.
Nov. 1, 1969—Huebner, Clarence R.
Nov. 5, 1969—Adkins, Bertha S.
Nov. 26, 1969—Hobby, Oveta Culp.
Dec. 16, 1969—Hodges, Courtney Hicks.
1970—Anderson, Jack Z.; Areeda, Phillip E.; Beach, Edward L.; Benedict, Stephen: Brereton, Lewis H.; Bulkeley, John D.; Burgess, W. Randolph; Dulles, Eleanor Lansing; Finer, Leonard V.; Hamlin, John; Hazeltine, Charles B.; Hodgson, Paul A.; Lee, William Lecel; Parker, Edlow G.; Pusey, Merlo J.; Quesada, Elwood R.; Reinhardt, Emil F.;

Walsh, John J.; Wheaton, Anne Williams; Fox, Frederic E. Furnas, Clifford C. Glennan, T. Keith; and Hagerty, James C.

1971—Hughes, Rowland R.; Baughman, Urbanus E.; Brainard, Charles L.; Jackson, C. D.; Baughman, Urbanus E.; McKeough, Pearlie and Michael J.; Quarles, Donald A.; Robinson, William E.; Saylor, Henry B.; Snyder, Howard McCrum; and Young, Howard.

1972—Berg, Aaron; Bortman, Mark; Ginder, Philip De Witt; Hibbs, Ben; McDuff, Robert J.; Moaney, John A., Jr.; Summerfield, Arthur E.; and Lord, Mary Pillsbury.

1973—Hall, Leonard W.; Lambie, James M., Jr.; McCardle, Carl W.; and Woodruff, Roscoe B.

JOHN F. KENNEDY LIBRARY

Year of gift or request and collection

1963.

1964—Freeman, Orville L.; Hays, Brooks; Hilsman, Roger; Wiesner, Jerome B.; and M. Schlesinger, Arthur, Jr.

1965—Dillon, Douglas; Schlesinger, Arthur M., Jr.; White, Theodore H.; and Kennedy, John F.

1966—White, Theodore H. and Galbraith, John K.

1967.

1968—Schlesinger, Arthur M., Jr. and Sorensen, Theodore C.

1969, Jan. 28—Fowler, Henry H.

1969, Mar. 26—Thomson, James C.

1969, Apr. 7—Batt, William L.

1969, May 19—Henderson, Douglas.

1969, Dec. 10—White, Theodore H.

1969, Dec. 18—Schlesinger, Arthur M., Jr.

1969, Dec. 23—Sorensen, Theodore C.

1970.

1971—Marshall, Burke, Poulada, Leon B., Gilpatric, Roswell.

1972—Sprecher, Drexel, Warburg, James P., Gwirtzman, Milton & Vanden Heuvel, William J., Fay, Paul B., Jr., Smith, Frank E., Johnston, Thomas, Bennett, James V.

1973—McShane, James P.; Knapp, Daniel; Key, Mrs. V. O.; Tucker, William H.; Munden, Kenneth W.; Heller, Walter W.; Fay, Paul B., Jr.; Perlman, Robert; and Gifford, K. Dun.

LYNDON BAINES JOHNSON LIBRARY

Year of gift or bequest and collection

1965—Johnson, Lyndon Baines.

1966—Johnson, Lyndon Baines.

1967—Johnson, Lyndon Baines.

1968—Anthony, Robert N.; Baker, John Austin; Brooks, Robert A.; Enthoven, Alain C.; Freeman, Orville L.; Halperin, Samuel; Kelly, James F.; McMillan, William M.; Moore, J. Cordell; Nicholson, Ralph W.; Packer, Leo S.; Pickle, J. J.; Roberts, Ray; Simpson, Donald F.; Turner, Donald F.; Wattenberg, Ben J.; Welsh, Edward C.; Williams, Franklin H.; and Johnson, Lyndon Baines.

Jan. 3, 1969—Brownstein, Philip N.

Jan. 8, 1969—Nielsen, Thomas H.

Jan. 17, 1969—Sanders, Harold Barefoot, Jr.

Jan. 18, 1969—Marks, Leonard H.

Jan. 21, 1969—Hornig, Donald F.

Jan. 24, 1969—Murphy, Richard J.

Jan. 26, 1969—Oliver, Covey T.

Jan. 27, 1969—Harding, Bertrand M.

Jan. 28, 1969—Fowler, Henry H.

Feb. 12, 1969—Beebe, Leo C.

Feb. 24, 1969—Flax, Alexander H.

Feb. 27, 1969—Roth, William M.

Mar. 13, 1969—Bowsher, Charles A.

Mar. 28, 1969—McLean, William Hunter

Apr. 25, 1969—Nixon, L.A.

May 20, 1969—Cain, Dr. James C.

June 24, 1969—Rowley, James J.

July 15, 1969—Davis, Ross D.

July 22, 1969—Ryan, Robert J.

Aug. 4, 1969—McNamara, Robert S.

Aug. 6, 1969—Davis, Ross D., and Fitt, Alfred B.

Sept. 19, 1969—Hutchinson, Everett

Oct. 31, 1969—Christoper, Warren

Dec. 22, 1969—Poats, Rutherford M.

Dec. 22, 1969—Rusk, Dean

Mar. 14, 1969—Skinner, Elliott P.

Jan. 13, 1969—Solomon, Anthony M.

1970—Johnson, Lyndon Baines; Marks, Leonard, Jr.; O'Marra, John L.; Perry, Arthur C.; Re, Edward D.; Roth, C. Fenner; Rusk, Dean; Skelton, Byron; and Stewart, William H.

1971—Marsh, Charles E.

1972.

1973—Clark, Ramsey and Johnson, Lyndon Baines.

RICHARD M. NIXON LIBRARY

Year of gift and collection

1968—Nixon, Richard M.

March 27, 1969—Nixon, Richard M.

1972—Chotiner, Murray.

1973—Sanchez, Phillip Y.; Marrs, Theodore C.; and Parry, Thomas L.

PRESIDENTIAL LIBRARIES—TYPICAL CATEGORIES OF CLOSED MATERIALS

1. Material relating to the personal, family, and confidential business affairs of the donor or of persons who have had correspondence with him.

2. Material relating to investigations of individuals and organizations, to proposed appointments to office, or to other personnel matters.

3. Material containing statements made by or to the Donor in confidence, unless in the judgment of the Archivist of the United States the reason for the confidentiality no longer exists.

4. All other material which contains information or statements that might be used to embarrass, damage, injure, or harass any living person.

5. Material containing statements or information the divulgence of which might prejudice the conduct of foreign relations of the United States of America.

6. Materials which are security-classified pursuant to law or Executive order, or which contain information the public release of which would adversely affect the security of the United States of America.

FEDERAL PRISONS

Mr. BURDICK. Mr. President, some of the recent efforts of the U.S. Bureau of Prisons to implement its statutory authorization to provide for the care, custody, and treatment of Federal prisoners have been questioned by interested citizens. This is an area of human behavior which is full of unknowns, and we must move with considerable care in implementing steps which seek to solve the riddle which crime presents to our society.

The Subcommittee on National Penitentiaries has a deep interest in these matters. It is simply not acceptable to only warehouse offenders; we must be concerned about their future behavior. If treatment programs, however, are attacked without presentation of practical alternatives, the problem becomes more difficult.

I was gratified to see a series of articles in the Washington Post concerning two such efforts, Project Start at Springfield, Mo., and the new institution under construction at Butner, N.C. By reading these two articles, one can see not only the criticisms which have been leveled by some, but also the realities of these programs in the words of both staff and inmates. The reporter, Mr. William Claiborne, has a knowledge of some of the problems which prisons face today.

I believe they are worthy of your attention, and ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post, Dec. 16, 1973]

BATTLE OF WILLS IN U.S. PRISON

(By William Claiborne)

SPRINGFIELD, MO.—In a solitary confinement cell behind two locked corridor grills in a remote wing of the Medical Center for Federal Prisoners here, Forest G. is engaged in a desperate struggle of wills with the U.S. Bureau of Prisons.

For Forest G., a 34-year-old convicted bank robber serving 15 years, solitary confinement has become a way of life. He has been sitting alone in what amounts to a walk-in closet for more than eight months, and in all likelihood he will remain there at least until next February.

From Forest's point of view, what is at stake in the struggle is his pride and his right to control his own behavior, even if it is regarded by others as belligerent and recalcitrant.

From the prison authorities' point of view, what is at stake is the right of the state to promote change in the behavior of the most hardened inmate, even if the only alternative is to let the inmate vegetate indefinitely in a maximum security incarceration.

The struggle will ultimately be resolved in a U.S. District Court in Kansas City, but for now the drama is being painfully acted out at the massive 40-year-old prison hospital here, which is incongruously located on Sunshine Street, on the outskirts of town.

At issue in the court test brought by a group of inmates and supported by the American Civil Liberties Union is a year-old behavior modification program called Start, an acronym for special treatment and rehabilitative training.

The controversy over Start has spread beyond Forest and the eight other prisoners currently enrolled in the experimental program, reaching out to many of the federal prison system's 22,500 inmates and beyond to the hundreds of penal reform groups around the country.

It has generated more bitterness and misunderstanding, some prison officials say, than any other rehabilitative program the U.S. Bureau of Prisons has undertaken. Whether or not the program will be dismantled by court order, as the inmates are seeking, will likely influence any new ventures in behavior modification the bureau may take.

Start is based on a deceptively simple system of programmed rewards in which a prisoner begins a fixed term at the most severe level of incarceration and then "earns" some freedom of movement and a few privileges by adapting to various rules of behavior.

During a minimum of 7½ months and a maximum of a year, the inmate can move through eight different levels of confinement, depending on his willingness to adapt to rules.

The first level is round-the-clock "deadlock in which the inmate is allowed out of his cell two hours a week for exercise and twice for showers. The rest of the day he sits in a tile-walled room approximately 6-by-10 feet behind a steel door with a small window.

If the inmate goes 20 days with out a "bad day," he moves to the second level, at which he is allowed to work three hours a day, eat meals out of his cell and have 1½ hours of recreation a day.

Gradually, the inmate is allowed more privileges, is allowed to earn money in an adjacent factory six hours daily and begins to have sentence time off for good behavior restored.

In 7½ months, he is "graduated" from the program and is returned to the general population of the penitentiary that referred him to Start in the first place.

If the inmate rebels, refuses to follow rules or becomes verbally abusive to staff members, he is returned to the solitary confinement level for a designated period. If he refuses to participate, he remains in solitary for a year, and is then returned to a segregation unit of his home institution.

Forest G. was in the "hole" (segregation unit) at the Levenworth Penitentiary for two years when he was notified that he was to be sent to Springfield's START program.

Forest said he had heard stories about "brainwashing" techniques used at Springfield, and even rumors about psychosurgery experiments and massive use of tranquilizing drugs.

"I told the warden that if he sent me, I wouldn't participate in any behavior modification," Forest G. said in an interview. "He said that if I didn't participate, they'd just send me back in a year, and so I said, 'Well, why bother sending me.'"

Forest did briefly participate in the program, earning points to good behavior. Then, he said, he saw several other inmates being beaten by guards during a disurbance in the tier opposite his cell, and he decided to lay down and finish his year in solitary.

"After you look at it a while, all this is a hole with a factory, and somebody calling it behavior modification. There's nobody here who's going to modify me," said Forest.

Asked if he had considered faking a change in his behavior long enough to earn privileges and graduate from the program, Forest replied, "It wouldn't be no act, it would be for real. They're trying to get a program going smoothly by bribing guys. If you are playing a game on them, you are playing it on yourself, because they want you modified, and they don't care what makes you do it.

"They're treating me like a kid, like they're saying, 'If you don't cut the grass, you can't go to the movie,'" Forest said. "I'm refusing to let them impose their will on me. It's a matter of pride and principle, when you know that the guy you are dealing with is not fair."

According to Dr. Pasquale Ciccone, director of the Medical Center, the 22 inmates who have been admitted to the Start program since September, 1972, are representative of 1 percent of the total prison population.

They are, according to Ciccone, aggressive, manipulative of others and suffer "characteriological disorders." "They have tough guy reputations. They are known throughout the system, and they have reputations they want to keep," said Ciccone.

To Ciccone and Dr. Albert F. Scheckenbach, a young psychologist who is professional consultant to the program, Start is a "prerehabilitation" program, and does not pretend to make an inmate ready for society.

"All we're concerned about is getting a man back into the general prison population so he can start to avail himself of rehabilitation," said Ciccone.

The first 20 inmates admitted to Start spent an average of 49 per cent of their institutional time in segregation status, had an average of five institutional transfers and an average of 21 disciplinary reports and all had been physically and verbally abusive toward guards, according to bureau officials.

Scheckenback bristles at allegations by penal reform groups that brainwashing techniques and massive drug doses were being used in Start, saying that only once an injection of Thorazine, a tranquilizer, was used to sedate a highly disturbed inmate.

"If it's brainwashing we're doing, it's as much as they do in schools every day. We're saying, 'If you respond like a man, we'll treat you like a man. If you act like a child, we'll treat you like one,'" said Scheckenbach.

Jesse B., 29, who is doing nearly 30 years for kidnaping, and Herman V., 29, who is serving 20 years for bank robbery are participating in the Start program, but they are not looking forward to graduating to the general prison population.

Each of them thinks he will be singled out for retribution by other inmates just because of the stigma of having been associated with a program that is rated and feared throughout the prison system.

Jesse said he faces the prospect of being assaulted, or even murdered, if he attempts to explain his participation in the program. Even if he sat out his year in the first level and successfully "bucked" behavior modification, Jesse said, he would be looked upon with suspicion by his fellow inmates at the federal prison in Atlanta.

"They don't know whether or not you've got a string of dead people from here to Texas or not. They think you're a collaborator. I'm going to go back to Atlanta and go to the hole to avoid being stuck by someone.

"Convicts think if you work here, you are collaborating. This is the way convicts think. The cops have created a monster here, and I'm going to pay for it," Jesse added.

The penultimate irony of Start is that the fear of retaliation expressed by Jesse, Herman and several other inmates interviewed is based on widespread hatred for the program that was generated originally from the Start cellblock itself.

The Start inmates sent out a stream of correspondence to prison reformers on the outside, and what followed, according to the inmates, was a distorted view of the program in which participants necessarily must yield to insidious brainwashing, and therefore are "lackeys" of the authorities.

Scheckenbach feels the apprehension may stem more from the transition from long periods of isolation to the general population than from a real danger.

"I'm not going to say there is no danger, but a guy who has been locked up in a single room for several years, he's got to be apprehensive. It's a strange world to them. It's like a brand new admission to a federal prison," Sheckenbach said.

Of the 22 admissions to Start so far, only two have graduated to open population, and neither has been harmed, he said.

Of the remainder, two were adjudged psychotic and sent to a mental ward, two finished their sentence and were released, and four were removed from the program early either because they were too disruptive or because they needed protective custody for having turned state's evidence.

Scheckenbach said he opposed allowing inmates to return to segregated status after graduation from Start because it would defeat the purpose of the program. "If we started doing that, we might as well fold up," he said.

Robert Y., a 24-year-old former Golden Gloves boxing champion from Knoxville, Tenn., serving 15 years for kidnaping, was one of the first Start inmates, and he resisted the system as much as anyone.

He swore at guards, refused to shave and went on a food strike, largely, he said, because of the involuntary nature of the program. Now he is a graduate of the program and in the open population at Springfield.

"Start's got a reputation," Robert said. "I've read a lot of things about it, and I even contributed to those articles and I blew things out of proportion and exaggerated the faults.

"But Start's got a lot of merit to it . . . I see it like a church or a book, and if a guy wants to refer to it as a mechanism for change, he should. Either consciously or unconsciously, he is going to change if he goes to Start and he is sincere," Robert said.

"I established a new image of myself since Start. I want out of this rat race because I'm sick and tired of it," said Robert, who is nearing parole eligibility.

"This means more to me than tearing up a damn cell. The way I used to act, it was a strategy, and it didn't work, so I decided to do somethnig with my life," he added. "Maybe I'm wrong. Maybe years from now I'll realize I used the wrong tactic, and I've been supporting the system, but I don't think so."

Robert said that if he is paroled, he wants to return to Knoxville and work with young offenders and, later, go to college.

The morning after Robert Y. was interviewed, two inmates in Start approached a reporter and said they had heard about the interview.

"Don't use anything he told you," said one. "He's a liar for the administration, and you can't believe anything he said."

For his part, Scheckenbach believes that the $18 per day cost of keeping one inmate in Start is worth the expense, even if only a small number of the admissions succeed.

"We've sent two guys to open population, and three more are headed there. Within six months, possibly, six more people will graduate," he said. Then, referring to Robert Y., Scheckenbach added, "It's worth it just getting him out of doing dead time in segregation."

[From the Washington Post, Dec. 17, 1973]

NEW PRISON STIRS EXPERIMENT FEARS

Remember the names of such federal torturers as Commandant Norman Carlson and Martin Groder . . . A gruesome picture begins to emerge of a federal prison bureaucracy carefully and insanely putting together a program . . . for the sake of experimenting on human guinea pigs, searching for a method to crush the spirit of people."—Prisoners' Digest International, April, 1973.

(By William Claiborne)

Perhaps no issue in the 43-year history of the U.S. Bureau of Prisons has been as emotionally charged as the controversy over the half-completed behavioral research center that is rising out of a mudflats in Butner, N.C.

More than half a year before its scheduled opening date, the U.S. government's newest prison has already been condemned by many of the nation's 22,500 federal inmates. Activists have vowed to kill the project, either by sit-down or hunger strikes or, if necessary, by violent rebellion.

Outside the walls, penal reform groups are waging a lobbying campaign, hoping to convince Congress that it made a $13.5 million mistake by authorizing the Butner experiment.

Alluding darkly to Orwellian brainwashing techniques and forced lobotomies, the United Church of Christ's commission for racial justice has warned that "Prisoners will be chosen and shipped from around the country to Butner, N.C., to be experimented on—many will never be heard from again."

In a mass-mailing letter, Dr. Charles E. Cobb, the commission's executive director, predicted, "The use of drugs, brainwashing and hypnosis as evidenced in the movie 'Clockwork Orange' will be used on uncontrollable prisoners to develop methods to control other uncontrollables—inmates and non-inmates."

According to the grapevine at the federal penitentiary at Marion, Ill., two prisoners there committed suicide after being notified that they were to be sent to Butner.

"They chose death rather than to suffer the horror that was being perpetuated against them," a Marion inmate wrote in a letter to a newspaper.

The object of all this hyperbole is the new Federal Center for Correctional Research, a

43-acre campus like facility that will open its doors sometime next summer as a proving ground for new rehabilitation programs. It will be a medium-security prison featuring a double fence and underground perimeter sensing devices to thwart escapes.

Eighteen months ago, the center's name was changed from the U.S. Behavioral Research Center—a superficial alteration that may have been made too late to spare the Butner facility a troubled beginning.

According to Dr. Martin Groder, the 34-year-old psychiatrist who has been named warden of the Butner prison, the prototype designation may have helped to conjure the most extreme fears of behavior modification—psychosurgery, electroshock, massive drug doses, adversive conditioning and sensory deprivation.

Some of these techniques were dramatized in "Clockwork Orange," the Anthony Burgess novel about a youth who delighted in violence and sexual perversion and was subjected to extreme behavior modification to the point where he was conditioned to vomit whenever he thought about deviate behavior.

Similar treatment is being used in a volunteer program at the Connecticut State Prison at Somers, where child molesters lie on a couch and view slides of nude children and adult females. Every slide of a nude child is accompanied by a painful electric shock to the inmate's groin, but there are no shocks when slides of nude women appear.

Dr. Dominic Morino, chief of mental hygiene, said the therapy produces feelings of anxiety whenever the inmate thinks of a child as a sexual object. Twelve of the 70 convicted child molesters at Somers have gone through the program, which began six months ago, Morino said.

"It gets very tiresome saying that we aren't going to do that kind of thing," Gorder said in an interview.

The rumors about Butner, Groder asserted, have been stoked by "some people who know better and some who don't know any better." Many of the most vituperative attacks on Butner, he said, are simply "flat out lies calculated for shock value."

As for the Marion penitentiary suicides, Groder denied they were connected with Butner. He said that his staff is not anywhere near ready to begin selecting inmates. In any case, he said, Butner will draw prisoners only from the bureau's eastern region, which leaves out Marion, Ill., and any other federal prison not within one day's drive of central North Carolina.

The same sort of perturbed response to the rumors was expressed by Groder's boss, Norman A. Carlson, director of the U.S. Bureau of Prisons.

FAR FROM TRUTH

"This kind of statement conjures up visions of Nazi concentration camps where humans were experimented upon and later exterminated. Nothing could be further from the truth," Carlson said in response to the United Church of Christ's allegations.

According to Groder, the purpose of Butner will be to test ideas for improving prison rehabilitation programs, some new and some which have been tried in a haphazard way at a number of federal and state institutions but never checked out in a controlled scientific way.

The facility will include the behavioral research section, which will house 200 inmates under medium security conditions, and a 140-bed mental hospital section, which will provide traditional psychiatric treatment to severely disturbed prisoners taken from the already overcrowded hospital wards of various U.S. prisons, Groder said.

The research section, which has attracted the suspicions of penal reformers, will test four rehabilitation programs simultaneously, each running for about two years before a new concept is substituted, Groder said.

Groder said he had tentatively decided to include in the four experiments a program he developed at Marion, called the "Asklepieion Society." It is a self-help program based on transactional analysis and the kind of group therapy (sometimes called "attack therapy) popularized by Synanon, the California drug rehabilitation program.

He also plans to include a more traditional "human resources development program" that emphasizes one-to-one instruction in educational skills, interpersonal relationships and physical fitness.

The remaining two test programs have not been chosen, Groder said, but in "shopping around" he was impressed with proposals stressing psycho-drama and training programs that capitalize on the kind of personality changes that occur when students of professional schools start to become deeply committed to their future professions.

The four experimental units, Groder said, will not include the START program that has become so controversial at the federal penitentiary at Springfield, Mo.

SYSTEM OF REWARDS

START (an acronym for special treatment and rehabilitative training) is a behavioral modification program for unmanageable inmates and is based on a system of rewards. Prisoners begin the program in solitary confinement.

Groder said that as many as 5,000 federal prisoners may be eligible for Butner, but that only those who are "invited" and give their written consent will be selected.

All will be males between 18 and 50 years and will be eligible for parole within 1½ to 3 years (to assure adequate follow-up studies). The program will exclude "special offenders" (members of organized crime and convicts with particular notoriety), inmates with previous major psychiatric illness and inmates with a low rating of expected recidivism.

Groder pledged that Butner will operate under a set of ethical guidelines, which he is now writing. They will include the "informed, written consent" criteria, plus some ethical standards adopted by the American Psychiatric Association.

Groder concedes that because of the pervasive fear of Butner that already exists in the federal prison system there "may be some recruiting problems."

But he said he expects many inmates will view Butner as an opportunity to break out of the continuous cycle of crime and punishment and "learn to become honest, productive citizens, which corrections is supposed to be all about."

The critics of Butner remain unconvinced by the vague assurances that have emanated from the headquarters of the U.S. Bureau of Prisons here.

The Prisoners' Coalition at Marion sent to the United Nations a treatise alleging that Groder's Asklepieion techniques is based on brainwashing methods adopted by the Chinese and North Koreans for use on American prisoners of war.

SECRET PLANS

In her best-selling book, "Kind and Usual Punishment," Jessica Mitford charged that secret plans drafted for Butner are, in effect, an extension of the chemotheropy and psychosurgery program that was carried out at Vacaville, the California prison hospital, before former inmates exposed what was going on.

The disclosure of psychosurgery at Vacaville was made last year during an investigation into a proposal by the California Corrections Department for an expanded program of brain surgery for inmates with abnormally aggressive behavior. The operations involved the mutilation of the amygdala—the section of the brain that controls social behavior.

Three inmates with a history of uncontrollable violence, apparently caused by brain damage, had portions of their brains destroyed by a relatively new and sophisticated technique known as stereotaxic surgery.

The technique was so unusual that part of the operating equipment, a metal head-holding device, had to be built by prison craftsmen.

"I don't know what was going on out at Vacaville, but we're not thinking in terms of anything remotely like that," said Groder, complaining that neither he nor his staff was ever questioned by Miss Mitford before publication of the book.

If Butner is a genuinely voluntary program, as Groder has pledged, then the ultimate arbiter of what goes on inside will be the prisoners themselves.

THE AUTOMOBILE EMISSION PROBLEM

Mr. TUNNEY. Mr. President, I have never been satisfied that the catalyst is the ultimate answer to our automobile emission problem; and the recent controversy that has surrounded this technology has increased my doubts about the safety of this device.

I have long advocated an immediate, intensive research and development program to develop an alternative to the internal combustion engine. It was to this end that I introduced the Automotive Research and Development Act which passed the Senate last week. This program authorizes grants of up to $140 million and Federal loan guarantees of up to $200 million to develop within 4 years an alternative engine that is clean, quiet, economical, energy-efficient, and safe. This is the only real hope for an adequate solution to our clean air and energy problems.

But, in the next 2 years, the catalyst is the only means Detroit has provided us with to clean up our air. There is no adequate alternative and it is for that reason I am voting for S. 2772 today.

However, I am deeply concerned that California, which will utilize the catalyst more extensively than any other area of the country, is not being adequately protected from possible adverse health effects.

The potential dangers of sulfate and noble metal emissions have been recognized. They must be fully determined without further delay; and every possible precaution must be taken to safeguard the public health. I urge the Congress to join me in demanding that EPA take strong action. I have received evidence that the Agency and other departments of the administration have been dragging their feet in acting to insure the adequate performance of emission control devices and the protection of the public health.

I have written to EPA Administrator, Russell Train, to ask what specific steps are being taken to institute protective measures and I ask unanimous consent that the text of my letter, together with the EPA internal memorandum which leads me to believe there have been unnecessary delays, to be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., December 14, 1973.

Hon. RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. TRAIN: The enclosed E.P.A. Internal memorandum has increased my concern about the danger of installing catalysts on our automobiles without first fully determining the effects of emissions of acid aerosols, suspended sulfates and noble metals. Earlier this year, Dr. Stanley Greenfield, E.P.A.'s Assistant Administrator for Research and Development, warned that their use might cause cancer and aggravate respiratory diseases. Then, in November, in testimony before the Senate Public Works Committee, you stated that "our scientists have concluded that * * * more than one model year of cars equipped with catalysts could result in ambient levels of sulfates reaching levels at which recent studies suggest there will be adverse health effects."

Since in endorsing the catalyst E.P.A. also recognized the need for further study of sulfate emissions, I feel it is incumbent upon the Agency to protect the public by minimizing the possible adverse health effects. You testified that one possible control measure might be to take the sulfur out of gasoline; and your assured the Senate Public Works Committee that E.P.A. would not only begin soliciting information on measures for controlling the sulfur content of gasoline, but would also encourage the petroleum industry voluntary to make available low sulfur fuels for 1975 model vehicles. So far as I have been able to ascertain, no action has yet been taken to commence this study of the desulfurization of gasoline.

And now the enclosed memorandum indicates that the use of certain fuel additives might present other dangers. I understand that there is serious concern within the scientific community that some additives could, due to their high sulfur and heavy metal content, increase the emission problems in catalyst-equipped cars. And, in addition, I have been informed by E.P.A. scientists that it is possible that high concentrations of sulfur or metallic components could cause premature deterioration of the catalyst, resulting in a reduction of emission control to pre-1970 levels and the imposition of yet another financial burden on the consumer who would be required to replace the device.

Under the Clean Air Act, E.P.A. was given the authority to require testing and registration of fuels and fuel additives in order to insure the adequate performance of emission control devices and the protection of the public health. Yet, after over two years of stalling by E.P.A. and other government agencies, the proposals for the Fuel and Fuel Additive Registration Regulations have still to be published. I find this delay inexplicable, irresponsible and inexcusable, especially in light of the serious questions that have been raised about the catalyst.

Obviously, immediate action is crucial and I would like to know: a) what specific steps are being taken to expedite the testing and registration of fuel and fuel additives; b) the progress of the fuel desulfurization program; and c) what additional testing of unregulated emissions is planned to assess the effects on the public health and welfare.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

ENVIRONMENTAL PROTECTION AGENCY,
Research Triangle Park, N.C., November 8, 1973.

Reply to Attn. of: Dr. F. Gordon Hueter, Director, Special Studies Staff.

Subject: Fuel and Fuel Additive Registration Regulations—No Room for Delay.

To: Director, NERC–RTP.

The proposed Fuel and Fuel Additive Registration regulations, pursuant to Section 211 of the 1970 Clean Air Act Amendments, were initially prepared by the Office of Fuel and Fuel Additive Registration, NERC–RTP, in the summer of 1971. The proposed regulations have been reviewed, rewritten, and reapproved within EPA a number of times since then. In May 1973, the Congress expressed concern that these proposed regulations had not been published as a notice of intended rulemaking. At that time, Mr. Fri, the then acting Administrator, assured Congressional leaders that the proposed regulations would be published "in the near future."

The attachment reflects the events since May 1973 regarding these proposed regulations. The proposal package went to OMB in mid-October. No action has been forthcoming from OMB regarding the status of the regulations even though the "Quality of Life Review" had been conducted with other affected Federal agencies prior to submission to OMB. The submission to OMB discusses all issues raised in the interagency review process, in detail, and reflects changes within the proposed regulations based upon these comments.

On November 6, 1973, Mr. Russell Train, the EPA Administrator, presented testimony to the Senate Public Works Committee regarding sulfate emissions from catalytic converters intended for use on most domestic 1975 and all 1976 domestic U.S. light-duty motor vehicles. Mr. Train's decision to permit the planned use of such catalysts was predicated upon the consideration that substantial reductions in sulfur levels in fuels for these vehicles may be required to assure the public health. Inherent in that decision is the need for EPA to insure that no fuel component or fuel additive be permitted in the fuel required for these devices that may have an adverse effect upon the performance of the devices in the hands of the consuming public.

Indeed, this is one of the specific intents of Section 211. Without registration regulations pursuant to this section, EPA will not be able to assure the adequate performance of catalytic devices and, thus, the protection to public health intended by the Act.

Vehicles equipped with catalytic devices will be sold in September 1974. Consistent with the time required to 1) publish the notice of intended rulemaking, 2) receive comments, 3) promulgate regulations, 4) receive and review registrations, and 5) require such testing as may be required before registration is permitted, there is simply no more room for delay.

REPLY TO CONGRESSMAN STAGGERS LETTER OF JUNE 22, 1973

The following outlines actions taken regarding proposed regulations pursuant to Section 211 of the '70 Amendments, Fuel and Fuel Additive Registration:

May 3, 1973—Mr. Fri and staff members met with Mr. Staggers and Mr. Rogers. Mr. Fri indicated that these regulations would be forthcoming in the near future.

May 4, 1973—Proposed regulations package, including briefing memo, were delivered to Headquarters by NERC–RTP. Briefing memo signed by Dr. Greenfield; package forwarded to Mr. Fri's office.

May 7–8, 1973—Proposed regulations reviewed by all Assistant Administrators. Comments returned to Dr. Greenfield.

May 18, 1973—NERC–RTP attended meeting with Dr. Greenfield and others from OAWP, OGC, and OPE. Revised briefing memo reviewed. Revisions based upon May 7–8 comments. Group required further revision in briefing memo.

May 24, 1973—Re-revised proposed regulations signed by Dr. Greenfield; forwarded to Mr. Fri's office.

June 4–8, 1972—OGC sought preamble rewrite necessitated by Federal Register requirements. Found in Marshall Miller's office. Unaccountably held for 2–3 weeks there.

June 19, 1973—Regulation package arrived at OPE.

June 20, 1973—OPE sent package to Mr. Sanson; OAWP for sign-off.

June 21, 1975—OPE received signed package back from OAWP.

July 5, 1973—OPE holding proposed regulation package awaiting receipt of additional copies from NERC–RTP (mailed 6–29–73).

The following are planned by OPE in the immediate future:

1. Send copies of proposed regulations to other affected agencies (DOT, HEW, etc.)
2. Send copy of proposed regulations to OMB.
3. Steps 1 and 2 will require a minimum of one month.
4. Obtain Administrator's sign-off after steps 1 and 2 are completed.
5. Forward to Federal Register.

It is reasonable to assume that the proposed regulations will be published in the Federal Register as a notice of proposed rulemaking no earlier than mid-September 1973. I would estimate the probable date to be November 1973.

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it has been 25 years since the United States led the international community in the drafting of the Genocide Convention. In the intervening years over 70 nations have ratified the treaty, including all our major allies. It remains a paradox, therefore, that we still have not ratified this treaty.

This treaty was one of a series of human rights documents of the last quarter century. These treaties seek to give the force of international law to several of the lofty ideals that were contained in the U.N. Universal Declaration on Human Rights.

This treaty in particular seeks to outlaw the crime of genocide. The term was coined in 1946, in the aftermath of World War II, as the world stood in revulsion at the near extermination of the Jewish population in Germany. Today, the concept refers to any attempt by physical or mental means to eliminate a particular national, ethnic, racial or religious group.

Any attempt to outlaw such a heinous action deserves our unreserved support. I urge my colleagues to join me in seeking ratification of this important human rights document during the next session.

ENERGY AND THE ENVIRONMENT

Mr. NELSON. Mr. President, many resource experts and environmentalists have been warning for many years that this Nation would face an energy crisis unless we began to rethink the ways that we use energy.

Presently, a large number of organizations that are partially responsible for the energy crisis are now trying to persuade the Congress to weaken many of the positive measures that we have passed during the last 3 years.

Last Friday's editorial in the Christian Science Monitor correctly points out that any panicked retreat, in the face of the current energy hysteria, from the environment in favor of energy for energy's sake would be shortsighted in the extreme.

It is critically important to note that the present energy emergency has and should continue to serve as a powerful impetus to develop alternatives both in power sources but also in consumption patterns.

We must maintain a careful balance between the needs of a highly technological society and the status of our environment.

Mr. President, I ask unanimous consent that the Christian Science Monitor editorial of December 14, 1973, be printed in the RECORD.

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

[From the Christian Science Monitor, Dec. 14, 1973]

ENERGY AND ENVIRONMENT

Fortunately the American environmental movement had made significant progress before the energy shortage struck. The suddenly dramatized need for new supplies of energy cannot override ratified environmental standards without legal process. The environment should benefit from the reduced consumption of energy which environmentalists were calling for well before it became an urgent matter of supply and demand.

So much for what's good. What's bad is a tendency to find soft spots—or create them—in the protection of the environment, for the sake of quick energy. One example is the alacrity with which Congress passed the Alaskan pipeline bill, as if all the previous environmental agonizing were not as important as it was. The pipeline's time had precipitously come, but construction and operation must be carried out with maximum environmental vigilance. The amount of oil to be gained would not be worth the kind of years-long, lingering destruction of coastal sealife that can be caused by oil spills, as a recent New Yorker magazine account devastatingly shows.

Now the impulse arises to relax environmental controls on strip-mining, shale-oil operations, offshore drilling, higher-sulfur coal and oil, and even water pollution. It is proposed that tighter auto-emissions standards be postponed—even while some motorists are said to be hiring "bootleg" mechanics to remove or disable the present emission devices. There is a temptation to move ahead on nuclear energy with lessened regard for the deep doubts about safety and environmental effects.

The public should insist that progress in improving radiation standards not be set back—though critics predict it will be—by President Nixon's recently reported decision to delimit the authority of the Environmental Protection Agency in favor of the Atomic Energy Commission.

Any panicked retreat from the environment in favor of energy would be shortsighted in the extreme. The energy crisis should rather be taken as an occasion for developing new enlightenment about the relationships between consumption and conservation, between using the earth's riches and preserving the earth itself. In such a "creative interplay between man and nature," to use a phrase from a recent Keep the Earth Beautiful meeting, the necessary "tradeoffs" can be carefully adjusted between obtaining energy and maintaining a world worth living in.

More than ever the policies of government and industry need the citizen's input. The best policy would be the cumulative effect of all citizens achieving a rational energy-environment outlook in their own lives.

WORLD FOOD CONCERNS

Mr. McGOVERN. Mr. President, the Food and Agriculture Organization of the United Nations recently concluded its 17th biannual conference. Delegates from the 130-member nations directed their attention to many important and timely issues of concern to the peoples of the world. Among the topics considered were world food security, agricultural adjustment, and the 1974 World Food Conference.

I would like to take this opportunity to bring to the attention of my colleagues a few of the documents which were discussed by the delegates in Rome that I believe to be of particular importance to us in the United States.

Included in the compilation I am presenting today is the resolution of the conference addressed to the Director-General's "Draft International Undertaking on World Food Security." In it the member nations of the FAO affirm that the entire international community has a common responsibility to insure the availability at all times of adequate world supplies of basic foodstuffs and primary cereals, so as to sustain a steady expansion of consumption and to offset fluctuations in production and prices. The resolution also endorses the principles and objectives of international action on world food security contained in the "Undertaking on World Food Security," and commends it to the attention of all nations.

Mr. President, I too, would like to commend the FAO world food security proposal, which calls upon all the member nations to undertake national stock policies which in combination would provide a minimum safe level of basic food stocks for the world. I would also like to bring to the attention of the Senate Resolution 157 which calls upon how the administration intends to fulfill its responsibility under the FAO resolution.

I ask unanimous consent that the documents be printed in the RECORD.

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

FAO, 17TH SESSION

PROPOSAL BY THE DIRECTOR-GENERAL ON A WORLD FOOD SECURITY POLICY [1]

1. The Conference had before it a proposal of the Director-General for a world food security policy, which had been prepared for its consideration at the request of the Council. Some aspects of this proposal had received preliminary consideration in the CCP, in some other FAO bodies, in the Intergovernmental Committee of the WFP, the International Wheat Council, and in the Economic and Social Council of the United Nations.

2. The Conference agreed that the Director-General's proposal was a timely initiative in view of the widespread concern over the depletion of world food stocks. It recognized that the problem of world security against food shortages had become increasingly serious because of important changes in the world cereal situation. Following unfavourable crops in several regions, cereal stocks had been drawn down to levels which gave no assurance of adequate supplies to meet world demand in the event of further crop failures or natural disasters. As the Council had noted, there was at present no international concept of a minimum safe level of basic food stocks for the world as a whole.

3. The Conference considered that world food security had many facets. Adequate food stocks in producing and consuming countries were an essential, but not the only element. World food security also involved international aid to promote food production in developing countries, as well as the provision of food aid. More generally, it was necessary that the world's farmers were assured of reasonable and adequate returns so as to bring supplies into better balance with demand. Long-term bilateral trade agreements, and forward contracting commitments between exporting and importing countries, could also contribute, under certain conditions, to world food security. Other approaches could include commodity agreements which could contain, inter alia, stock-holding provisions.

4. The key to the basic food security problem in many developing countries was the expansion of the food productive capability to levels which would be sufficient not only to meet the growing consumption requirements, but also to build up adequate national stocks from domestic resources. National stock policies, which were often important in efforts to promote production by stabilizing farm prices and income at reasonable levels, had an essential role to play in offsetting variations in output and in providing a regular flow of supplies to consumers. The link between food security and food aid was also stressed, especially in view of the problems of financing the food purchases of developing countries in periods of crop failure, and of maintaining continuity of food aid programmes even in times of severe world shortages.

5. The Conferences agreed that it was a common responsibility of the entire international community to ensure the availability at all times of adequate world supplies of basic foodstuffs so as to sustain a steady expansion in consumption and offset fluctuations in production and prices. It noted that the Director-General's proposal aimed at achieving a minimum level of world food security through an undertaking by all countries to follow appropriate national stock policies which, while adapted to the circumstances of each country, would contribute

[1] C 73-17, C 73-17-Sup. 1, C 73-LIM-35, C 73-LIM-45, C 73-I-PV-7, C 73-I-PV-8, C 73-I-PV-9.

toward the common objective of securing a safe level of global stocks. This emphasis on national, rather than international stocks, combined with a system of consultations and improved information, as explained below, was supported by the Conference.

6. In view of the important role played by national stocks in achieving world food security, the Conference agreed on the usefulness of regular intergovernmental consultations to keep the adequacy of world food stocks under continuing review, and to advise governments on action considered necessary to deal with any difficulties which arose in safeguarding world food security.

7. Within the context of the draft undertaking to be submitted to governments, the Conferences also agreed on the value of developing voluntary guidelines for national food stock policies, it being understood as a framework within which each country would develop its own policies according to its circumstances. Bearing in mind the serious problems which had arisen in the past owing to the accumulation and disposal of agricultural surpluses, it was recommended that adequate safeguards should be adapted to avoid the implementation of food stock policies having adverse repercussions on the structure of production and trade of all countries concerned, but paying particular attention to the interests of developing countries heavily dependent on food exports.

8. The Conference agreed on the need to strengthen the system of assembling and analysing timely information on food crop production, demand and stocks as well as to improve methods of forecasting the market outlook as a prerequisite for timely remedial action, and it was considered that the FAO Early Warning System for Food Shortages should be extended to cover all countries having a significant impact on the world food situation.

9. The Conference felt that it was necessary to associate the International Wheat Council with the consultants and the information system, especially bearing in mind the need to avoid duplication. The Executive Secretary of the International Wheat Council (IWC) informed the Conference that the IWC was ready to cooperate closely in all aspects where it could make a contribution.

10. The Conference strongly supported the need for additional international assistance, as envisaged in the Director-General's proposal, so as to enable developing countries to participate effectively in a world food security policy, in accord with their national priorities. Some delegates stressed that any significant transfer of the financial burden of stockholding from developed to developing countries might affect the resources available for direct investment in development programmes, and that, therefore, this should be taken into account in formulating their food security policies.

11. Delegates of several countries pointed out that their governments were providing food aid as well as economic and technical aid in grain storage and production, and some were willing to extend such aid further in future. The Conference welcomed this, as well as the general readiness of international and regional development agencies to assist developing countries in implementing their food security policies, as indicated at an inter-agency meeting convened by the Director-General.[2] It urged the Director-General to continue to foster an inter-agency approach in this field. A variety of resources would be required, including finance, food aid, technical assistance, as well as the provision of essential inputs. In this connexion it was stressed that such aid should be provided on very favourable terms, in view of the already heavy burden of debt-servicing and that assistance to stock programmes should not unduly curtail direct investment in food production.

12. Attention was also drawn to the serious resource constraints on the World Food Programme, and a number of delegates considered that it would be contradictory to support the aims of world food security without assuring sufficient resources to maintain the continuity of WFP's programme. The Conference agreed that the WFP had an important role to play and that governments should, therefore, consider making additional pledges to WFP to enable it to play a more significant role in assisting developing countries to achieve food security in general and for emergency relief operations in particular.

13. The basic objectives and principles of the proposed international action on world food security proposed by the Director-General were endorsed by the Conference. A number of questions on the practical implementation of the proposal were raised which, it was felt, should be clarified, including issues relating to the source of finance and distribution of costs, the distinction between the emergency relief and price stabilization purposes of stocks, ways of insulating emergency reserve stocks from normal commercial trade, possible criteria to govern the release of stocks, the safeguards against market disruption referred to in paragraph 6, the location of stocks, methods of measuring the adequacy of stocks, and a clear definition of the international aid that might be involved.

14. A number of delegates described the action their governments were already taking to establish or strengthen national stock policies in the light of the changed world food position. Attention was drawn to the possibility of financial economies through maintaining regional food reserves, or cost sharing arrangements between neighbouring countries, and it was suggested that further study should be made of the feasibility of regionally-organised reserve stocks. Some delegates considered there was also a need for national efforts to be supplemented by an international food reserve for use in emergencies and in helping to stabilize prices.

15. As regards commodity coverage, for practical reasons it was recognized that there would be advantages in limiting consideration to cereals in formulating a world food security policy, and the importance of rice to the food security of developing countries was stressed. Some delegates felt that it would be useful to consider eventually extending the coverage of the system to other basic food products such as legumes and milk products. Some delegates indicated that they were prepared to consider holding stocks of closely related protein rich foods, including legumes and milk products, as a contribution to a World Food Security Policy.

16. The Conference recommended that the draft international undertaking proposed by the Director-General should be thoroughly examined by government representatives with a view to preparing an agreed text for adoption by governments at the earliest possible date. In this connexion, it stressed the importance of the active participation by all major cereal producing and consuming countries, including non-member nations of FAO, in the consideration and implementation of a world food security policy.

17. The Conference *adopted* the following Resolution:

RESOLUTION—WORLD FOOD SECURITY

The Conference, *Expressing* serious concern over the depletion of world food stocks in 1972/73, the dangers this would pose to consumption levels in the event of further large-scale crop failures, and the inadequacy of present international arrangements for reviewing and assuring the security of the world's food supplies which this situation has brought to light,

Welcoming the timely initiative of the Director-General in drawing up proposals for a world food security policy,

Affirming that the entire international community has a common responsibility to ensure the availability at all times of adequate world supplies of basic foodstuffs, primarily cereals, so as to sustain a steady expansion of consumption and to offset fluctuations in production and prices,

Recognizing that food security needs to be tackled from many sides, including national and international action to strengthen the food production base of developing countries, food aid programmes, and appropriate national stock policies,

Noting the positive role which can be played by other international and regional development agencies and appreciating their readiness to contribute actively to achieving the objectives of world food security as expressed by the Executive Heads of these agencies,

1. *Endorses* the basic principles and objectives of international action on world food security as outlined in the attached Annex, and commends it to the serious attention of all nations.

2. *Requests* the Director-General to convene a working party open to all governments having a substantial interest in the production, consumption, and trade of cereals to review the attached draft undertaking with a view to preparing a revised text for consideration by the Forty-Nine CCP session, and adoption by governments at the earliest possible date, and *authorizes* the Director-General to invite interested non-member nations which are members of the United Nations to attend the Forty-Ninth Session of the CCP and to participate in its consideration of the revised text.

3. *Requests* the Director-General (a) to transmit the text as adopted by the CCP to all Member Nations and Associate Members inviting them to signify their readiness to it, (b) to non-Member Nations of FAO with a substantial interest in world cereals production, consumption and trade, drawing attention to the importance of universal participation, and requesting their cooperation in promoting its aims, and (c) to inform the World Food Conference, if convened by the General Assembly, or the Eighteenth session of the FAO Conference, of the progress made in this direction and of the nations which have accepted it.

4. *Requests* the Council, in keeping with its special responsibilities relating to world food problems and programmes, to review the situation as reported by governments regarding their national stock policies; to advise on further action considered necessary; and to initiate, with the assistance of the CCP, the Intergovernmental Groups on Grains and Rice and the International Wheat Council, regular evaluations of the current and prospective world cereals stock position in the light of the objectives of world food security.

5. *Invites* all interested countries to give additional assistance to developing countries in strengthening their food production capabilities, and in establishing national food reserves as appropriate, according to their priorities and their resources

6. *Invites* the Executive Heads of other international and regional agencies to pay special attention to the objectives of world food security in their respective fields of operation and to cooperate with FAO to the fullest extent possible in this regard.

7. *Requests* the Director-General, in cooperation with other interested international and regional development agencies, to assist interested developing countries in formulating appropriate food security policies and in identifying and mobilizing the resources required.

8. *Further requests* the Director-General to establish a comprehensive food information system, through a strengthening of the

[2] CCP: 73-17-Sup. 1

present arrangements, for assembling, analysing and disseminating information on the current world cereals situation and outlook, and on national stocks and stock policies, drawing upon the work already under way in the International Wheat Council. (Adopted . . . November 1973.)

DRAFT INTERNATIONAL UNDERTAKING ON WORLD FOOD SECURITY

I. COMMON PURPOSE AND RESPONSIBILITY

1. Recognizing that the assurance of a minimum level of world food security is a common responsibility of the international community, member governments undertake to cooperate in ensuring the availability at all times of adequate cereal supplies in the world so as to avoid acute food shortages in the event of widespread crop failures or natural disasters.

2. To this end, member governments undertake:

(a) To follow national stock policies which, in combination, maintain at least a minimum safe level of basic food stocks for the world as a whole;

(b) To review or establish national stock targets or objectives with the aim of maintaining national stocks [1] at least at the levels

(c) To take measures to ensure national stocks are replenished whenever they have been drawn down below such minimum levels to meet food shortages.

3. Governments of countries where there are no publicly-owned food stocks undertake to ensure that private stock-holdings perform the functions required by the community in accord with the objectives of minimum world food security.

II. NATIONAL STOCK GUIDELINES

4. In reviewing current national stock policies and desirable minimum stock levels, and in establishing or adjusting such policies, account should be taken of the following considerations:

(a) Vulnerability to crop failure owing to drought, floods or other natural hazards, and extent of resulting shortfalls in national cereals output.

(b) The size of and trend in normal annual requirements for domestic consumption and, where applicable, for export including commitments under long term bilateral contracts.

(c) The degree of dependence on imports of cereals in normal conditions and the scale of possible emergency import requirements in relation to the average level of world trade of the product concerned.

(d) The period of time required for imports to be arranged and delivered to the country in periods of emergency or sudden domestic shortage, and for internal transportation to centres of consumption.

(e) The period of time likely to be required to expand cereal production sufficiently to replenish stocks if these are drawn down to meet food shortages.

(f) The proportion of national supplies entering commercial market channels.

(g) The requirements of any government distribution programs of foodgrains.

(h) The desirability of locating stocks in a manner and place which ensure that the cereals are available for delivery when and where they are most likely to be required.

(i) Pledges to WFP and other international food aid programes and allocations for bilateral food aid programes.

(j) Maintaining a regular flow of supplies to meet foreseeable variations and likely trend in demand from importing countries.

(k) The possibility of an interruption in the flow of imported supplies by events outside the government's control (e.g. dock strike in exporting country, shipping difficulties).

(l) The special position of developing countries, as set out in V, below.

5. The special difficulties of a number of developing countries in maintaining national stocks at desirable minimum levels place an added responsibility on the rest of the international community for ensuring world food security. Governments should take this into account in fixing their stock targets or objectives, and should where possible earmark stocks or funds for meeting international emergency requirements.

III. INTERGOVERNMENTAL CONSULTATIONS

6. The adequacy of world cereal stocks to meet minimum needs should be kept under continuing review, so that timely action can be taken to maintain a minimum level of world food security. For this purpose, the Council, in keeping with its responsibilities for reviewing the world food position, shall:

(a) Make periodic evaluations of the adequacy of current and prospective stock levels, in aggregate in exporting and importing countries, for assuring a regular flow of supplies of cereals to meet requirements in domestic and world markets, including food aid requirements, in times of short crops and serious crop failure; account should be taken of the considerations set out in the guidelines.

(b) Advise governments on such short term policy action as considered necessary to remedy any difficulty foreseen in assuring adequate cereal supplies for minimum world food security.

(c) Provide a mechanism for contingency planning in periods of severe world shortage, so as to be in a position to advise on whether any special joint action is necessary to arrange an orderly allocation of food supplies. In such situations, the Council may institute arrangements designed to ensure that priority is given to the urgent import requirements of developing countries for current human consumption.

7. To assist it in performing these functions, the Council should make full use of the expertise of existing specialized bodies and especially the Committee on Commodity Problems, the Intergovernmental Group on Grains, and the Intergovernmental Group on Rice. Close cooperative arrangements should be sought with the International Wheat Council and, if appropriate, joint consultative machinery should be established.

IV. INFORMATION SYSTEM

8. The effective functioning of the world food security system will depend greatly on the availability of timely and adequate information. Member nations should furnish on a regular basis all the information required and in particular on national stock levels, government stock-holding programmes and policies, current and prospective export availabilities and import requirements for cereals, and relevant aspects of the supply and demand situation.

9. To keep all member nations directly informed of current developments in the international cereals position during periods when world supplies are scarce the Director General should prepare, on a quarterly basis or more frequently, concise factual appraisals of the situation and outlook which should be circulated promptly to governments.

10. In the assembly and analysis of information and statistics, the secretariat should seek the assistance of the International Wheat Council and other international organizations concerned.

V. SPECIAL ASSISTANCE TO DEVELOPING COUNTRIES

11. Although there is a special need for stock-holding in developing countries because they are highly vulnerable to crop fluctuations and food scarcities, most of such countries have to give priority in the allocation of their scarce foreign exchange and domestic capital resources to investment in agricultural production. Before deciding to strengthen existing stock-holding through the establishment of minimum food reserves, therefore, it is desirable for such countries to review their overall food policies and the various alternative courses they might follow within the context of national development priorities, and international assistance programmes. It is also recognized that some of the major exporting countries of grains and especially rice are developing countries which lack the capital resources required to maintain stocks beyond current requirements.

12. Continued reliance would therefore need to be placed on bilateral food aid programmes and the World Food Programme for meeting unforeseen shortages and emergency situations.

13. International assistance has an important role in providing financing and food aid, in research on the development of storage facilities suited to conditions in developing countries, and in furnishing advice on stock and related policies within the context of national development programmes. Interested countries, and especially developed countries, as well as the international and regional development agencies concerned, are invited to give additional assistance in identifying and mobilizing the resources required by developing countries for their food storage programmes.

14. As regards the WFP in particular, the degree to which it can assist developing countries by providing food aid for national reserves is severely restricted by its resource position. Where possible, therefore, governments should make additional resources available to the WFP or special pledges for this purpose, so as to permit it to play a more significant role in efforts to maintain world food security.

VI. NECESSARY SAFEGUARDS

15. Bearing in mind the serious problems which have arisen in the past owing to the accumulation and disposal of large agricultural surpluses, full consideration should be given by governments to the possible repercussions on the structure of production and trade which might arise from implementing the world food security policy. The agreed international strategy of the Second Development Decade should be borne in mind. In particular, the world food security policy should be seen as an element of international agricultural adjustment and must not be allowed to overshadow the importance of price adjustments, of policies of full employment and of economic development, of less restrictive trade policies and of the discouragement of uneconomic production as basic means of dealing with the problem of surpluses.[1]

16. To this end:

(a) All countries should endeavour to arrange their national food stock policies in ways which avoid adverse effects on the structure of production or international trade, paying particular attention to the interests of developing countries heavily dependent on food exports.

[1] The term "stocks" means the supply of cereals carried over in stock at the end of the marketing year of the country concerned. regarded as necessary for ensuring continuity of supplies to meet domestic and where appropriate export requirements, including a security margin for contingencies or emergency needs in case of crop failure or natural disaster;

[1] Cf. "Guiding Lines for Dealing with Agricultural Surpluses", item (e), CCP, Twenty-Third Session.

(b) If special governmental action is required to raise production in order to replenish stocks to desirable levels, appropriate production adjustment measures or effective action to regulate economic incentives to production should be taken to avoid an over-accumulation of stocks.

(c) Food aid provided for national reserve projects should be granted in accordance with the FAO Principles of Surplus Disposal and the procedures for consultations and reporting recommended by the Council.

DRAFT REPORT OF COMMISSION I—PART 5

WATER PROBLEMS AFFECTING AGRICULTURAL DEVELOPMENT[1]

1. The Conference discussed Document C 73/14 regarding water and expressed agreement with the principles outlined in it. Some concern was indicated that FAO should not allow its work in water to decline but to accelerate and broaden its programme in the future. A large number of delegates suggested programmes that FAO should pursue.

2. The need for and the importance of training and education of those engaged in water development and management in developing countries at all levels was stressed by a number of delegates. It was pointed out that training should not be limited to engineering and technical personnel and that further emphasis should be placed on training those directly concerned with farmers, and on farmers themselves. Such training programmes would encourage group action of farmers towards the rational use and conservation of water. Delegates stressed that FAO should step up training activities in the field of water development and use through organizing seminars and training courses. Delegates drew the attention of FAO to the fact that training activities through pilot/demonstration schemes should be strengthened.

3. The more efficient use of water in relation to crop production was repeatedly stressed. This applied equally to better use and conservation of rain water, to the optimum management of available surface and groundwater resources, and improved water utilization at the farmer's field. FAO was asked to place major emphasis on these aspects and to provide Member Countries with the necessary technical guidance and to develop the necessary criteria for use in project design and operation for multiple use.

4. The Conference expressed concern on the increasing demands for the use of finite resources of water and accordingly stressed the need for water resources conservation, not negatively but to make the maximum amounts and qualities available for use. Proper management of such resources to maintain their ability to meet increasing demands was stressed. In particular it was felt that the allocation of water to agriculture should not be reduced in quantity or quality due to competition from other users.

5. Delegates pointed out that, although irrigation water losses during conveyance and on the farm should be reduced as much as possible, it would not be possible to prevent them altogether. It was recognized that inefficient use of water caused widespread environmental deterioration through waterlogging and soil salinity. The need was stressed to introduce drainage systems to restore and maintain favourable soil water and salinity conditions. Most delegates urged FAO to use its global experience and expertise in studying and planning drainage schemes to reclaim lands and overcome salinity and in removing excess rain water.

6. The importance of proper institutions to deal with efficient administration of water development and proper operation and maintenance of water facilities was cited by a number of delegations. It was stressed that coordination and integration of different authorities responsible for water and agriculture is the key to the successful implementation and the realization of benefits of water development schemes. It was urged that FAO should increase its activities in helping its Member Countries develop appropriate institutions placing special emphasis on the organization of farmers who are the ultimate beneficiaries of water development schemes. It was also stressed that currently prevailing low irrigation efficiency could be substantially increased through proper operation and maintenance of irrigation systems by setting up or strengthening institutions thoroughly responsible for the subject. In this connexion a number of delegations urged that FAO should conduct particular studies on irrigation system management and operation as well as legal and technical functions of irrigation organizations.

7. The Conference stressed that more attention should be devoted to the determination and development of surface and underground water resources in relation to agricultural uses and needs. In this connexion, there must be a close interconnexion between the utilization of soil resources and water resources, so that the two were combined to provide the basis for improved agricultural and increased food production.

8. It was stressed that timely development of irrigation and flood control schemes greatly depended on the availability of adequate funds at the right time. Concern was also expressed as to the shortage of local currency as well as food for labourers engaged in projects and it was urged that FAO should encourage financing agencies and WFP to cope with the situation. In connexion with the rising cost of irrigation development, it was pointed out that efficient use of expensive water in conjunction with other agricultural inputs and practices should receive increasing attention by FAO and Member Countries. The Conference felt that increasing attention should be placed by FAO and other development agencies on simple and low cost irrigation development, particularly at the farm level, which could be dealt with by farmers without involving massive capital investment. This was especially important in cases of transmigration in settlement schemes.

9. The attention of the Conference was drawn to the incidence and effects of both floods and drought, and to the huge losses of food which these caused. It was pointed out that floods and droughts often occured in semi-arid regions, afflicted either by too much or too little water at any one time. It was hoped that FAO in cooperation with other concerned organizations would work toward a better understanding of the occurrence of floods and droughts, and in particular of the management of river basins in regions liable to floods and droughts; this would help to reduce the losses and enable the waters to be kept under control and used beneficially.

10. With reference to the important role which FAO had to play as the focal point for international activities on water in relation to agriculture, it was felt that the Organization should take the initiative to coordinate its work with the other UN agencies and to actively seek the cooperation of non-governmental organizations concerned with water such as the International Commission on Irrigation and Drainage (ICID).

11. In many instances water development programmes for agriculture were dependent on the availability of foreign aid for investment. It was, therefore, suggested that collaboration between FAO and bilateral aid agencies be strengthened and expanded in order to make use of experience and information which have been accumulated by FAO in the water sector.

12. The Conference stressed the close relationship which existed between the effective use of water and soil resources. Surveys of both these resources were essential for sound planning of agricultural development. The Soil Map of the World was commended as a global appraisal of the major soils of the world and it was stressed that a similar compilation of data be made with regard to water.

13. Although a certain discretion was advocated in expansion of basic research activities, several delegates stressed the importance of applied research to test available proven techniques under local conditions. The pertinence of regional cooperation was mentioned; in regional applied research programmes priorities are to be established with care to avoid duplication and the expense involved. It was stressed that FAO should play a major role in promoting such programmes.

14. The Conference agreed that the importance of water as a basic natural resource for agriculture could not be over-emphasized. Agriculture would become more and more dependent on the wise development and use of this resource and its conservation. It was also recognized that agriculture and the related activities of forestry had a dominating and increasing influence on the availability and quality of water as a whole. Therefore, agriculture, as the main user, should occupy the focal point for a comprehensive integration of all water resources development and use activities. In this connexion, reference was made to the planned UN conference on water in 1977 and it was stressed that FAO should participate in the conference.

15. The Conference agreed that FAO's work in the field of water should receive high priority and should be strengthened considerably. It was felt that a subject of such importance to member countries as water should regularly be discussed and reviewed by the FAO Conference. Furthermore, it suggested that the analysis of water problems which was presented in document C 73/14 should be followed up by the Secretariat with a detailed survey of water problems to be submitted to the Committee on Agriculture which would present the results of its discussions to the Council for decision on necessary action.

16. The Conference also heard a statement by the representative of WMO on the successful cooperation of FAO and WMO in the field of agro-meteorology.

17. In replying to questions raised by delegates it was explained that FAO was actively participating in the work of the ACC Sub-Committee on Water Resources Development, the focal point of UN interagency coordination in the water field. It was further explained that FAO had established working agreements with Unesco and WMO. Close and fruitful collaboration had existed with ICID for many years and working relations had been established with other NGO's concerned with water such as IAHS (International Association of Hydrological Sciences) and COWAR (Scientific Committee on Water Research).

International agricultural adjustment[1]

18. The Conference recalled that two years ago when it chose International Agricultural Adjustment as one of the major themes for the present session the world agricultural background was one of surpluses which exerted pressures on international markets as compared with effective demand. The intervening period, however, had been characterized by fluctuations, falling stocks and, at

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[1] C 73-14, C 73-I-PV-11

[1] C 73-15, C 73-15-Corr. 1, C 73-16, C 73-LIM-1, C 73-LIM-2, C 73-LIM-3, C 73-LIM-4, C 73-LIM-6, C 73-LIM-7, C 73-LIM-8, C 73-LIM-10, C 73-LIM-11, C 73-LIM-46, C 73-LIM-48, C 73-I-PV-12, C 73-I-PV-13, C 73-I-PV-14.

least temporarily, shortages. Production had lagged in developing countries. To some delegates, these events suggested that international agricultural adjustment was not at the moment a high priority. Many delegates, however, emphasized that international agricultural adjustment should be interpreted in a broader sense as a framework for ensuring supplies to meet the requirements of all countries. The Conference therefore agreed that the present shortages should not lead to the postponement of the development of an approach to international adjustment because adjustment was a long-term and evolutionary process.

19. The Conference recognized that agricultural adjustment had for long been under way in all countries. However, these actions were undertaken primarily within a national context, with lesser consideration being given to the possible harmful effect on the agricultural production and trade of other countries. The Conference agreed that an international approach is useful and must rest upon the political will of all countries to work towards a certain degree of harmonization of national policies bearing on agriculture, taking account of international as well as national objectives.

20. The Conference based its discussion of this subject on the report that had been circulated by the Director-General.[2] Account was also taken of the report on Agricultural Adjustment in Developed Countries [3] which had been prepared by the Director-General under Resolution 1/69 of the Fifteenth Conference Session. The Conference took note that a series of supporting case studies on various aspects of the subject had been tabled,[4] and that two more were being completed. The Conference appreciated that additional analyses were available in these case studies, which should be examined by governments for the further work.

21. Adjustment in the agricultural sector was a continuing process consisting of interdependent changes at the farm level and at national and international levels. A number of delegates felt that the trade aspects of adjustment had been over-emphasized in the Secretariat report. While trade raised important adjustment issues, the structure of production and national policies influencing production were the more fundamental, and were the main determinants of the levels of trade.

22. There was general agreement that international adjustment was the task of bringing and keeping the supply and demand for agricultural products, as well as the factors of production, into a more satisfactory relationship with each other both within and between countries. In doing so, account should be taken of other objectives accepted by governments, particularly those of DD2. The Conference reaffirmed its view that international agricultural adjustment should have as a primary objective the adoption of measures which meet the special requirements of developing countries.

23. The Conference noted the conclusions of the Eighth Regional Conference for Europe, and in particular endorsed the need for the development of a world-wide framework within which governments could work together towards greater consistency in their national and regional adjustment policies. The Conference also expressed appreciation of the conclusion of the same Regional Conference that the agricultural and trade policies of developed countries generally should pay attention, inter alia, to enlarging the agricultural export opportunities, particularly for developing countries.

24. The Conference drew particular attention to the need for a faster growth of food production developing countries. This should be their primary adjustment objective and agriculture should therefore receive a high priority in their national development plans and in international aid programmes. Several delegates stated that developing countries should in many cases pay greater attention than in the past to production and distribution of food for the satisfaction of their own domestic needs. In this connection, it was particularly important that adequate production inputs were available at prices which farmers in developing countries could afford. The Conference therefore stressed its view that adequate supplies of fertilizers and raw materials at reasonable prices are essential for food production in developing countries, and strongly urged Member Nations to take all measures necessary to overcome the present critical supply situation, particularly in the developing countries.

25. The Conference recognized that the achievement of a faster growth in food production in developing countries would provide a better base from which they could expend their agricultural exports, which was also a necessary component of international adjustment. The Conference considered the assurance of a stable and adequate supply of agricultural products of acceptable quality to be an essential element of IAA. For many countries, this assurance was a prerequisite to participation in an international approach to agricultural adjustment.

26. The Conference emphasized the interdependence of the agricultural adjustment process in different countries. The major link was trade since adjustment action in any one country usually affected its exports and thus, in turn, the agricultural sectors of other countries. It was stressed that the expansion of exports from developing countries would require some adjustments within the agricultural and processing sectors of developed countries and the improvement of trading conditions, including better access to markets. Greater stability in prices and volumes of agricultural trade also required joint action by countries. The transfer of technology was another link. Moreover, developing countries could succeed in their adjustments if aid and technical assistance was appropriately related to their adjustment objectives. A corollary of interdependence was a shared responsibility of all countries for adjustment mechanisms and results.

27. The Conference recognized that, in view of this interdependence of national adjustments, the greater harmonization of policies called for a framework of consultations within which governments could formulate progress towards agreed objectives in terms of more balanced world agricultural development. Periodic reviews and appraisals of key development in world agriculture, in the light of the objectives, would facilitate such consultations and, when imbalances or shortfalls were foreseen, would enable corrective action to be taken sooner and more effectively. The Conference considered that such reviews and consultations should be carried out within the structure of FAO bodies, and should enable the Organization to make a contribution of value in the work of other Agencies.

28. The Conference noted the intention of the Director-General to continue the study of selected adjustment issues and experiences in the next biennium. Such studies might include several more country case studies, including centrally planned and developing countries; one or two in-depth commodity adjustment studies, possibly grains, exploring alternative patterns of adjustment; and possibly further work on agricultural protection and developments in self-sufficiency. The Conference felt that such studies would help to base the evolution of the concept of international adjustment on real situations.

29. In order to provide a framework for considering the conciliation of national actions and policies, Conference agreed to initiate the preparation of a proposed international strategy for IAA along the lines suggested by the Director-General in his report C 73/15. As the first stage, the Conference established broad objectives as set out in Resolution. . . .

30. The Director-General was requested to translate these general objectives into more specific draft guidelines and indicators of progress, taking account of the discussions at the present session and at the 48th session of CCP. The various case studies tabled at Conference would also be helpful. It was understood that the Director-General also had in mind to call a meeting of government experts to assist him. The draft materials should be submitted for comment to FAO Regional Conferences and to the next session of CCP. The contributions of FAO intergovernmental commodity groups and of interested international organizations should also be sought. As full as possible a draft statement of a proposed strategy of International Agricultural Adjustment should be examined by CCP and Council in 1975 in readiness for submission to Conference in that year. This draft strategy should include: objectives, guidelines, indicators of progress, arrangements for periodic review and appraisal designed to assist parallel or subsequent intergovernmental consultations in various fora, and suggestions for possible solutions to major current adjustment issues. The Director-General should take full account of the conclusions of the proposed World Food Conference in preparing the draft strategy.

31. The Conference *adopted* the following resolution:

RESOLUTION—INTERNATIONAL AGRICULTURAL ADJUSTMENT

Presented by the Delegations of Indonesia, Pakistan, Uruguay and Yugoslavia.

The conference, *Emphasizing the* fundamental role of agricultural production and trade in the pursuance of the goals of DD2 and the need for a dynamic strategy for world agricultural development in the current and the next decade;

Recognizing that national agricultural policies and conditions of production chiefly determine what happens to international trade in farm products, and that interrelated adjustments in agriculture must take place at farm, national, regional and global levels;

Reaffirming the recommendation of the Sixteenth Conference Session that the concept of agricultural adjustment was broader than trade and that international agricultural adjustment should have as a primary objective the adoption of measures which would meet the special requirements of the developing countries;

Noting with appreciation that the Eighth Regional Conference for Europe had concluded that the agricultural and trade policies of developed countries generally should pay attention to enlarging the agricultural export opportunities, particularly for developing countries in all regions;

Considering that the serious imbalances and fluctuations in the world food and agriculture economy in 1972 and 1973, from which both developed and developing countries have suffered, dramatically illustrate the need for new international approaches;

Affirming that in view of the increasing interdependence of the economies of individual countries a global concept of agricultural adjustment is essential to ensure that national agricultural adjustment policies can be so designed as to promote a balanced global expansion of agricultural production and trade;

Taking note of studies on international

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[2] C 73–15

[3] C 73–16

[4] C 73–LIM–1 to 4, C 73–LIM–6 to 8 and C 73–LIM–10 to 11

agricultural adjustment submitted by the Director-General to its Seventeenth Session:

1. *Agrees* that to ensure the closer cooperation amongst countries required for this challenging task to be carried out more effectively than in the past, there is need for a world-wide framework to be developed within which governments could work together towards greater consistency in their national and regional policies bearing on agricultural adjustment.

2. *Agrees* further that close international cooperation would be necessary in order to permit or to facilitate the attainment of the following objectives of international agricultural adjustment:

(a) a faster and more stable rate of growth in world agricultural production, especially in developing countries where demand is expanding most rapidly, taking advantage of varying resource endowment of countries;

(b) a better balance between world supply and demand of agricultural products with more orderly expansion of food production and consumption and greater security in the availability of food;

(c) an orderly acceleration of trade in agricultural products, with greater stability in prices and markets;

(d) a rising share for developing countries in a general expansion of agricultural trade.

3. *Resolves* that the Organization should evolve a proposed strategy of international agricultural adjustment based on these objectives.

4. *Requests* the Director-General to prepare a draft of such a proposed strategy of international agricultural adjustment including guidelines, indicators and arrangements for periodic review and appraisal of progress. The views of the FAO Regional Conferences and of other competent agencies should be drawn upon, in particular UNCTAD and the GATT with respect to trade matters.

5. *Requests* the Council to review the draft strategy at its 1975 summer session in the light of the comments of the CCP for submission to the 18th session of the Conference, and after taking into account any views that the Committee on Agriculture may offer on this subject at its session in Spring 1974. (Adopted . . . November 1973).

WORLD FOOD PROGRAMME [1]

32. The Conference had before it a proposed Resolution submitted by the Sixty-First Council Session concerning the establishment of a pledging target of $440 million for the World Food Programme (WFP) during the period 1975–76. The Conference noted that a similar resolution had been approved by the ECOSOC and submitted to the United Nations General Assembly.

33. The Conference heard a statement from the Executive Director setting forth the reasons why the pledging target had been established at that minimal level. He said that at the end of June the price of cereals—the Programme's main commodity—had begun to rise rapidly. By mid-August, when prices had more than doubled, it became obvious that the Programme's projections for the current biennium until the end of 1974 must be revised. New calculations showed that the Programme would be able to obtain little more than half of the 1.2 million tons of commodities, mostly cereals, needed for ongoing and new projects at the end of 1974. He outlined various measures, including priorities, which the Intergovernmental Committee (IGC) had approved on his recommendation, to reduce commitments. Most of the savings had been effected by postponing the signing of an estimated $100 million worth of projects previously approved by himself and by the IGC in April 1973 and October 1972. In this connexion the Executive Director referred to some "important and economically viable" projects in India, Nigeria and Pakistan.

34. The Executive Director said that a recent indication by the EEC of a pledge of 55,000 tons of dried skimmed milk, butter and butter oil had given some hope that the Programme may be able to initiate some of the approved projects which were now suspended, thus avoiding total stagnation during the rest of the biennium. He said that although the Programme must expect periods of ups and downs, there must be a minimum assurance that resources would be forthcoming in spite of fluctuations on world markets and other contingencies.

35. He stated that because of the price rises he had outlined, projections showed that about $650 million would now be required to finance the Programme's activities as planned last April, when the target was first proposed. In view of this the $440 million target figure should be regarded as a minimum. He hoped that at the Pledging Conference in New York on 4 February 1974 Member Nations would surpass the target figure. He urged donors to come forward with supplementary pledges as the world food supply situation improved.

36. He indicated that WFP supported any measures or actions taken to improve food production and distribution in the world. He hoped the Programme would be given the opportunity of full participation in the proposed World Food Conference in 1974.

37. In the discussion that followed, delegates expressed appreciation for the development and humanitarian roles WFP has played during the first ten years of its existence. There was general endorsement of the Programme's activities: the delegates expressed a desire for its expansion in order to fulfill its important role. The Conference recognized the difficulties confronting the Executive Director by reason of the current shortages in the Programme's resources and appreciated the able manner in which he was handling the situation. One delegate announced an additional pledge in respect of the 1973–74 biennium, while two others indicated additional resources in support of emergency food operations in two developing countries.

38. Delegates said that the Programme could not continue to live on occasional surpluses. The Conference *requested* the IGC to study practical ways and means of insulating WFP from the fluctuations of the world commodity market, and to inform the next FAO Council as to the success of its task.

39. The Conference felt that if, in the context of the plan for World Food Security stocks, international or regional food reserves were established, WFP should be the international executing agency: it should also play a key role in helping governments to establish food reserves in the developing countries.

40. The Conference expressed the view that the Programme should play an important role in the proposed World Food Conference 1974, as well as in the implementation of the results of the Conference.

41. Some delegates recommended the inclusion of non-food items such as fertilizers and pesticides in the Programme resources or as project inputs from complementary sources. In this connexion the Executive Director indicated the Programme had already established a mechanism for dealing with this subject in relation to WFP-assisted projects.

42. Some delegates said that WFP should increase its efforts to speed up preparation of projects and the delivery of the commodities promised to them.

43. The system by which portions of pledges lapse at the end of a given pledging period tended to have a deleterious effect on the implementation of economic and social development food aid projects which, by their very nature, required a lengthy period of time in order to have an adequate impact. The Conference agreed that the IGC at one of its Sessions should discuss this matter.

44. The Conference took note of the priorities suggested by the Executive Director and approved by the IGC at its 24th Session; in particular, those relating to the least developed countries, the most vulnerable groups, and agricultural production. It urged the IGC to keep the matter of priorities under review.

45. As regards the cash component of pledges, the Conference urged all Member Nations to comply with that part of the WFP Basic Texts which requires an aggregate total of one-third of cash contributions. This would enable the Programme to provide increased financial assistance to the least developed countries to assist them in meeting their local transportation, storage and handling costs, as well as purchase additional commodities, particularly from developing exporting countries, and to meet increased freight costs.

46. The Conference *approved* the pledging target of $440 million, although many delegates emphasized that this figure was too low to meet the Programme's commitments and needs. They encouraged an expansion in a number of the contributing countries and urged donors to increase their pledges so that the target would be surpassed. Some delegates urged the Conference to appeal to donor countries to give additional resources during the current biennium (1973–74) to make up for the shortage in commodities.

47. The Conference then *adopted* the following resolution:

RESOLUTION—TARGET FOR WFP PLEDGES FOR THE PERIOD 1975–76

The Conference, *Recalling* the provisions of resolution 4/65 that the World Food Programme is to be reviewed before each pledging conference,

Recalling the provisions of operative paragraph 4 of its Resolution 2/71 of 24 November 1971 that, subject to the review mentioned above, the next pledging conference should be convened at the latest early in 1974, at which time governments should be invited to pledge contributions for 1975 and 1976, with a view to reaching such a target as may be then recommended by the General Assembly and the Conference of the Food and Agriculture Organization of the United Nations,

Noting that the review of the Programme was undertaken by the Intergovernmental Committee of the World Food Programme at its Twenty-third Session and by the FAO Council at its Sixtieth Session,

Having considered Resolution 3/61 of the FAO Council as well as the recommendations of the Intergovernmental Committee,

Recognizing the value of multilateral food aid as implemented by WFP since its inception and the necessity for continuing its action both as a form of capital investment and for meeting emergency food needs,

1. *Establishes* for the two years 1975 and 1976 a target for voluntary contributions of $440 million, of which no less than one third should be in cash and/or services, and expresses the hope that such resources will be augmented by substantial additional contributions from other sources in recognition of the prospective volume of sound project requests and the capacity of the Programme to operate at a higher level.

2. *Urges* States Members of the United Nations and Members and Associate Members and Associate Members of the Food and Agriculture Organization of the United Nations to make every effort to ensure the Full attainment of the target.

3. *Requests* the Secretary-General, in cooperation with the Director-General of FAO,

[1] C 73-LIM-32, CL 61-REP paras. 101–103, C 73-I-PV-14, C 73-I-PV-15.

to convene a pledging conference for this purpose at United Nations Headquarters early in 1974.

4. *Decides* that, subject to the review provided for in resolution 4/65, the following pledging conference at which governments should be invited to pledge contributions for 1977 and 1978 with a view to reaching such a target as may be then recommended by the General Assembly and the Conference of the Food and Agriculture Organization, should be convened *at the latest early in 1976.* (Adopted . . . November 1973).

INTERNATIONAL AGRICULTURAL ADJUSTMENT: CASE STUDY OF THE UNITED STATES

I. INTRODUCTION

1. This report constitutes one part of a more comprehensive world study, initiated in response to Resolution 1/69 of the 15th Session of the FAO Conference, which will be presented by the Director-General to the 17th Session of the Conference in November 1973. This Resolution recommended, inter alia, that the implications of the agricultural problems in the developed countries for the expansion and trade of the developing countries be identified.

2. The Director-General wishes to express his sincere appreciation to all of the many individuals from the U.S. Government, particularly from the Department of Agriculture, universities and private organizations for their valuable contributions to this study. It is to be emphasized, however, that selection of the material included and the interpretations, judgements and comments contained in the report are entirely the responsibility of the Director-General.

3. The United States has been included among the countries for which special case studies have been prepared primarily because of its dominant position in world trade in agricultural products, of which it is the largest exporter and second only to the enlarged European Economic Community as an importer. Therefore, the present study examines, against a background of the U.S. agricultural adjustment experience, the possibility and the feasibility of further U.S. Government actions to assist developing countries to increase their exports of agricultural commodities. The report does not, however, undertake to present a comprehensive analysis of U.S. agricultural policies and programmes or a review of the U.S. agricultural adjustment experience, as such are already available in other sources.

4. The approach is based on the recognition that in terms of agricultural resources and in export potential United States agriculture remains a major contributor to the food needs of the world. While the world's grain reserves have recently dropped sharply, much of the remaining export stocks lie in North America, particularly in the United States, which also possesses a substantial potential for augmenting world supplies. The present and future food supply for the United States consumer, who has become accustomed to a widely varied diet and a high level of nutrition at relatively low cost, is a further basic consideration. Within its trade policy, the United States shares some of its domestic market with competing import products, as in the case of meat, sugar and some fruits and vegetables, for which foreign suppliers enjoy the relatively high prices that usually prevail in the U.S. market. The almost free access to this market which is granted to imports of non-competing products, particularly those from the tropics, is also of great benefit to developing countries.

5. Notwithstanding the improvement already evident in the earnings of agricultural exporting countries in the U.S. market, further adjustments in resources use may be in order to safeguard gains already made and to increase exporters' earnings further. The main thrust of this report is to indicate what such adjustments might mean in terms of policy decisions and imply in terms of economic and social costs for the U.S. economy. The hope and objective are to add to the materials relevant for effective consideration of agricultural adjustments in a global framework.

6. A summary of the main conclusions of the study is contained in Section II, followed by a description of U.S. agriculture in Section III and of the market situation and aggregate prospects for U.S. agriculture in Section IV. The latter includes a look at U.S. Department of Agriculture projections to 1985 of farm production and trade, against which alternative programme possibilities are considered, commodity-by-commodity, in Section V. Finally the policy issues and feasibility of U.S. adjustments for the benefit of developing countries are considered in Section VI.

II. SUMMARY OF CONCLUSIONS

7. U.S. agriculture is endowed with a very favourable natural resource base and has developed institutional structures to provide highly effective technological backstopping. The result has been a productive sector which not only provides the farm production needed to maintain exceptionally high domestic consumption levels but also serves to supply relatively large volumes of farm products for export.

8. This evolution has involved a continuous process of adjustment, with profound and far-reaching changes in the volume and composition of resources engaged in farm production and in the manner in which the resources are organized and used for this purpose, as well as in the volume and composition of the farm output. This number of farming units has dropped from the peak of 6.8 million in 1935 to 2.8 million in 1972. The agricultural labour force has been halved in the last 20 years and comprises less than 4 percent of the total labour force. Although increasing in absolute terms, gross farm product has become a smaller part of total gross national product, about 3 percent in 1972. During recent years, about half of the net income of U.S. farm families has been obtained from off-farm employment and other non-farm sources.

9. As in other developed countries technological and other changes tend to favour continuously larger production units; however modest-size units strengthened increasingly by off-farm income will continue to be more numerous and to supply a substantial part of production. Small non-viable units are decreasing in number. These developments allow support and adjustment measures to focus more on economic trends and balance of supply and demand rather than income and other social goals (which can be met increasingly under non-farm programes).

10. The size of U.S. agriculture and its weight in world trade inevitably mean that its agricultural policies and adjustment measures have a significant impact on other countries, including developing countries whose economies and export earnings are predominantly agricultural. Current events on international markets indicate that U.S. agriculture's recent role as the mainstay of world food export reserves may no longer be presumed, either in terms of policy or actual market position. Thus, additional arrangements, of an international or multinational nature, are needed to meet temporary shortfalls in world production if reasonable stability is to be maintained on world markets.

11. The fact that U.S. agricultural policy has become increasingly market-oriented portends both good and perhaps not so good news for developing countries. If, at the world level there should emerge a large measure of generalized free trade, there would potentially be room for more imports by the United States, part of which might be supplied by developing countries. On the other hand, the United States appears to have competitive advantages in production of several major commodities, some of which developing countries themselves must export.

12. Basic trends in U.S. agriculture and trade which seem likely to persist include a continuing emphasis on those types of feed/livestock enterprises in which the United States has strong competitive advantages. Total agricultural imports have grown steadily in recent years, including larger quantities of commodities grown in the United States but not in sufficient quantities. These competing items, which are expected to arrive in even larger quantities include beef, some dairy products, fruits, vegetables, wines, sugar and timber products. Non-competing commodities, largely tropical, are also needed in increasing quantities, but their import will rise more slowly in line with growth in incomes and population.

13. The current orientation of policy, as represented by the provisions relating to wheat, corn and cotton in the Agriculture and consumer Protection Act of 1973, is to let market forces guide agriculture but to protect producer returns through deficiency payments when market prices fall below specified levels and to keep supply controls on hand for use when needed. At the same time, production and trade continue to be influenced by other legislation such as Public Law 480, the Sugar Act, the Wool Act, Sections 22 and 32 of the Agricultural Adjustment Act of 1933 (as amended), the Agricultural Marketing Agreement Act of 1938 (as amended), the Meat Import Act, etc.

14. It seems likely that any future measures which the United States might undertake to assist in improving agricultural export earnings of the developing Countries would need to be part of an international approach, including the provision of assistance to assure the larger supplies from developing countries. What could be done and the manner in which it might be done would depend partly on the way in which world agricultural trade evolved. One alternative, which by and large is supported by the United States, would be free trade or a large measure of free trade in which market prices guided production and trade. If such generalized free trade came about, analysis indicates that the United States would shift more resources to the food grains and livestock feed sectors and thus leave room for more imports of other products, part of which would come from developing countries.

15. If world trade evolves rather in the direction of a more organized and selective expansion of trade, a U.S. approach to assist developing countries could be built around "tailored" attention to individual commodities.

16. The following possibilities may be noted among the commodities treated in the study:

Wheat, feed grains and soybeans: Production of these commodities in the United States is highly efficient and competitive in world markets. The greater concentration of U.S. resources in the production of food and feed grains and soybeans could improve the trade possibility of developing countries for other products, such as sugar, vegetables, and specialized livestock products.

Meat: The main forms of U.S. help to developing countries could be assurances of long-term market access at reasonable prices, including the improvement of meat quality and the expansion of efficient processing capacity for export.

Rice, peanuts and tobacco: Production of these commodities has been subject to rigid production and marketing controls for a long time, and there are consequently conflicting views as to potential export gains that might accrue to developing countries if U.S. protection of these commodities were to

be modified. In the case of rice, selective control of production and elimination of export assistance could be expected to leave more of the world market open to developing countries. For tobacco, the elimination of import barriers would increase imports into the United States to some degree but the quantities involved (largely oriental type) would not be large. If support to peanuts were to be limited to production for direct food use, a large reduction in output could be expected, at least initially. The results would include a sharp reduction of U.S. exports of peanut oil or peanuts for crushing, and possibly some imports of peanut oil.

Sugar: The U.S. sugar programme is designed to protect domestic producers and processors and to assure ample supplies of sugar to consumers. It also provides, at a relatively favorable price, an assured and continuing share of the domestic market for foreign suppliers, including a large majority of developing countries. With the continuation of this arrangement, the most direct approach to expand sugar export earnings of developing countries would be to reallocate quotas to provide them with a greater market share (particularly of future consumption increases) and to eliminate the modest duty on quota imports.

Processed products: The basic approach would be to reduce or eliminate tariffs or, where they were maintained, to give preferences to developing countries, and to channel aid for the establishment or expansion of processing plants in developing countries. This might be particularly helpful to cotton textiles, other natural fibres, fruits, vegetables, wood and fishery products.

Timber and wood products: Prices have risen rapidly recently and a long term trend toward reduced U.S. self-sufficiency appears to exist. Elimination of import tariffs on processed forms of forest products would make a substantial contribution to developing countries' plywood and other processed wood industries.

17. The report indicates that means for giving effect to these changes might include, in addition to removal or reduction of both tariff and non-tariff barriers and export subsidies, preferences to developing countries and assistance to them for increasing their export supplies and marketing them more efficiently. Recent policy statements also suggest that in certain circumstances the United States might view favorable more participation in commodity agreements or arrangements. Precedents and power exist in the United States to undertake such action although these are not assembled in any single piece of legislation.

18. The report notes that to increase imports from developing countries and in some cases to reduce the export competition offered by the United States to developing countries there would need to be some adjustments within the agricultural sector. However, in terms of the totality of resources devoted to farming, adjustment for this purpose would not be likely to have a very great impact on the sector as a whole, i.e. the problem is essentially one of modest adjustments at the margin and in most cases, technical and economic scope exists for the switch of displaced resources to other uses. In particular instances, however, the difficulties of adjustment could be substantial, especially for small producers, thus emphasizing the need for assured adjustment assistance to the farmers and others concerned.

VI. POLICY ISSUES AND U.S. ADJUSTMENTS

177. In recent years the overall thrust of agricultural policy in the United States has been toward increased market orientation, first through a reduction in support levels and second through shifts from specific acreage allotments and marketing quotas on major crops to a set-aside approach in supply management. Programmes for retirement of whole farms on a long-term basis have been abandoned and production limitations have been sought exclusively through the idling of crop land on an annual basis. The introduction of the multi-crop set-aside approach has increased farmers' freedom of choice in production. Programme changes also have emphasized the international role of U.S. agriculture and the importance of exports of farm products as a source of foreign exchange and as a source of income for U.S. farmers. Protection, however, continues on a number of import commodities that are also produced domestically.

A. Recent directions in farm policy

178. Until the passage of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86) on 10 August 1973, the direction of future U.S. farm policy was uncertain, although it was clear that some of the principles which have guided recent changes, for example, not instituting measures that would interfere with the competitive position of farm products on international markets, would continue.

179. On 15 February 1973 the President in his State of the Union Message on Natural Resources and Environment pointed out that "The Agricultural Act of 1970 expires with the 1973 crop" and said that "the Administration fundamental approach to farm policy was to build on the forward course set by the 1970 Act". The following principles were suggested as guidelines in enacting new farm legislation:

Government influence in the farm commodity market must be reduced.

Farmers must be allowed the opportunity to produce for expanding domestic demand and to continue vigorous competition in export markets.

Farmers' dependence on government payments should be reduced through increased returns from sales of farm products at home and abroad.

A farm programme should be developed that will put the United States in a good posture for forthcoming trade negotiations.

180. The Act of 1973 adopts a deficiency payments approach inherent in the "target prices" concept for the major commodities. For the next four years, starting with the 1974 crop, the following target prices are established: wheat, $2.05 bushel; corn, $1.38 per bushel, and cotton, $0.38 per pound. These prices are to be adjusted for the 1976 and 1977 crops according to the changes in the index of prices paid by farmers and modified for changes in yield per acre. There will be a determination of national average prices received by farmers for these crops during the first five months of each marketing year. If prices fall short of the target price, the difference will be paid by the Government, based on normal yields on allotment acreages. If the market price is above the target price, no payments will be made.

181. Loans will be made available to all farmers who participate in the programme at the minimum national average levels: for wheat, $1.37 per bushel; for corn, $1.10 per bushel; and for cotton, $0.25 per pound. Loans could be higher under specified conditions, at the discretion of the Secretary of Agriculture, and cotton could be lower if the world price for U.S. cotton is below $0.25 per pound.

182. At the option of the Secretary of Agriculture, farmers who wish to receive the benefits of the programme may be required to set aside a certain acreage (for the 1974 crops of wheat, feed grains and cotton there is no limitation on planting). There will be a limitation of $20,000 per individual farmer on payments made under the programmes.

183. According to the U.S. Department of Agriculture,[21] the new farm act has moved U.S. agriculture toward full competitiveness in world markets. Parity is no longer a policy goal and the principle of limitation on income supplements to individual farmers has now been clearly established. There are several issues which might arise should market prices fall below target levels. Now that a technique (deficiency payments) is at hand which could be used for any product (not only for storable commodities), are guaranteed prices likely to be extended, in future legislation, to meat animals, poultry, milk, fruit, vegetables, etc.? If prices for these other products were to fall below levels comparable to those presently guaranteed for wheat, feed grains and cotton, demands for extension of the system of guaranteed prices and deficiency payments to other commodities would appear likely.

184. Another issue is whether the costs under the new Act will become excessive and if so whether an urban-minded Congress would continue to vote farm commodity programmes. The third issue is how the United States could meet the argument in international trade negotiations that it was subsidizing exports; the deficiency payments apply both to the exported and domestically-consumed part of the crop (the 1970 Act limited payments to the latter). If deficiency payments become large, the United States might well be charged with subsidizing its agriculture.

185. It should be noted finally that the new Act provides that stocks of the specified commodities could be built up in the course of price support operations but does not contain any overall policy as to reserve stocks. If events should develop under the 1973 Act so that the Government did not accumulate stocks, among the questions that will arise are whether or not stocks should be carried, who should carry sufficient supplies, and what should be done about Public Law 480.

B. Proposed trade legislation

186. An area of great uncertainty in American policy at the present time is in trade matters. Since the Kennedy round, legislation has not existed for United States participation in major new trade negotiations. Under continuing legislation, policy largely has reacted to external pressures as reflected in balance of payments and the international position of the dollar and to internal pressures most of which have been aimed at achieving relief from external competition by individual industry groups. However, efforts have been instituted to promulgate major new legislation that will provide the basis for formulation of trade policy for the next five-year period. On 10 April 1973 the President proposed and sent to Congress the Trade Reform Act of 1973.

187. This proposal clearly seeks to increase significantly the flexibility and authority that the President has to manage U.S. international commercial relations. It seeks a two-pronged approach including both concessions and the threat of increased restrictions in handling commercial policy. Clearly, managing trade relations in the broad framework stated in the Act would require a delicate weighing of any given action in terms of its effect on other countries, its effect on specific groups within the United States, and its effect on the general national interest. In this context, several issues are of particular importance to developing countries.

188. One of these is the more liberal criterion to be applied for granting relief to U.S. business and industries for hardships

[21] Address by Don Paarlberg, Director of Agricultural Economics, U.S. Department of Agriculture, at the National Public Policy Conference, Brainerd, Minnesota, 20 September 1973.

caused by foreign competition. In some cases temporary import restrictions combined with adjustment assistance for workers would apparently be an appropriate course to follow. In other cases, relief from imports could become a permanent basis for protection of U.S. industry. To the extent that this is based on competition from developing countries, trade liberalization for their benefit might not occur.

189. Another important issue is that adjustment assistance is limited to assistance for retraining and relocating labour. There is a question as to how farmers would fit into this programme. Farming is the only major industry producing commodities that enter international trade where business and labour are largely one and the same; yet this is one of the important areas where concessions might be made to developing countries. It is not clear that adjustment assistance would be available to farmer if concessions were granted and thus the role that adjusment assistance could play in this important area of relationship with developing countries is uncertain, unless it could be assumed explicitly that the general provisions of the Act apply to agriculture.

190. Another element of the Act of special interest to developing countries is that which provides authority for special preferences. As proposed, the General Scheme of Preferences (GSP) excludes a great portion of developing country exports to the U.S. Secondly, the GSP does not apply to products where there have already been voluntarily negotiated trade restraining agreements. Thirdly, the GSP does not apply to "politically sensitive" products. The discretion to determine what is or is not "politically sensitive" is given to the President under the proposed Act.

191. A further set of exclusions are in the "competitive need" category. Any export to the U.S. by a developing country which exceeds $25 million is automatically excluded. If an export from a developing country exceeds 50 per cent of U.S. imports of that product classification it is also excluded. The specifications of the products, i.e. the specific product classes, used in both of these criteria can have considerable influence on how restricting or nonrestricting they will be. The objective of this provision of the law is to foster new exports from developing countries and to give advantage to those countries just getting into the market as compared to those who have achieved some degree of sophistication in production. Once any product for any country is excluded, the exclusion continues to apply.

192. The bill further extends to the Administration almost total discretion as regards the countries which will be affected. It is expected that any country offering reverse preferences to other developed countries will be excluded. One estimate of the value of trade affected by the proposed legislation after various exclusions is that total developing country export to the U.S. might be increased by $400–450 million.[22]

C. Opportunities and constraints that will influence U.S. trade with developing countries

193. Three questions arise in assessing potential adjustments in the United States that will have an impact on the export potential of developing countries. These are:

How will U.S. imports from developing countries change over time in response to economic trends and market growth?

How might U.S. policies be changed to increase imports from developing countries, and

How will U.S. policy moves fit the needs for world agricultural adjustment?

[22] Report of a Workshop at Michigan State University, "Issues in Trade and Development Outlook and Research Needs for the 1970's" 14–15 May 1973.

These are interrelated questions and answers to them are difficult.

1. U.S. imports in response to economic trends:

194. Population and income growth have resulted in a gradual expansion of import needs over a wide range of commodities. Of a total increase in agricultural imports of approximately $2.0 billion from 1967 to 1972, about $1.2 billion was from developing countries (Table 14). If this trend continues, the further expansion in U.S. imports of agricultural products from developing countries through 1980 would be approximately $1.9 billion. Much of the expansion in demand will again center on competing commodities. The rapidly increasing demand for beef could result in a substantial acceleration in the trend if developing countries can expand output of qualities acceptable in the U.S., a development in turn dependent on some assurance of markets.

195. New attitudes and new proposals concerning production and trade may, during the next decade, add significantly to the import needs of the U.S. consumer. If the move toward specialization in areas of comparative advantage were to be pursued, a recent tendency to shift toward foreign suppliers of several agricultural commodities may well continue.

196. Tropical specialities should benefit from the demand arising from income and population growth of the United States and the smaller items such as spices and essential oils, as well as major items such as coffee, have an assured future. The place of developing countries in non-competing products may be improved by more direct purchasing from developing countries and by the possibility of more processing in those countries. The relatively high income elasticity products, such as meat, wines, cheeses and sugar, are likely to find markets in expanding quantities. Recent increases for both fresh and canned vegetables point to further gains as these labour intensive items become more costly to produce in the United States.

2. U.S. policy changes to increase imports:

197. The issue of concern here, however, is whether this growth can be augmented through policy changes that would encourage a larger part of the future U.S. requirements of competing products to be supplied by developing countries. The answer that has emerged from the previous analysis is that, with the possible exception of beef, little opportunity exists for developing countries to displace future U.S. domestic supplies in the broad spectrum of the cereal, livestock and oil-seed sector of U.S. agriculture. Grains and oil-seeds production are highly mechanized-low labour enterprises and the United States has and should continue to have an advantage in production. Further, dairy products from most developing countries would not likely be competitive with those from developed countries, even if dairy import restrictions were reduced, unless preferences were to be accorded to the developing countires.

198. Import displacment [23] of benefit to developing countries would most likely occur in a number of products that are minor in relation to the total of U.S. agricultural production, i.e. sugar, peanuts, wool, etc. There would also appear to be some potential for cotton, and more important for cotton textiles. In the longer term an acceleration of wood products imports into the United States could occur but this will depend more on the ability of developing countries to expand competitive forest and processing capacity than on shifts in U.S. policy. The extent to which export earnings by developing countries could benefit through greater liberalization of restrictions on other processed products (leather products, processed tropical beverages, fruits and vegetables, etc.) is not assessed in this paper but increases could certainly be expected by this means, particularly in the longer run.

[23] "Import displacement" could take two forms; imports from developing countries might replace U.S. domestic production or they might replace imports from other developed countries. Furthermore, displacement may refer to a change in sources of current supplies or—which is more important in the long-term adjustment context—to a larger share of the future increment of demand in the United States (and other developed countries) being met by developing countries.

199. The internal impact of changes in U.S. agricultural programmes to expand imports from developing countries can be assessed on two bases. Either it can be assumed that these changes would result from unilateral action by the United States to reduce barriers to imports of products of specific interest to developing countries or it can be assumed that the U.S. action is part of an international approach participated in by other developed countries. Unilateral action by the United States would result in some resource displacement without simultaneously creating alternatives for use of the displaced resources. The extent to which displacement would occur is difficult to quantify though in total it would not represent a major proportion of total U.S. agricultural resources.

200. A recent assessment has shed some light on this question.[24] If complete displacement of sugar and peanuts and elimination of import restrictions on dairy products and cotton were assured, the study estimates that there would be total loss in employment and resource use for the four commodity groups of about 7 per cent of farm labour and 8 per cent of farm land. The potential resources displacement if all protection for agriculture were eliminated, though not a large proportion of total U.S. agricultural resources, would be important at the margin and would have a major impact in some localities.

201. If, on the other hand, the changes in U.S. programmes were to be part of an international approach for the expansion of trade in agricultural products, a faster growth in export markets for products for which U.S. producers have a comparative advantage could be expected and resources displaced by greater imports could be diverted to the additional production required for the larger exports. Johnson suggests that the increase in use of land for expanded exports with generally free trade could easily reach about 20 million acres. This would in fact result in the use of more cropland and improved pasture than is currently the case. Expansion in labour use would be less since U.S. comparative advantage exists largely in low labour utilizing enterprises.

202. This aggregate analysis does not take into account regional shifts and the quality of land and other resources needed in shifting forms of production. For the major acreages involved, however, cereal crops, soybeans and/or cotton are interchangeable and the need to abandon acreage would be minimal in the aggregate. Further, resources used for dairy production in most areas could be converted to beef production and in these major areas net resources loss or displacement would also be minimal.

203. In general it is also true that the adjustments required would be consistent with long term structural changes and shifts in the pattern of resources used in U.S. agriculture. Production costs for labour intensive commodities have increased relative to those

[24] D. Gale Johnson, *Farm Commodity Programs—An Opportunity for Change*, American Enterprise Institute for Public Policy Research, Washington, D.C. 1973, Chapter VI.

where labour is used extensively and the overall result would be to improve productivity in agriculture. In general U.S. agriculture has the flexibility to absorb changes of this magnitude and adjust with reasonable rapidity.

204. Adjustment would be most difficult in cotton and the minor commodities some of which are produced by large numbers of very small producers and in some cases concentated within regionally limited production areas. Small scale cotton producers in the Southeast would find it more difficult to adjust than would large scale producers in Texas and California where extensive land holdings could be converted to other uses. Also, small dairy farmers would find it more difficult to develop profitable alternative enterprises than large producers with substantial land and capital resources and flexibility to convert to crop or beef farming. The general problem of adjustment would thus largely be one of easing the burden on small producers and emphasizes the need for an adjustment assistance programme that provides for retraining, reinvestment and in some cases relocation for employment in non-farm activities or retirement.

205. Another issue that must be raised in assessing the likely impact of either generalized trade liberalization or unilateral action by the United States is the extent to which developing countries could respond to market opportunities and expand their export earnings. Currently the world beef market presents opportunity for expansion but major potential capacity in the developing countries requires lengthy capital investment and technical improvements. The extent to which Central American, Caribbean and northerntier South American countries could expand fruit and vegetable production if opportunities arose in North America would need to be considered. Timber production requires a very long-term gestation period and planning beyond the time horizon which most developing countries have been able to deal with so far. Processing of agricultural and forestry products requires investment and the development of quality standards and assured production processes that have not been developed in many countries. External change in itself, thus, is not likely to represent a complete answer to expansion of exports by developing countries. A long-term approach for internal development planning that integrates trade sector planning with general development planning would clearly seem to be indicated in association with direct steps by industrialized countries to encourage more imports from developing countries.

3. U.S. policy and world agricultural adjustment:

206. The main objectives of the present paper are to consider implications for the United States of an assumed policy decision to take action to improve the agricultural trade of developing countries. An assessment of the directions which U.S. policy will actually take would go much beyond the scope of the document. Nevertheless, a few concluding remarks can be made concerning influences on future U.S. policy in relation to the need for world agricultural adjustment. Although recently enacted legislation has confirmed the overall direction of its agricultural policy, comparable decisions with respect to U.S. trade policy are still pending. The proposed trade legislation carried no special provisions that apply to agriculture. It appears to be assumed that the general provisions of the Act will apply to agriculture as well as to other commodities. The new farm legislation continues to provide support for agriculture, although there is recognition for the need to avoid programs that will directly conflict with the sector's export role.

207. With the adequate world supplies and surpluses in some developing countries during the late 1960's and early 1970's the United States and some other advanced country exporters maintained policies that may have inhibited production and exports by developing countries. However, the United States was one of the countries where meaningful policies of supply control were implemented to reduce total supply. Further the United States for many years maintained major stocks of food grains and strategic reserves including some agricultural products which, while a problem to the market position of export competitors, were also a basis for filling unforeseen needs due to crop shortages in other countries. The critical importance of this latter effect of U.S. food grain programs was amply demonstrated in the mid-1960's and again in 1972/73.

208. The likelihood for reduction of U.S. trade barriers will however be greater if the general world food situation continues to be such that the capacity of U.S. agriculture is fully utilized. In this case there would be more incentive for land and other resources currently being used to produce commodities, such as more effectively produced elsewhere to be shifted into commodities, such as livestock for domestic use and grains and soybeans for export. Also in the United States, as in other countries, increasing awareness of the interests of domestic consumers appears likely to have an influence favorable to legislative changes to reduce U.S. import trade barriers.

209. A further major issue is that of agriculture's role in earning foreign exchange. As U.S. energy and other import requirements increase, greater emphasis will be placed on expanding production for export, and programs that encourage utilization of resources for high cost production which can be replaced by lower cost imports are likely to meet stronger resistance. These issues have become increasingly important criteria in weighing U.S. agricultural and trade policy, and it is not impossible that in the future their application could well provide additional benefit to the agricultural export trade of developing countries.

Integrated Approach for Food, Nutrition, Population, and Economic Growth

(By Saburo Okita)

I realize that it is a great honor and privilege to be a lecturer on the occasion of the McDougall Memorial Lecture of FOA. I am not very sure if I should have accepted the invitation to lecture at this time, when the world food policy has come to a crossroad of a very fundamental nature. However, I venture to present some ideas in the hope that they will serve, at least in a small way, to clarify the major world issues we are facing today.

The most fundamental issue now, it seems to me, is whether we should anticipate a "surplus" or a "shortage" in the future world food supply. I am aware, of course, that the key issues in this session of the FAO Conference are, one, international agricultural adjustment, and two, world food security policy. These two issues, however, contain some contradicting elements. In case we assume, basically, a surplus of food in the future world market, adjustment problems based on the rational international division of labour should deserve added attention. On the other hand, in case we assume, basically, a food shortage in the world—that is, the second issue—food security policy should receive priority.

When I read the McDougall memoranda this time I was deeply impressed by his foresight and his humanistic motivation in looking at the world food problems some 30 to 40 years ago. His major concern was, as I interpret it, to bring the food and nutrition problems together and by pursuing a policy of better nutrition for the poor and undernourished people, a solution would also be found for the problem of a world surplus of food, with an expanding demand for these commodities. At the same time, if Governments followed freer trade policies and reduced protection for domestic agriculture, cheaper food would become available and it would make it easier for low income people to purchase better food and improve their nutritional standard.

During the 40 years since the McDougall memorandum of 1935, the world food situation has undergone substantial changes. Better nutrition for poorer people in rich countries has been accomplished to a considerable degree together with a more equitable distribution of income, and the consumption of food, in particularly high quality food such as meat and dairy products, has greatly increased. The trouble is, however, that such a process of improvement of nutrition seldom has gone beyond national boundaries and a sharp contrast between the nutritional levels in rich and poor countries has persisted. International trade in agricultural commodities has partially been liberalized but we are still far from having free trade for those commodities. Moreover, as a result of the worldwide food shortage of the very recent past, advocates of greater protection for agriculture have been encouraged to strengthen their position on the grounds of national security.

The world is now facing dual issues of adjusting domestic agriculture for better efficiency and of increasing domestic production, sometimes regardless of cost, in preparation for a possible food supply shortage in global terms. From McDougall's time until very recently, excluding the war-time shortages, the world food market has generally experienced a surplus. Though there was a basic shortage of food in poor countries from the nutritional point of view, this could not appear as effective demand because of the lack of purchasing power of these countries.

Here let me illustrate some aspects of postwar experience in food and nutrition problems in Japan. Food imports of Japan were greatly increased in the course of the last two decades thanks to the ready availability of food in the world market and Japan's increased earnings of foreign exchange by expanding export trade particularly of industrial products. Although the domestic production of rice which is the main staple cereal for the Japanese has been maintained at self-sufficiency level, production of wheat, barley, soya beans, etc. were substantially reduced and they were replaced by imports.[1] Imports of animal food grains such as maize and sorghum expanded from almost nil in the mid-1950s to nearly 10 million tons in 1972. This was necessary to meet a sharply increasing domestic demand for meat, eggs, milk and other high-quality food products.

Because of the uninterrupted supply of foodstuffs from abroad until very recently, few Japanese felt insecurity in depending heavily in imports. Now, after experiencing a worldwide food shortage, many people have started arguing for higher self sufficiency in food supply. However, experts are pointing out that, in order to attain self sufficiency in food at the present level of consumption, nearly twice as much land must be added to the presently cultivated area in Japan and this is physically impossible even if cost aspects are disregarded.

Agriculture in Japan has thus undergone a very far-reaching change in the course of the last two decades. The labour force in agriculture declined from 36.9 percent of the total in 1950 to 14.3 percent in 1971. Agriculture's share in the net domestic product declined from 19.8 percent to 4.7 percent during

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[1] Wheat production declined from 1,531,000 tons in 1960 to 440,000 tons in 1971 and barley production from 1,206,000 tons to 364,000 tons during the same period.

the same period. Adjustment of agriculture to such a rapid and extensive change was a tremendous task. Rapid expansion of manufacturing industries and services, increase of the share of non-farm income of farm households, improvement of transport systems connecting rural areas to urban centres, and other factors external to agriculture helped the process of adjustment to a large extent. With the rising per capita national income, which rose from 250 US dollars in 1956 to 1,518 dollars in 1970 (1,740 and 2,284 dollars in 1971 and 1972 respectively), the nutritional standards of the people have steadily improved. Intake of animal protein increased from 22.6 grams per person per day in 1956 to 34.2 grams in 1970. Intake of fat and oil increased from 21.8 grams to 46.5 grams during the same period. Diseases such as tuberculosis and beriberi as well as infant mortality declined sharply as nutritional standards improved. According to Dr. Toshio Ohiso, Director of the National Institute of Nutrition, malnutrition practically disappeared in the late 1950s when per capita national income rose to around 300 US dollars. He also mentions as follows: "The Japanese nutritional experience has potential value for other countries. It illustrates a high level of nutritional state and national health attainable with a largely vegetarian diet, high in carbohydrate, low in fat, and using fish and animal food as complementary sources of protein. This is significant for developing countries that must select specific goals for adequate national nutrition and for advanced countries that have the freedom to change their diets." [2]

According to a recent announcement of Japan's Ministry of Welfare, average life expectancy reached 70.49 for males and 75.92 for females respectively in 1972 and those are about 25 years longer than the life expectancy of Japanese 40 years ago. Also instrumental in the remarkable improvement in health and nutritional condition in post-war Japan were vigorous promotional efforts for dissemination and demonstration of nutritional requirements, especially during the earlier post-war years when the food and nutritional situation was at a critical stage. The Government passed a Dieticians Law and a Nutrition Improvement Law, and measures such as training of dieticians, employment of dieticians for mass-feeding programmes, initiations of a national school lunch programme, conducting a national nutrition survey every year, setting a recommended national nutritional standard, promoting so-called "Kitchen Car" Activities for demonstration purposes, etc. were adopted. In addition, promotional activities for better nutrition have benefited from the dissemination of knowledge about family planning and contraception and this has been effective as it reduces psychological obstacles for housewives to participate in such activities.

I am afraid I have dwelt for too long on Japan's recent experiences. It was not because I wanted to boast about our accomplishment but because I am searching for some hints for the solution of world wide problems by an integrated approach to nutrition, health, population, food and income.

We find very often in developing countries a vicious circle of malnutrition and poverty. Food is like fuel for engines. Without a sufficient amount and adequate quality of fuel, engines will not work. Moreover in the case of the human body there is a minimum requirement of calories just for keeping the body alive. Intake of calories over and above such minimum can only be converted into work. If food is insufficient people cannot work efficiently. Moreover, insufficient food both in terms of quantity and quality during childhood affects the health conditions of the next generation. Malnutrition also makes the human body susceptible to many kinds of diseases thus reducing the efficiency of work by individuals and by their society.

There is also a vicious circle of high birth rate and poverty. If a mother suffers from malnutrition infant mortality is high. Mothers want to bear a large number of children to insure against early death of their babies. If a society is very poor there will not be a sufficient number of hospitals or clinics. Communication and transportation will be inferior. Little electricity will be supplied to villages and the darkness of night halts or hampers many social and economic activities. Illiteracy will stay high because of the malnutrition of children and financial difficulties in maintaining schools. Most people will stay in agriculture in which the incentive for having a small family is not as strong as in cities. Thus in a society where income is very low, the "infrastructure" for the implementation of an effective population policy does not exist. When the average income keeps on rising and reaches a certain level, there seems to be a threshold where the birth rate starts a sharp decline. In view of the records of demographic changes in East Asian countries including Japan this threshold is likely to be the range of per capita national income of 200 to 300 US dollars. In the case of Latin American countries this threshold level seems to be higher than East Asia. In China, judging from what I saw and heard in Peking when I visited there in April 1972, the birth rate seems to be declining sharply although their per capita national income is estimated by foreign observers at around 100 US dollars. We observe in China that efforts to limit the family size are being made through various policy instruments. I venture to guess that for the effective lowering of the birth rate, a combination of the following four factors is important: first, determined effort by the Government in implementing population policy; second, spread of primary education; third, an adequate level of nutrition; and fourth, an adequate level of income.

Next year will be the United Nations Population Year and the World Population Conference is to be held in Bucharest, in August. I hope very much the Conference will make an integrated approach, especially in close cooperation with FAO, to population problems. Personally, I have a strong sense of urgency for introducing effective measures in reducing the rate of increase of world population. As pointed out by several FAO studies in the past there will be little hope for improved nutrition and food intake for many of the developing countries if the population keeps on increasing at the current rate. Here the time element is very crucial and if human society fails to introduce effective measures in controlling the growth of population, possibly during this decade, the question of food and population may become an almost insoluble issue.

Although there may be short-term fluctuations between surplus and shortage in world food supply, it seems to me that the long-term trend is toward shortage. If that is the case, we will have to build our food policy on that basis, as I mentioned in the earlier part of this lecture. Vigorous effort to increase food production as well as to reduce birth rates will be required. In addition, measures to prevent wasteful consumption of foodstuffs, better ways to preserve and store food, rational distribution of food based on nutritional requirements, and so forth, will become necessary.

Let me illustrate some of the policy measures to be derived from the above considerations.

First of all there must be an adequate arrangement for providing emergency food resources. Dr. Boerma of FAO has already made a concrete proposal in this regard and I hope personally at least that his proposal will receive world-wide support. In view of the depletion of world food stocks, especially the diminishing surplus food stocks of the United States, there must be some arrangement, internationally agreed, to prepare for possible food shortages in the future. This is of vital importance for food-deficit countries which depend on external supply for their survival. It is particularly important for low-income countries because the margin of subsistence is very thin in those countries and they are affected most adversely by the world food shortages. Because of the limited availability of foreign exchange in these countries they simply cannot buy high-priced foods.

Introduction of an effective food ration system will be necessary especially for low-income, food-deficient countries. This rationing system should be based on nutritional requirements and it should prevent waste of food in upper income groups at the expense of malnutrition in lower income groups. A similar idea may have to be introduced internationally. In rich countries intake of excess calories, protein and fats are observable and such an excess intake often causes diseases. In future, rich countries may have to introduce policy measures for preventing wasteful consumption of foodstuffs.

Strategy for development assistance should also be reviewed from the above considerations. As I stated earlier, at least in the case of Japan, per capita national income of about three hundred US dollars was a level at which malnutrition was practically eliminated. If a strict rationing system is introduced this may be realized even at somewhat lower levels of income. The purpose of development assistance may have to be geared to the elimination of serious malnutrition all over the world by guaranteeing minimum nutritional and health standards for all people. This may require modifications in the underlying philosophy of the Pearson Commission Report for which I myself was partially responsible as one of the Commission members. The Report, published as "Partners in Development" in 1969, emphasized the efficiency principle of aid in the sense that the aid-recipient countries should make the best use of aid for attaining higher rates of economic growth, larger domestic savings and expanding export trade. The Report emphasized the importance of self-help efforts of aid-recipient countries and expected those countries, in due course, to "graduate" one by one from the status of aid recipient.

Although the above idea will stand valid in substance it may not be a sufficient condition for eliminating mass poverty from the entire world. If the efficiency principle of aid is applied too strictly and the developing countries with better economic performance in utilizing aid are given priority, there will be a widening gap in the level of incomes among developing countries. In the case of Japan, and possibly in many other countries, there is a system of equalization subsidy to local governments. This system guarantees that poorer local governments will automatically receive subsidies from the central government in order to meet the minimum requirements for local administration such as primary and secondary education, health measures, social security, etc. Extension of a similar idea transcending national boundaries may some day become a reality although it seems rather remote given the prevailing attitude of the national governments today.

If the world cannot expect in the near future a large-scale food aid program based on the global welfare concept the countries will have to find alternative possibilities. One such possibility is an adjustment of industrial structure both in developing and developed countries. Because of rising wages, highly industrialized countries are losing their comparative advantages in many

[2] Diet and Nutritional Status of Japan: The American Journal of Clinical Nutrition, July 1968.

branches of industry, in particular, those in labour-intensive industries such as textiles. Moreover, social disincentives for physical production are increasing as people tend to consume more services than goods and work discipline generally weakens as a social approaches affluence. On the other hand, in many of the developing countries, supply of labour is still abundant and wages are still low. People are more work-oriented and the work efficiency is improving as general education spreads among people. Such a tendency will enable presently poor countries to start expanding their exports of manufactured goods in exchange for food imports. Several delegations attending the recent GATT Ministerial Conference held in Tokyo recommended a policy of increased exports of manufactured goods from developing countries and demanded the opening of the domestic market of developed countries for such exports. This will require structural adjustments of industries in developed countries but it will help to reduce rates of domestic inflation by substituting cheaper imported goods for high-cost domestic products. More important is that such a policy will enable developing countries to purchase necessary food from abroad.

Coming back to the nutritional aspects, in low-income countries, efforts must be made to increase the intake of protein from cheaper sources such as pulses and fish. Soya bean has been, and still is, a major component of the Japanese diet as exemplified by the recent "soya bean shock" felt by the Japanese people when the United States Government announced a temporary embargo of soya bean. Higher priority must be given to pulses as an important source of protein. Another relatively inexpensive source of protein is fish meat. Mr. T. Hisamune, President of the Japan Marine Fishery Resources Research Centre, who made an opening address at the Eighth Session of the FAO Committee on Fisheries last April, emphasized the importance of coastal and inland water fishery as an important source of obtaining animal protein in low-income countries. This type of fishery is usually operated by small-sized or family-based management. Until recently Japanese fishery was broadly based on such small-scale fishing, and in view of the widespread under-utilization of fishery resources in coastal or inland water grounds, and of the serious shortage of animal protein in many of the developing countries, due attention should be paid to the potentiality of developing this type of fishing.

Lastly, there are the population problems. Most of the industrialized countries are gradually approaching zero population growth due to the steady decline in their birth rates. It would be desirable, however, to accelerate this process and reach a static population as early as possible in those countries in view of the high per capita consumption of energy and other natural resources and the effect of this consumption on the environment. Developing countries are also expected to reduce the rate of population increase although they will reach zero growth at a somewhat later stage than the developed countries in view of their present high rate of population growth. The question is how to shorten the transition period from a stage of high birth and high death rates to that of low birth and low death rates. Here an integrated attack on the problem will be needed, as mentioned earlier in this lecture.

World food problems are now facing a cross-road. Shortages of food will be more serious than surpluses. If there is a danger of shortage, rather than surplus, apart from short-term fluctuations, we must realize that what we are doing now will have a far-reaching effect on the coming generations. We should be aware of the possible consequences of the conduct of our current generation on posterity.

FRANCHISING IN NEW MEXICO

Mr. HARTKE. Mr. President, the director of the Consumer Protection Division of the Office of the Attorney General, Department of Justice, State of New Mexico was kind enough to review my bill on franchising (S. 2467). I ask unanimous consent that the letter from Charmaine Crown be printed in the RECORD following my remarks.
be printed in the RECORD following my remarks.

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

Mr. HARTKE. Mr. President, I bring these materials to the attention of my colleagues to point out the necessity for hearings on the matter of franchises at the earliest possible convenience. Three areas of our economy which plague New Mexico, Indiana, and the United States are oil marketing schemes, automotive parts, and women's wear.

I believe the comment of Ms. Crown regarding section 7, paragraph 25 of my bill, to be well taken, and when the Commerce Committee considers S. 2467, they should clarify the language of section 7 making the disclosure of the number of franchises in an area mandatory.

STATE OF NEW MEXICO,
OFFICE OF THE ATTORNEY GENERAL,
Santa Fe, N. Mex., November 5, 1973.

Senator VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Enclosed please find a copy of the New Mexico Pyramid or Multi-level Sales Act. This is the only type of franchise legislation currently in our state. We have had problems with other types of franchises, especially on the East side of New Mexico. These have included oil marketing schemes automotive parts and women's wear. Of course, like most states, we are experiencing problems with pyramid sales groups, and the Pyramid or Multi-level Sales Act is our way to control this aspect of the marketing industry.

With regard to Senate bill 2467, that you have introduced, I have one comment. In section 7, paragraph 25, the bill asks that in the disclosure a statement should be included as to the exclusiveness of the area or territory. I would like to suggest that if an area or territory is not to be an exclusive area of territory, the number of franchises that the company is going to allow in the area should be included in the disclosure. Too many times an area is sold to an individual, only to be subsequently flooded with other franchises, making it impossible for anyone to be successful in their business. This number should be regulated by the Commission according to population of an area, by using a ratio that could be affixed by the FTC.

I appreciate and thank-you for the opportunity to comment on your proposed legislation. I hope that the information contained herein will be helpful and wish your bill every success.

Sincerely,

CHARMAINE CROWN,
Director, Consumer Protection Division.

RHODESIAN CHROME

Mr. DOMINICK. Mr. President, in 1971 Congress passed the Byrd amendment to waive sanctions on items of strategic importance to the United States and thus provided American industry access to Rhodesian chrome. By this act, we eliminated American dependence on the Soviet Union for chrome ore and the necessity to buy chrome ore at the inflated prices the Soviets were charging.

We have before us now a proposal to restore U.S. sanctions against Rhodesia and thus deny our economy access to Rhodesian chrome ore.

In passing, we should note that the continued survival of an independent Rhodesia, the consistent violations of the sanctions by many other countries, and the questionable philosophy of interference in the internal policies of other countries to repress an independence movement have discredited many of the arguments for sanctions in any case.

DISPELLING MYTHS ABOUT THE IMPACT OF THE BYRD AMENDMENT

The proponents of the restoration of sanctions argue that the elimination of sanctions has not aided American business. They argue that Rhodesian chrome imports have in fact proved small and that the Soviet Union remains our primary chrome ore source. They contend further that the surge in imports of ferrochrome from Rhodesia has been responsible for closing down of American ferrochrome factories.

It is true that ferrochrome has replaced chrome in our Rhodesian trade. Indeed, statistics presented during the committee hearings indicate that in the first 6 months of 1973, 48 percent of U.S. high carbon ferrochrome imports have come from Rhodesia, with an additional 29 percent coming from South Africa, which uses Rhodesian chrome to enrich its own low quality ore. During the same period, the U.S. imported only 3 percent of its chrome ore from Rhodesia, while importing 51 percent from the Soviet Union.

However, to argue that the Byrd amendment has therefore failed in its objective to diversify U.S. sources of chrome because the Soviets remain our prime chrome ore supplier is to overlook an important facet of the issue. Had Rhodesian ferrochrome been imported in raw ore form, in the first 6 months of 1973 chrome imports from Rhodesia would in fact have been higher than those from the Soviet Union. Clearly, under the Byrd amendment we have moved out of a position of sole dependence on the Soviet Union for a critical and strategic material.

Furthermore, Mr. President, the argument that it is the importation of Rhodesian ferrochrome which is primarily responsible for the closing of part of our ferrochrome industry cannot be convincingly substantiated. The plants which have closed were small, old, outdated, and absolete. The absence of U.S. chrome ore, the high cost of fuel, the estimated cost of installing required air pollution controls, the 1971 drop in the stainless steel market and increases in stainless steel imports foreshadowed their closure before the impact of Rhodesian ferrochrome was felt.

In terms of this bill, one of the industry's key weaknesses derived from the

sanctions themselves. These companies had to pay a high price for chrome ore while we observed sanctions; since 1971 they have been unable to rely upon a regular source of chrome ore because of the constant threat of repeal of the Byrd amendment. Faced with these uncertainties, and with a Rhodesian ferrochrome capacity which sanctions had assisted to develop by accelerating Rhodesia's desire to establish its own industry to treat its own ore, there was little incentive for these factories to modernize to continue to compete.

Other arguments put forth by the proponents of this current bill are also questionable.

To argue that waiving sanctions as Congress did in 1971 by passing the Byrd amendment is illegal is to ignore the subsequent Court of Appeals decision that in voting as it did Congress was well within its rights.

Mr. President, although proponents try to dismiss the price drop in chrome ore that occurred after the end of sanctions as due to "general market conditions," they cannot deny that the price for chrome did drop, despite general international inflation.

Some argue that congressional action in waiving and maintaining the waiver of sanctions adversely affects negotiations between the United Kingdom and the Smith regime. We have heard this song ever since Rhodesia's Unilateral Declaration of Independence in 1965; there is no concrete evidence to suggest that congressional action or inaction has at any time had the slightest impact on these contacts.

Finally, only a small proportion of the cost of ferrochrome production is for labor, undercutting any assertion that the United States is exploiting oppressed African workers. The lack of required pollution controls, the immediate proximity of the raw ore and low-cost electric power, modern plant facilities and low transport costs are the prime reasons for the price advantage of Rhodesian ferrochrome, not labor cost.

THE IMPACT OF REPEAL

Mr. President, let us focus on what this current proposal to repeal the Byrd amendment will do.

Repeal will wipe out directly the current source of almost half our ferrochrome imports—Rhodesia. We have to recognize that because of the acknowledged Rhodesian content of much of South African ferrochrome, our obligations under sanctions will presumably oblige us also to stop importing much South African ferrochrome as well, which now represents roughly another third of our imports.

With over two-thirds of our current imports to be barred, the blow to our stainless steel and other specialty steel industries will be devastating.

The importance of these industries to our economy and national defense is recognized by all. Given current world market conditions, to obtain sufficient ferrochrome at any price for our industries will be a major problem. Even if we succeed in finding sources to replace Rhodesian and South African ferrochrome, the accompanying market disruption and subsequent drastic price rises will spread throughout the steel industry and our whole economy.

Reimposition of sanctions could also give foreign producers of stainless steel a cost advantage over American companies, opening up the possibility of the increased entry of foreign stainless and specialty steel into the U.S. market. Just as our ferrochrome industry was damaged, perhaps irreparably, by the embargo on Rhodesian chrome, our stainless steel industry would now be damaged, perhaps irreparably, by denying it access to Rhodesian and South African ferrochrome.

Mr. President, to argue that releases of excess chrome from GSA stockpiles will offer the ferrochrome or stainless steel industries relief is to ignore the low quality of the stockpiled ore and national security requirements. More importantly, these supplies, even if available, would provide only a temporary expedient and would not give the industries the reliable source which they need to make their plans for production and for development of their capacity.

No chrome has been mined in the United States since 1961. With Rhodesian and much of South African ferrochrome unavailable to American industry, the United States would return to primary dependence upon the Soviet Union for chrome, either directly for chrome ore or indirectly by requiring us to import ferrochrome, if we could buy it, from other countries who process Soviet ore.

While the Smith regime may abridge the civil rights of many Rhodesian citizens, we should not forget that the Soviets show a frightening lack of concern for the civil rights of their own citizens. It seems to me that given these undesirable choices for sources of chrome and ferrochrome, it would be absurd for us to return to primary dependence on the Soviets, who despite détente, continue to pose the greatest military threat to this Nation or any nation in the world. Soviet actions during the recent Middle East crisis give us little reason to feel secure on this score.

Mr. President, for both national security and economic reasons, and on the basis of commonsense in looking at where reliance upon a single source for a critical material—oil—has brought the United States today, this proposal should be defeated.

NEED FOR FORT McCLELLAN IN ALABAMA AS HEADQUARTERS OF WAC CENTER

Mr. ALLEN. Mr. President, on November 3, 1973, at the annual meeting of the board of directors of the Women's Army Corps Foundation, resolutions were approved strongly supporting the retention of the corps' special status within the structure of the U.S. Army and the continued active use of Fort McClellan in Alabama as the Headquarters of the U.S. Women's Army Corps Center and School.

These resolutions were sent under cover of letters to Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, and to Representative F. EDWARD HÉBERT, chairman of the Committee on Armed Services of the U.S. House of Representatives.

Mr. President, these resolutions represent the interests of thousands upon thousands of American women who have served or who are serving in the U.S. Women's Army Corps. They also represent the views of a large number of patriotic and dedicated American citizens who are interested in working for the best interests of their country.

Mr. President, I ask unanimous consent that the letter to the chairmen and the resolutions be printed in the RECORD.

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

WOMEN'S ARMY CORPS FOUNDATION,
U.S. WOMEN'S ARMY CENTER AND SCHOOL,
Fort McClellan, Ala., December 12, 1973.

The Honorable F. EDWARD HÉBERT,
Chairman, Committee on Armed Services,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In recent months articles have appeared in the military service journals forecasting elimination of the Women's Army Corps and the closure of Fort McClellan, Alabama. These matters gravely concern us as citizens, veterans, and as members of a private, non-profit corporation devoted to promoting, protecting and preserving the history of the Women's Army Corps.

At the Annual Meeting of our Board of Directors on November 3, 1973, active duty members abstaining to preclude any evidence of bias, it was voted to forward the enclosed Resolutions to you on these vital subjects. It is our fervent hope that your Committee will reaffirm its farsightedness in establishing the Women's Army Corps as a special Corps of the United States Army and in appropriating funds to construct a permanent training facility for the Women's Army Corps at Fort McClellan.

We find it disturbing that consideration would be given to abandoning the organizational status of the Women's Army Corps at such a critical time. Though significant progress has been made in the past several years in eliminating discriminatory practices against women in the Army, the effort to eradicate discrimination is still in its fledgling stage. The Women's Army Corps possesses the structure, experience, and personnel needed to insure progress toward equal rights for women in the Army. It is difficult to understand how these goals can be professed and advanced if the organization which has brought them so far and which has contributed so much to realization of an all-volunteer Army is peremptorily abandoned.

In concert with the above, the members of our Board believe that the millions of dollars spent to construct a permanent training facility for women at Fort McClellan will be flagrantly wasted if this post is closed. The current, exciting recruiting momentum of the Women's Army Corps is dependent upon the efficient and skillful operation of the basic training process. For Army women, this training has been conducted solely at Fort McClellan for almost twenty years. The barracks, the academic buildings, the furnishings were intended to be used by women. Unlike basic training facilities for men, the training center for women cannot be moved to a different post without a drastic loss in the momentum that has been successfully built up at Fort McClellan.

Mr. Chairman, we respectfully ask you and the members of your Committee to consider the reasons in our Resolutions for retention of the Women's Army Corps as a special Corps and retention of Fort McClellan, Alabama, as

an active post of the United States Army and that you join us in supporting these issues of significance to the sustainment of an all-volunteer Army and the advancement of equal rights for women.

Sincerely,

BETTIE J. MORDEN,
President, Women's Army Corps Foundation.

[Women's Army Corps Foundation, U.S. Women's Army Corps Center and School, Fort McClellan, Ala.]

RESOLUTION

Whereas, it has been publicized that the Department of Defense is considering the closure of Fort McClellan, Alabama; by majority vote, the members of the Board of Directors of the Women's Army Corps Foundation do hereby vow and declare their strong opposition to such action and urge all who bear witness to this statement to support their position, AND

Whereas, the United States Women's Army Corps Center and School, Fort McClellan, Alabama, as the major basic training base for members of the Women's Army Corps, is currently operating at full capacity, training approximately 12,000 women volunteers annually, the closure of this base would destroy and disrupt the most successful training and recruitment momentum created in recent years by the United States Army, AND

Whereas, the creation of an all-volunteer Army has been established as a National goal and the enlistment of thousands of women is critical to the successful achievement of this goal, it is deemed unsound and illogical to close the ONE military post where the initial training of women is conducted with economy, competence, and skill, AND

Whereas, funds were appropriated by Congress in 1953 for the construction of a permanent training base for women at Fort McClellan, Alabama, closure of this post would contradict the purpose and intent of this expenditure which was to guarantee a permanent "military home" and historical base for women—a guarantee upon which women could rely and which reflected the good faith of the American people toward the thousands of women who have voluntarily devoted their lives, their careers and their fortunes to the United States Army, AND

Whereas, Fort McClellan, Alabama, is internationally known as the "home of the Womens' Army Corps," and is the ONE site upon which the hostorical heritage and tradition of the modern Women's Army Corps is based, it possesses an intrinsic and intangible value to women and to the American people which is beyond physical measure, AND

Whereas, it has been publicly announced that the United States Army Military Police School will be relocated to Fort McClellan, and retracting that announcement and closing the post will have an adverse impact on the Army's credibility, Therefore be it

Resolved: That the Women's Army Corps Foundation, its Board of Directors, members and friends support the continuance of Fort McClellan, Alabama, as an active post of the United States Army, as an essential element in achieving an all-volunteer Army and to show good faith in the commitment made by Congress to insure a permanent place for members of the Women's Army Corps, past and present, in the history and heritage of the United States Army and in the hearts of the American people, to whom they have dedicated their lives and their careers unselfishly.

[Women's Army Corps Foundation, U.S. Women's Army Corps Center and School, Fort McClellan, Ala.]

RESOLUTION

Whereas, it has been publicized that legislation will be proposed to the Congress that the Women's Army Corps be eliminated as a special corps of the United States Army, by majority vote the Board of Directors of the Women's Army Corps Foundation, do hereby vow and declare their strong opposition to enactment of such legislation and urge all who bear witness to this statement to support their position, AND

Whereas, the Army's success in achieving an all-volunteer force is highly dependent upon recruiting greater numbers of women to fill noncombatant jobs, AND

Whereas, the Women's Army Corps has, as a special corps for over thirty years, been the successful conduit for recruiting, training, administering, and assimilating women into the United States Army, the elimination of this branch would be patently counterproductive to the achievement of our National goal of an all-volunteer Army, AND.

Whereas, the Women's Army Corps has, since inception of the Army's all-volunteer program on 1 July 1972, attracted more volunteers percentage wise than its counterparts, dissolution of this branch would end the timely success of enlistments which are keyed to the distinctive standards, title, and history of the Women's Army Corps, AND

Whereas, there is no law which precludes women from being ordered to serve in Army combat units, the very existence of the Women's Army Corps serves as evidence that the Congress does not intend that women be utilized in combat duties, AND

Whereas, the existence of the Women's Army Corps as a special corps has, since 1942, assured the American public that the United States Army stands as a pillar of responsibility in adhering to civilian custom and tradition, elimination of this corps status would seriously impair the ability of the Congress and the Army to guarantee the basic rights of men and women to privacy in the conduct of their daily personal lives, AND

Whereas, the provision of a distinctive corps and insignia has greatly enhanced the morale and esprit de corps of women in the Army; has provided an enduring symbol of their acceptance and integration within the Army; has given concrete evidence of the Army's reliance upon women in the accomplishment of its missions, and has provided an appropriate means of recording and honoring the significant part women have played in serving the interests of our beloved country, AND

Whereas, the progress that has been made by women in gaining equal opportunity in the Army is viewed as resulting largely from the presence of a Women's Army Corps and the structure to address women's special needs and problems, AND

Whereas, discriminatory attitudes still exist within the Army, and changing a statute or policy will not of itself guarantee women equal opportunity, elimination of the organization which monitors progress in affording equal opportunity will have an adverse, not a favorable, impact, Therefore, be it

Resolved: That the Board of Directors of the Women's Army Corps Foundation supports the retention of the special corps status of the Women's Army Corps and that this status be recognized as the successful conduit for recruiting, administering, identifying and honoring the many women who have, and who are, voluntarily serving their country in uniform, and that a spokeswoman be retained for Women's Army Corps personnel.

CARMINE BELLINO, CHIEF INVESTIGATOR OF THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, acting through a subcommittee composed of Senator TALMADGE as chairman, and Senators INOUYE and GURNEY as members, the select committee investigated charges that Carmine Bellino, Chief Investigator of the Select Committee on Presidential Campaign Activities, had been guilty of some complicity in the electronic bugging of some Republican campaign officials during the general election of 1960 when John F. Kennedy and Richard M. Nixon were the candidates of the two major parties for the Office of President.

After this subcommittee had conducted an investigation and received all available testimony, a majority of the committee, Senators TALMADGE and INOUYE, made a report to the select committee that there was no competent or credible evidence to sustain the charges. Senator GURNEY filed minority views on this matter.

Sometime ago, I had the report of the majority and the minority views of Senator GURNEY inserted in the CONGRESSIONAL RECORD. Since that time, Senators TALMADGE and INOUYE filed with the committee certain additional views in response to the minority views expressed by Senator GURNEY.

Having studied the affidavits on which the charges were based, I am compelled to say that if the charges had been presented in a court of law, the court would have dismissed the charges on the ground that there was no evidence to sustain them. In my judgment, Carmine Bellino is a faithful and law-abiding public servant.

I ask unanimous consent that the additional views of Senators TALMADGE and INOUYE be printed in the body of the RECORD.

There being no objection, the additional individual views of Senators TALMADGE and INOUYE were ordered printed in the RECORD as follows:

INDIVIDUAL VIEWS OF SUBSCRIBING SENATORS IN RESPONSE TO INDIVIDUAL VIEWS OF SENATOR GURNEY

Certain points have been raised as individual views in connection with the investigation that require additional comment. As will be recalled, the letter signed by the Senators requesting an investigation cited "three sworn affidavits making serious charges against Mr. Carmen (sic) Bellino, Chief Investigator of the Select Committee on Presidential Campaign Activities" and stated that "among other things, the affidavits allege that Mr. Bellino was deeply involved in illegal bugging of the Presidential Campaign of President Nixon in 1960." The allegation that "Mr. Bellino was deeply involved in illegal bugging" was the only one singled out.

It has been unanimously agreed by the members of the Subcommittee that there is no direct evidence—whether in the affidavits submitted or elsewhere—connecting Mr. Bellino with any planned or executed electronic surveillance in connection with the 1960 Presidential campaign. Nor does it appear to be claimed that there is any direct evidence that anyone actually engaged in illegal electronic eavesdropping in connection with the 1960 campaign. In the investigation conducted by the Subcommittee, there was only hearsay involving Mr. Bellino and some of that perhaps double or triple hearsay. Nevertheless, the position is apparently being taken that there is "credible evidence" to sustain some of the allegations against Carmine Bellino. The fact that all the alleged participants in the supposed planning and execution of electronic eavesdropping unequivocally denied wrongdoing should have

put to rest the allegation against a person with decades of distinguished service to the government. However, it did not.

In concentrating on direct evidence concerning alleged electronic eavesdropping, the Subcommittee Majority did not find it necessary to delve into highly speculative questions of motivations as well as peripheral issues of fact. However, it now appears that a few additional comments are necessary to place in context the other individual views. For example, in certain of the instances cited of supposed contradictions between Oliver W. Angelone and other witnesses, the ultimate source of the hearsay statements is totally unclear or reverts back to the same persons, such as John Leon, that formed the basis of the allegations in the first place, thus providing little if any guidance and piling hearsay on hearsay. Some of the instances actually provide indications why the persons making the charges might have fabricated testimony. For example, Leon's complaint—repeated to many of his former employees—that Angelone profited from work on the 1960 campaign (denied by Angelone and Bellino and without any evident factual basis) might have motivated him to make false statements concerning Angelone and involve him in the investigation. It hardly supports the position that Angelone was not truthful.

"Corroboration" is found in earlier remarks of Leon to other individuals, yet all that has been said about Leon's remarks is that "he made similar statements *concerning Jones . . .*" in prior years. (Emphasis added.) At best, Leon's earlier statement *concerning Bellino* are sketchy or ambiguous.[1]

On the subject of Jones' credibility, a lie detector examination of Jones is referred to. Although the reliability of such an examination is hardly free from doubt, it does support the position that Jones was telling the truth when he denied knowledge of electronic eavesdropping on Republican officials in the 1960 campaign. As to the failure to confront Jones with questions concerning the ministers, it should be remembered that the test was administered by experts retained by Jerris Leonard and John Buckley, who conducted the investigation for Chairman Bush, and Jones could have been asked questions on this matter if Messrs. Leonard and Buckley had desired.[2]

If an attempt is made to measure the motivations and credibility of the sources of the hearsay allegations, additional facts become highly relevant. Two affiants are relied upon by Chairman Bush and both have criminal convictions, Leon for unlawful electronic surveillance (Criminal Case 206–64, U.S. District Court for the District of Columbia) and Shimon for unauthorized radio transmission and attempt to procure another to commit perjury (Criminal Case 398–64, U.S. District Court for the District of Columbia). It should also be noted that these cases were brought while the late Robert F. Kennedy was Attorney General. Mr. Kennedy's name was brought into the matter by both Leon and Shimon and Bellino was identified by them as an aide to Kennedy. In fact, Shimon quotes Leon as being bitter toward Kennedy because of his criminal prosecution, a case in which Angelone was given immunity from prosecution.[3] On the other hand, both Angelone and Jones are Government employees with many years of service.

On the subject of physical (non-electric) surveillance, although Bellino disputes one of the alleged instances, he acknowledges participation in two other instances of physical surveillance and there has never been any doubt or dispute that the Democratic campaign effort engaged in physical surveillance, namely, the following or attempted following of certain individuals on a few occasions, in an effort to uncover the source of anti-Catholic literature. However, such conduct appears not at all exceptional in the context in which it occurred and no evidence has been found which indicates any illegal or improper acts on the part of Bellino or anyone else in connection with physical surveillance. While apparently no evidence was developed to connect the Republican campaign to the manufacture or distribution of this literature, the opposing campaign can hardly be faulted for conducting a full investigation utilizing all legal means available into all allegations concerning the source of the scurulous materials.

[1] There is no mention of Bellino at all in Leon's detailed letter of October 5, 1967 to his attorney, although Jones, Angelone, Frank and others were discussed. Furthermore, in an interview with the Wall Street Journal on July 6, 1973, printed on September 18, 1973, Leon repeated many of his allegations—plus certain and rather bizarre ones not made public by Chairman Bush—but again made no reference to Bellino.

[2] One of the alleged contradictions involving Angelone is that Buckley has stated that Angelone told him that Bellino told Angelone that eavesdropping devices had been placed on ministers in the Wardman Park Hotel. Angelone denies making this statement. It cannot be claimed, however, that Buckley was an impartial investigator whose credibility is beyond doubt in view of his now well publicized surreptitious role in the 1972 campaign in behalf of the Committee to Re-elect the President. Furthermore, Buckley concedes that he did not ask Angelone to make an affidavit of this alleged remark about Bellino, something a competent investigator who was anxious to bring forth all information, hearsay included, would in all likelihood have done if the statement attributed to Angelone had, indeed, been made.

Although Chairman Bush emphasized in his news release that there were three affidavits that gave "substance to the allegations," one affidavit is completely exculpatory of Bellino, the one executed by Edward Murry Jones.

[3] Leon's affidavit notes the indictment of Frank, Angelone, and Leon, but not the fact that Leon and Frank were convicted while Angelone was given immunity. See United States v. Frank, 225 F. Supp. 573 (D.D.C. 1964), aff'd, in part rev'd in part 347 F. 2d 486 (D.C. Cir. 1965), cert, dismissed, 382 U.S. 923 (1966). The conviction of Shimon was not disclosed in the documents released by Chairman Bush.

FIRST AIRPLANE FLIGHT 70 YEARS AGO TODAY—WRIGHT BROTHERS' ACHIEVEMENT CHANGED WORLD'S HISTORY—SENATOR RANDOLPH RECOUNTS EARLIER ACTIONS

Mr. RANDOLPH. Mr. President, even in this time of fuel shortage, America continues to be a highly mobile country. It is more difficult than normally, but our people are on the go day and night, to and from all parts of the world.

There are thousands of people traveling by air today who are unaware of the significance of this date in history. It was 70 years ago, on December 17, 1903, that the Wright brothers made man's first successful powered airplane flight.

Mr. President, their success was the culmination of the dreams of men for centuries. Leonardo di Vinci, from his vantage point in the distinct past, looked ahead and recognized the possibility of flight by humans.

Alfred Lord Tennyson, in his poem "A Vision, speculated on man soaring into the heavens:

For I dipped into the future far as human eyes could see, saw the vision of the world and all the wonder that would be;

Saw the heavens filled with commerce, argosies of magic sails, pilots of the purple twilight dropping down with costly bales.

In our own history as a country, people have looked to conquering the skies with both enthusiasm and skepticism. Thomas Jefferson, one of our greatest visionaries, discussed the possibility of manned flight but without much hope of success. He set forth his thinking on the subject in a letter to a Mr. D. B. Lee in 1822.

Several decades later, the first bill was introduced offering a prize for the development of powered flight. This was in 1893.

Mr. President, I ask unanimous consent that Jefferson's letter and the first flight bill, introduced in the Senate in 1893, be printed in the RECORD.

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

MONTICELLO. *April 27—22.*

WM. D. B. LEE.

SIR: Your letter of the 15th is received, but Age has long since obliged me to withhold my mind from Speculations of the difficulty of those of your letter, that therein are means of artificial buoyancy by which man may be supported in the air, the Balloon has proved, and that means of directing it may be discovered is against no law of nature and is therefore possible as in the case of Birds, but to do this by macanacal means alone in a medium so rare and unresisting as air must have the aid of some principal not yet generally known, however I can realy give no oppinion understandingly on the subject and with more good will than Confidence wish you success.

TH. JEFFERSON.

S. 1344

A bill to secure aerial navigation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay the sum of one hundred thousand dollars to any inventor, from whatever part of the world, who shall, at any time prior to the first day of January, nineteen hundred, construct a vessel that will, on the verified report of three engineers appointed by the Secretary of War, demonstrate, within or near the city of Washington, the practicability of safely navigating the air at a speed of not less than thirty miles an hour, and capable of carrying passengers and freight weighing a total of at least five tons.

Mr. RANDOLPH. Mr. President, the events of that day on a windswept North Carolina beach in 1903 revolutionized travel and had a tremendous impact on the world's history in the seven decades that have followed. Orville Wright's 57-second flight in a flimsy craft was the beginning of tremendous achievements in flight, culminating—for the moment—in the travel of men to the Moon.

The Wright brothers' accomplishment, like so many others of great historical importance, went virtually unnoticed at the time. Immediately after the flight the brothers sent this telegram to their home in Dayton, Ohio:

Success four flights Thursday morning all against 21-mile wind started from level with

engine power alone average speed through air 31 miles longest 57 seconds inform press home Christmas.

This message, equal in impact to Alexander Graham Bell's first telephone conversation, was received with general indifference by the press and public. Few newspapers devoted more than a few lines to this remarkable achievement that had been the dream of men for centuries.

The obscurity of the Wright brothers and the delayed recognition they received is recounted in the current issue of National Aeronautics magazine with this explanation:

Part of the problem could be laid on the Wrights themselves—their naivete plus their refusal for the next five years to make public any details of their "Flyer."

Also, the historic first successful airplane never flew again; after their fourth flight on that memorable day, a gust of wind all but demolished it. The Brothers packed it up without reassembling the aircraft and deposited it in a shed at Dayton where it languished for years. Neither Orville nor Wilbur bothered to fly again for nearly three years.

The Wright plane is now housed in the temporary museum of the Smithsonian Institution. In the near future it will be moved, along with other parts of our aeronautical heritage, into the National Air and Space Museum which is now being constructed in Washington. The beautiful building on the mall is under authority granted by legislation I introduced in the House of Representatives in 1946, and a few years ago was amended to add the word "Space" to the official name. I was first approached by Air Force Gen. Henry H. "Hap" Arnold with the idea of the air museum for military aircraft, and from our discussions came the legislation to create this permanent home for this important part of our national history. It was my belief that civil aircraft be included in the bill I drafted. This was done.

If recognition of the Wright brothers' work has been belated, it is now replete with honors due these modest brothers. In 1933 the Federal Government dedicated a monument to them at Kitty Hawk, N.C. Six years later, I joined with Representative CLAUDE PEPPER, then a Member of the Senate, in the sponsorship of legislation declaring Orville Wright's birthday as National Aviation Day.

Mr. President, I do not make a gratuitous compliment when I say that the Wright brothers and their success with powered flight altered the course of human events. But without them and the vision that led them to success, man's achievements with flight might have come much later and at a much greater cost.

As Members of the Congress complete their legislative work for the year and travel to their homes for the Christmas holidays, many will go by commercial airliner. I hope that in our journeys we will remember that today's jet flights, whether they be short ones to our State of West Virginia or across the continent to California, are the direct descendants of the brief flight 70 years ago today.

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is concluded.

THE CALENDAR

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the call of the calendar.

MEASURES PASSED OVER

The bill (S. 22) to establish a system of wild areas within the lands of the national forest system was announced as first in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1033) to amend the Exportation Act of 1969 (50 App. U.S.C. 2401–2413) as amended, to control the export of timber from the United States was announced as next in order.

Mr. MANSFIELD. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill (S. 1739) to amend the Federal Aviation Act of 1958, to provide a definition for inclusive tour charters, and for other purposes was announced as next in order.

Mr. MANSFIELD. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The joint resolution (S.J. Res. 161) proposing an amendment to the Constitution of the United States relative to the assignment of students to public schools was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MANSFIELD. I object.

Mr. ALLEN. Mr. President, under rule VIII, I move that the Senate proceed to the consideration of this joint resolution, submitting a constitutional amendment to the States prohibiting the busing of schoolchildren for the purpose of creating racial imbalance. I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Mr. President, how many bills on the calendar has the clerk announced?

The ACTING PRESIDENT pro tempore. The Chair would first like to announce that the measure under consideration is the Rhodesian chrome ore bill.

Mr. ALLEN. Mr. President, I understood it to be Senate Joint Resolution 161.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of Calendar No. 388, the Rhodesian chrome bill?

Mr. HARRY F. BYRD, JR. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 388.

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 388.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

Calendar No. 388 (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.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana that the Senate proceed to the consideration of the bill (putting the question).

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second (putting the question)? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Mr. President, how did the Chair rule on the vote?

The ACTING PRESIDENT pro tempore. The Chair ruled that there is a sufficient second and the yeas and nays are in order. The clerk will now call the roll on the motion to proceed to the consideration of the bill.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. LONG) and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), and the Senator from South

Carolina (Mr. THURMOND) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from New York (Mr. JAVITS) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 46, nays 25, as follows:

[No. 586 Leg.]

YEAS—46

Abourezk	Johnston	Proxmire
Aiken	Kennedy	Randolph
Baker	Magnuson	Ribicoff
Biden	Mansfield	Roth
Brooke	Mathias	Saxbe
Burdick	McGee	Schweiker
Byrd, Robert C.	McGovern	Scott, Hugh
Clark	McIntyre	Stafford
Dole	Mondale	Stevens
Eagleton	Moss	Stevenson
Fong	Muskie	Symington
Fulbright	Nelson	Taft
Griffin	Packwood	Weicker
Haskell	Pearson	Williams
Hatfield	Pell	
Jackson	Percy	

NAYS—25

Allen	Domenici	McClellan
Bartlett	Dominick	McClure
Beall	Eastland	Nunn
Bible	Ervin	Scott, William L.
Brock	Fannin	Sparkman
Buckley	Gurney	Stennis
Byrd, Harry F., Jr.	Hansen	Tower
Curtis	Helms	Young
	Hruska	

NOT VOTING—29

Bayh	Cranston	Inouye
Bellmon	Goldwater	Javits
Bennett	Gravel	Long
Bentsen	Hart	Metcalf
Cannon	Hartke	Montoya
Case	Hathaway	Pastore
Chiles	Hollings	Talmadge
Church	Huddleston	Thurmond
Cook	Hughes	Tunney
Cotton	Humphrey	

So the motion was agreed to, and the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, may I ask, what is the parliamentary situation in light of the vote?

The ACTING PRESIDENT pro tempore. S. 1868 is now before the Senate and is open to amendment.

Mr. McGEE. May I ask. What is the bill S. 1868?

The ACTING PRESIDENT pro tempore. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome.

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield briefly?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. What will happen when the hour of 12 o'clock arrives?

The ACTING PRESIDENT pro tempore. This bill will remain the unfinished business but, under the previous order, at 12 o'clock today, the Senate will proceed to consider the clean air bill until that is disposed of.

Mr. HUGH SCOTT. That will clear the air at that time. [Laughter.]

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. When this bill becomes the unfinished business at 12 o'clock, it will occupy the position then which it had occupied previously?

The ACTING PRESIDENT pro tempore. The Senator from Montana is correct.

Mr. MANSFIELD. Then it will be automatic for the Clean Air Act to be laid before the Senate at that time?

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, yes, the Senator is correct.

Mr. MANSFIELD. Then the Senate is to follow the Clean Air Act with the foreign aid appropriation next; is that correct?

The ACTING PRESIDENT pro tempore. The Senator from Montana is correct.

Mr. MANSFIELD. Following that, the Senate will then turn to the consideration of the nomination of our colleague, Senator SAXBE, which I hope can be disposed of today.

For the information of the Senate, on the basis of the previous conversations held with the distinguished Republican leader, it is anticipated that if we can, as we hope we can, we will lay before the Senate the FEA bill, the Federal Energy Agency bill, which makes Mr. Simon a czar, as the pending business for tomorrow—and I use the word "czar" in the sense of an energy czar.

Mr. HUGH SCOTT. If the distinguished majority leader will yield, I think in this town, no one really is a czarist as that title would imply. Therefore, he is a qualified czar.

Mr. MANSFIELD. I was just using what has come to be called a colloquialism. Perhaps a czaret?

Mr. McGEE. Could we not modify that to a commissar? [Laughter.]

Mr. HUGH SCOTT. I really do not want to go that far, in spite of détente.

Mr. ERVIN. Might I suggest czarina? That is a good word.

Mr. GRIFFIN. This must be the silly season.

Mr. McGEE. Mr. President, in view of the pending business, as we know, the supporters of this measure have been ready since October 1 to have a vote on the bill. So I am wondering whether my distinguished friend from Virginia (Mr. HARRY F. BYRD, JR.), in light of the fact that 62 Senators in this body voted as they did last Thursday, might be willing to expedite the affairs of the Senate in the spirit of the season by going ahead with a straight vote on this pending measure, with his usual, yuletide forgiveness, and his magnanimous approach to humanitarian problems during the Christmas season?

Would the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be willing to do that?

Mr. HARRY F. BYRD, JR. Mr. President, I think that——

Mr. WILLIAM L. SCOTT. Mr. President, will my colleague from Virginia yield briefly?

Mr. HARRY F. BYRD, JR. I yield to my colleague from Virginia.

Mr. WILLIAM L. SCOTT. There are a few words I should like to say on this matter, so I would hope my colleague would not agree to a vote until I can get my few words in.

Mr. HARRY F. BYRD, JR. I certainly want to comply with the wishes of my distinguished colleague, and I use those words as a reply to my good friend from Wyoming (Mr. McGEE).

Mr. McGEE. I appreciate the forthrightness of that answer. In light of that, we will proceed to a third reading just as soon as the distinguished junior Senator from Virginia (Mr. WILLIAM L. SCOTT) has made his remarks; and I gather that is the implication of the senior Senator from Virginia's (Mr. HARRY F. BYRD, JR.) response.

Mr. HARRY F. BYRD, JR. I have had requests and suggestions from other Senators that they also want to make some comments on this matter. I am sure that the Senator from Wyoming would like to accommodate them, too.

Mr. McGEE. Ever since October 1, I have been very much concerned that no one be denied the opportunity to express himself on this matter. In view of the fullness of the discussion, despite the 2 months and 2 weeks which have transpired, I think a little more time is still required this morning. I hope that the Senator from Virginia (Mr. HARRY F. BYRD, JR.) will succeed in finding another thought or two that might be aired after the junior Senator from Virginia (Mr. WILLIAM L. SCOTT) has discussed this matter.

Mr. HARRY F. BYRD, JR. I hope that the Senator from Wyoming will be in the Chamber, and I also hope that the Senator from Minnesota (Mr. HUMPHREY) will be here, because there are some questions I should like to address to each Senator.

Mr. McGEE. I am sure the questions are very much in order and have never been raised before and have not been discussed in this body in the past 2 months and 2 weeks. Therefore, we should air them on this very special day with the beautiful covering of white on the Earth outside, so fitting to the spirit of Christmas.

Mr. BIBLE. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. BIBLE. My colleague from Nevada (Mr. CANNON), who has made considerable comment on this bill, and has considerable interest in it, is unavoidably detained this morning.

I ask unanimous consent that John Cevette of his staff, who is handling this particular problem of the chrome question, be given the privilege of the floor.

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

Mr. McGEE. I am sure that will clear the air. I am willing to sit here so that my colleagues may have the opportunity to raise the new questions on this issue.

I yield the floor.

Mr. WILLIAM L. SCOTT. Mr. President, my remarks will be quite brief. I

rise in opposition to S. 1868. In effect, it would repeal an amendment proposed by my colleague, the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.). His amendment was to the military procurement bill of 1971, which the Senate adopted, and it was later adopted in the House of Representatives by a vote of 253 to 140. Let me add that I voted in favor of the Byrd amendment in the House of Representatives in 1971, as did all Virginia Congressmen. Should the Senate pass the present bill, I believe that its fate would be very questionable in the House in view of the margin by which the Byrd amendment was passed in that body.

Senators will recall that in 1971 when the Byrd amendment was adopted, it was alleged that we were obtaining a major share of our chrome from Russia which had purchased its chrome from Rhodesia. In effect, we were indirectly buying Rhodesian chrome at higher prices from Russia when we could have purchased the same material directly from Rhodesia had the United Nation's sanctions not been in effect. In my opinion, Mr. President, these sanctions were an effort to interfere with the internal affairs of a sovereign government and should not have been imposed in the first place.

According to the committee report, a number of representatives of American industry have testified against this proposal. I believe that Congress only 2 years ago indicated its opposition when it adopted the Byrd amendment. It would appear unwise at this time for us to reverse the decision previously made by Congress. In reviewing the report of the Committee on Foreign Relations, I note a number of areas other than those previously mentioned which raise serious questions regarding the wisdom of the measure before us.

First, the Security Council never made an adequate finding that a threat to peace exists, as required by the U.N. Charter. Second, this resolution results in U.N. intervention into the domestic jurisdiction of the Rhodesian state. Finally, the Security Council violated its own rules—article 32—by failing to accord Rhodesia fundamental due process.

So far as the economic effect of the Byrd amendment permitting the purchase of Rhodesian chrome is concerned, it is interesting to note that before the Byrd amendment, the price of Russian chrome, in the period between 1967–71, was steadily increasing; and as a result, the United States, as a large importer of Russian chrome ore—45 percent of our chrome ore imports—was forced to pay top price to the Soviets in a period when our balance of payments was becoming worse. This price increase was documented in the U.S. Bureau of Mines Yearbook for 1970 which laid the blame for the increase on the Rhodesian embargo. With the passage of the Byrd amendment in 1972, the price of chrome ore dropped sharply. It can be expected that if this bill is passed, the price of chrome ore will increase by at least 20 percent, according to testimony before the Foreign Relations Committee—Mr. O'Mara, page 66.

The Byrd amendment has resulted in lower U.S. cost for chrome ore, and this has made U.S. products made with chrome more price competitive in world markets. The maintenance of a competitive pricing structure is especially important in light of the current announcement that the United States is finally running a favorable balance of payments of $1.5 billion in the official settlement balance register during the second quarter of 1973.

It appears to me that the price and competitive availability of chrome ore are of critical importance to the stainless and specialty steel industry of this country. According to the statement of Mr. Frederick B. O'Mara, executive vice president, Union Carbide Corp., stainless steel has a chrome content of 18 percent and some special steels have even greater chrome content. Thus, the price of chrome is a large factor in the final production cost of these steels. Therefore, one can easily see that repeal of the Byrd amendment by this bill will have three results: an increase in the cost of chrome ore, an increase in market price for U.S. stainless and specialty steel products, with result that our own manufactured stainless steel products will be priced not only out of the world market, but probably also out of the U.S. market. Thus, upon enactment of this bill, it can be expected that Rhodesian chrome will reach the United States not as a low cost raw material but as a low cost stainless steel import having an impact upon our specialty steel industry.

Mr. E. F. Andrews, vice president, materials and services, Allegheny Ludlum Industries, Inc., representing the stainless steel industry, testified before the Foreign Relations Committee—Public Law 91—that the American ferrochrome industry relies almost entirely upon imported chrome, and that the reinstallation of U.N. sanctions will certainly result in a loss of jobs for the U.S. stainless steel industry, if not at once, certainly in the near future. Mr. Andrews based his prediction upon the rapid increase in the ferrochrome industry production in Rhodesia from almost zero tons in 1967 to almost 300,000 tons in 1972, the equivalent of the U.S. capacity. This introduction of a ferrochrome industry into Rhodesia was as a result of the U.N. sanctions, and this additional world capacity competing with the U.S. plants resulted in a loss of U.S. jobs in a very important industry. It is reasonable to assume that restoring the U.N. restrictions will result in additional growth in the Rhodesian stainless steel industry, and that when the restrictions are finally lifted, as they certainly will be, the impact upon the American stainless steel industry will be predictable and harsh, looking back at past experience.

Mr. President, Congress has already expressed itself on this matter, both bodies voting contrary to the thrust of this bill; and the House by such an overwhelming margin, that regardless of what action the Senate may take, the prospects are very dim that this proposal will ever become law. Therefore, I would hope, Mr. President, that the measure will not be adopted by the Senate and that we will retain the right of our Government to purchase strategic materials from Rhodesia or any other nations when it is in the Nation's best interest.

Mr. HARRY F. BYRD, JR. Mr. President, I commend my colleague and friend from Virginia for the statement he has made this morning. I think that he has given a spendid summary of the importance of maintaining the right to import strategic material from a free world market.

I noticed that the distinguished Senator from Virginia mentioned and emphasized the cost factor, and what he brought out is of much importance to the consumers of our Nation. If the consumers of our Nation are faced with a high cost of living, and many of the products, if not most of the products, which they need are being increased in price, then, if S. 1868 is enacted, it will mean that we can feel reasonably sure of additional increased costs.

In that connection, the distinguished Senator from Nevada (Mr. CANNON), chairman of the Subcommittee on Stockpiling of the Committee on Armed Services, spoke in the Senate on December 10, and he, too, went into the matter of costs.

I want to read into the RECORD several paragraphs of his able address. The Senator from Nevada (Mr. CANNON) said:

> The prohibition against importation of chrome from Rhodesia in the 1967–71 period produced a market increase in the price of Russian chrome. The U.S. Bureau of Mines Mineral Yearbook for 1970 states:
>
> Metallurgical grade chromite prices rose for the fourth successive year, continuing the trend initiated in 1967, primarily as a result of continued United Nations economic sanctions against Southern Rhodesia.
>
> The price of Russian chrome dropped sharply after the enactment of the Byrd amendment in 1972.

That is a point brought out by my distinguished colleague from Virginia.

The Senator from Nevada went on to state:

> Its repeal is likely to result in a substantial increase. When repeal of the Byrd amendment was under consideration in 1972, suppliers of chrome forecast an immediate 20 percent price increase if imports from Rhodesia were banned again. If history repeats itself, repeal of the Byrd amendments in 1973 would also result in a 20-percent increase in the price of Russian and Turkish chrome ore.

Mr. President, I have read from the RECORD of December 10, 1973, and the remarks that were made by the Senator from Nevada at that time appear on page 40387.

I think it is clear, just as the Senator from Virginia brought out, and as the Senator from Nevada brought out, that repeal of the Byrd amendment by the enactment of S. 1868 would result in a higher price for this very important and strategic commodity.

We must realize that there are only three major chrome producing nations in the world: Rhodesia, South Africa, and

Russia. A small amount is produced in Turkey, a small amount is produced in Iran, and Italy is a small producer; but really only three countries have any substantial quantity of this very important material.

If we eliminate one of those countries, namely, Rhodesia, where the largest deposits lie, then we become more dependent on the others, particularly on the Soviet Union. It seems to me very unusual that we would appropriate, as we did last week, $75 billion for national defense, $75 billion of tax funds for national defense, and those appropriations are necessary because of the potential threat to the United States by the Soviet Union.

Mr. McGEE. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. Yet we come along and we want to eliminate the opportunity to buy this vital, critical, strategic material from a free world country and thus make ourselves more dependent on the very country we are arming ourselves against.

Mr. McGEE. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from Wyoming.

Mr. McGEE. I just wanted to inquire as to the Senator's intent with respect to the procedure this morning. I understand we are to hold the floor until 12 o'clock, when this matter is to be set aside and other business will take over. Does the Senator envisage any division of that time so that the Senator from Wyoming might say a few things about the pending measure and some of the things said here this morning? What would be the Senator's pleasure?

Mr. HARRY F. BYRD, JR. I have no particular feeling on it. I would be glad to yield the floor or yield time to the Senator, whichever he wishes.

Mr. McGEE. I do not want to interrupt the Senator's thoughts or his colloquy with his colleague from Virginia, but I wondered if there might be a time when I could make a few remarks. I could go ahead and prepare remarks and have them printed in the RECORD. It probably would have the same effect, since there are not many Senators in the Chamber.

Mr. HARRY F. BYRD, JR. No, I do want to ask a few questions of my colleague from Virginia, and after that if the Senator would like the remainder of the time it is satisfactory with me. I do have many questions I would like to address to the Senator from Minnesota when he gets here; and I have questions I would like to ask the Senator from Wyoming; but I will reserve those questions and yield in just a moment to the Senator from Wyoming.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I am glad to yield.

Mr. WILLIAM L. SCOTT. Would the Senator agree that the question here is: What is in the interest of this country? Is it in the interest of this country to be purchasing chrome through Russia? That situation existed before the amendment of the distinguished Senator was agreed to in the Senate. Then the measure went over to the House where it was adopted by a very wide margin.

Second, would it not be the view of the senior Senator from Virginia that regardless of what we do in the Senate, the House is not going to adopt this measure? The margin by which the Byrd amendment was adopted in 1971 was overwhelming in the House. As one who was a Member of that body at that time, I am of the opinion that the House is not going to pass this bill regardless of what the Senate does in this matter, which requires the concurrence of both bodies. I wonder if the Senator would respond to that.

Mr. HARRY F. BYRD, JR. I assume the appraisal of the Senator from Virginia is correct. He would have a better feel for what the House is likely to do than I would because he served there at the time this legislation was enacted. But the Senator so well pointed out the margin in the House, which was very great, much greater than it was in the Senate. In the Senate we always had very close votes; it always has been a margin of three, four, or five votes. But in the House the votes were much stronger in favor of the position adhered to by both Senators from Virginia.

I might say that my feeling is that on this issue and the same is true on the issue of compulsory busing, the House is in greater tune with the sentiments of the people of our country than is the Senate. I just do not believe that the American people have much enthusiasm for seeing that we must be cut off from a strategic material needed for our defense purposes, as well as for our domestic needs, as many of our colleagues propose; cut off from buying that material from a free world country, Rhodesia, and become more dependent on another nation, Communist Russia.

I do want to yield to the Senator from Wyoming, but before doing that may I ask the Senator from Wyoming just one or two questions?

The Senator from Wyoming is or has been chairman of the Subcommittee on African Affairs of the Committee on Foreign Relations.

Mr. McGEE. The Senator is correct. I was, until this year. I am still the ranking member of the Subcomittee on African Affairs of the Committee on Foreign Relations.

Mr. HARRY F. BYRD, JR. I judge from the comments the Senator has made in the RECORD in recent years and months that the Senator favors an embargo on trade with Rhodesia.

Mr. McGEE. The Senator from Wyoming favors the United States going back under the United Nations' action which the amendment of the distinguished Senator from Virginia to a military procurement act took us out of unilaterally. The issue for this Senator is honoring our commitments under the United Nations. That is the issue.

Mr. HARRY F. BYRD, JR. I want to get this clear. The Senator does favor sanctions against Rhodesia.

Mr. McGEE. The Senator from Wyoming favors the United States going back into the U.N. I repeat, the issue here is not sanctions against Rhodesia. The Government of the United States itself joined in the sanctions the United Nations imposed against Rhodesia, and I do not believe, once we do that, that we can unilaterally take ourselves out of it. We have to go back to the U.N. and change the policy of the U.N. That is what international commitments are all about. We have done violence to our own international commitments. We have done violence to the principles of the U.N. by doing violence to this commitment which we had a hand in fashioning in the U.N. That is the only issue at stake.

Mr. HARRY F. BYRD, JR. At the appropriate time I would like to have the opportunity to debate that issue with the Senator from Wyoming, but right now I would like to get clear whether the Senator from Wyoming does or does not favor sanctions against Rhodesia. I have not gotten a clear answer.

Mr. McGEE. We are debating the repeal of the Byrd amendment, as I understand it, and it is the position of the Senator from Wyoming that he favors repeal of the Byrd amendment in order to restore the United States to the integrity of its commitments to the United Nations.

Mr. HARRY F. BYRD, JR. But the Senator does not favor those sanctions?

Mr. McGEE. I am not saying that. I am only saying the issue here is this other question, and I only wish to keep the debate relevant to the issue pending.

Mr. HARRY F. BYRD, JR. I think this is very relevant to the issue pending. The United Nations' sanctions were imposed against Rhodesia and put on, so far as our country is concerned, unilaterally by the then President of the United States without reference to the Congress, without the Congress having any say whatsoever in that matter, and the two reasons given in the United Nations were, one, the racial policies of Rhodesia, and the other reason was that Rhodesia did what the United States did in 1776, namely, declared their independence from Great Britain.

In regard to the first matter, the matter of racial policies of Rhodesia, those policies are not viewed sympathetically by a majority of the American people or a majority of the Members of Congress—and in none of my comments on this matter have I ever sought to justify the policies that Rhodesia may have in that regard. I think that is an internal matter with that nation, but those policies are more liberal than are the policies of South Africa in that particular regard. As the Senator from Wyoming knows so well, an effort was made in the United Nations Security Council to impose sanctions on South Africa. Undoubtedly, other efforts will be made.

I am wondering whether the Senator from Wyoming will indicate what his position is in that regard.

Mr. McGEE. By the same inference, I would have to wonder, in the light of the Senator's declaration just now, whether he favors sanctions against the nation of South Africa because its policies are not as liberal as those of Rhodesia.

Mr. HARRY F. BYRD, JR. I do not favor sanctions against Rhodesia or South Africa. It is a matter they must decide.

Could I ask the Senator whether he would favor or oppose sanctions against South Africa? I would oppose them.

Mr. McGEE. The issue is not unilateral imposition of sanctions against Rhodesia or South Africa. Therefore, that is not the pending question. The pending question is whether we honor our commitments to the United Nations.

If the Senator will recall how it happened we became involved in it, he may remember Rhodesia was seeking to achieve independence from the British Empire. The British and the Rhodesians reached an impasse that became so emotional it appeared to be approaching a violent confrontation, and it was at that desperate, eleventh hour that, through the U.N., the United States was petitioned by the litigants involved and those near the area to intervene as an honest broker to find some other time-stalling mechanism that could permit a less violent solution to the problem.

As it culminated, the move was to propose this resolution to the United Nations with the feeling that it would divert the direction of events from a bloodbath which seemed to be building at that time between the British Government and the government of Rhodesia. The upshot of it was the U.N. resolution.

All kinds of people voted for different reasons on that kind of resolution, but it was a United Nations action with which our Government was in accord; and if we disapproved the action then, we should have killed it in the United Nations. But we approved it.

You cannot win them all, but if you change your mind on something like that, then you go back to the body in which you were legislating such a resolution and seek to change it. But there has been no effort or no interest expressed through two administrations to attempt to do that. They still believe it is important to adhere to our commitments internationally. And I might add that, as far as any official action is concerned, no other members of the United Nations have flouted their commitment to that body through this method—not even Portugal or the Union of South Africa, to which the Senator has just referred.

They are members of the U.N., and they could have taken themselves out of that because they feel very strongly about it, but they placed their integrity to their commitment to the U.N. first. And that is why I insist the United States, one of the principal architects of the U.N., one of the leaders of the so-called free world, one of the great powers on the Earth, whatever else, must honor its commitments to the U.N.

That is what the issue is. Strip out all this other balderdash and that is what the issue is right now. This action is an assault on the United Nations and the role of our own country in the U.N., and there is no use in gilding the lily in some other way.

Mr. HARRY F. BYRD, JR. I gather the Senator from Wyoming is not willing to say what his position is with regard to sanctions?

Mr. McGEE. Why does not the Senator ask me about abortion or birth control or some other totally irrelevant subject? We are talking about the repeal of the Byrd amendment. I want to make sure we do not divert ourselves into other byways. The issue involved in repealing the Byrd amendment is putting the United States back under the integrity of its commitments to the U.N. It is as elementary as that. We will talk about these other questions when they become the pending questions. If the Senator wants to introduce a resolution urging the United States to impose sanctions against Rhodesia, I will be glad to join him in that issue.

Mr. HARRY F. BYRD, JR. Of course, I am opposed to sanctions against Rhodesia. I am opposed to sanctions against South Africa or any of those countries just because some groups might object to their internal policies.

I think most of us have some objections to almost any policy of any nation in the world today. I am suggesting the complete hypocrisy of both the United Nations Security Council and the Government of the United States—I repeat, and the Government of the United States—in declaring economic sanctions against Rhodesia and vetoing, as our Ambassador to the United Nations did just recently, sanctions against South Africa. He was right in what he did. However, it dramatizes the hypocrisy of this whole problem.

The matter that the Senator from Wyoming has just addressed himself to is a matter on which, of course, we have completely different views. The action which the Senator from Wyoming objects to, and which he says is not law abiding, is action which was taken by the Senate, by the House of Representatives, signed by the President, and upheld by the courts of the United States.

Congress did not abrogate its responsibilities when it participated in the United Nations Participation Act. Even if it wanted to do so, the Congress of 1945 could not bind the Congress of 1973.

I say again that the sanctions were put on unilaterally by the President without reference to the elected representatives of the people. I think that the position which Congress took in 1971 and which the President of the United States took in signing that legislation and which the courts took in upholding that legislation was completely proper.

Mr. President, I yield the floor to the distinguished Senator from Wyoming as I promised to do so that he might have the remainder of the time if he wishes.

Mr. McGEE. Mr. President, I thank the Senator from Virginia for yielding the floor.

Mr. President, in order to keep the record straight on the action President Nixon took on this question, I want to point out the President signed that bill only because it was an amendment that was attached to a military bill. It was not a bill that stood in its own right. It was attached to another bill that the President regarded to be of utmost importance to the national interest. That is the reason that the bill was signed. The President had no opportunity to affix his signature or not affix his signature to this amendment.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, let me make my statement before the time runs out at 12 o'clock, if the Senator from Virginia does not mind.

The point of it is the President of the United States was on the record as against the Byrd amendment in his annual report on foreign policy which was submitted in February of 1972.

The Secretary of State also is on record as being opposed to it.

The Senator will recall that the President of the United States was not given a chance in the interest of clearing up this issue.

I would suggest that the Senator from Virginia should introduce this as a separate and independent measure in its own right and let it carry its own weight instead of being put on a measure that the President of the United States has to sign.

The junior Senator from Virginia is now absent. He had said that he wanted to hear more about the question.

It is not without some point. If one examines the rollcall on which there was some objection to making the question the pending business this morning, he will notice that the very ones who said they wanted some more time to say some things about the repeal of the Byrd amendment are the ones who voted no on the majority leader's motion to make this the pending business.

It is this kind of juxtaposition and rhetoric that exposes, I think, what is going on in this body.

We are only urging that the Senate of the United States have a chance to vote this question up or down. Sixty-two Senators last Thursday did so vote. And they are still not being given the opportunity because of the cloture rule to express themselves on a straight out vote on the measure.

I want to take this opportunity to turn to what, I think, is the key to this question. It was the point made by the junior Senator from Virginia (Mr. WILLIAM L. SCOTT) when he said that what we ought to decide here is what is in the best interests of the United States.

The President has tried to ascertain what is in the best interests of the United States. After all, he is in charge of the executive branch.

The Secretary of State has tried to assess what is in the best interests of the United States.

The Senate of the United States would like an opportunity to assess what is in the best interests of the United States. And we should be given that chance. It is being denied to this body. The House would like a chance to determine what is in the best interest of the United States.

The Senate and the House voted otherwise when the measure was before Congress before. The junior Senator from Virginia and the senior Senator

from Virginia agreed that was the feeling of the legislative branch of our Government.

Mr. President, times change, and whatever else we say about this legislative Chamber, we are capable of change if the facts and the priorities change. And that is what has happened. What has happened is that the Byrd amendment has not achieved what was asserted to be its purpose.

Its purpose was said to be that we should cut down on any kind of dependence on the Soviet Union for chrome imports. In fact, since the passage of the Byrd amendment, the imports of chrome from the Soviet Union have increased.

Mr. President, the fact is that the good Lord is the only one that is perfect. However, he made a mistake and put the best chrome on Earth, we are told by our mineral experts, in the Soviet Union. He should not have done that. However, he did put it there.

Free enterprise determines the price. And with all due respect to the Byrd amendment, I submit that the Byrd amendment had much less to do with the price of chrome than the world supply of chrome which found its own level, as indeed it should, and demand as the Senator from Virginia has often advocated in his theory of economics.

What is in the best interest of the United States? Mr. President, according to the many experts of our country, it is in the best interest of the United States to repeal the Byrd amendment.

Secretary of State Kissinger has said in his testimony "repeal the Byrd amendment." Dr. Kissinger very clearly explains how and why the Byrd amendment impedes the foreign policy of the United States, especially in Africa, where we are seeking votes in the United Nations; where we are seeking understanding, and where we are seeking new business.

I do not know how often the Senator from Virginia may have thought of this matter. However, while we have very small business involvement in Rhodesia, we have a very considerable amount of U.S. private business investment in other parts of Africa, all over Africa.

Those business investments clearly stand in jeopardy because of the hostility triggered by this little bit of business that sought protection, and got it, with the Byrd amendment.

A second reason that the national interest requires the repeal of the Byrd amendment derives from the fact that American labor, the working man, has discovered that he is losing his job because of it. The ferrochrome industry made it clear that they had to close down because they could not compete with the low cost of the ferrochrome imported into the United States from Southern Africa and Rhodesia that followed directly in the wake of the passage of the Byrd amendment. American labor is losing its jobs.

Ohio Ferroalloys likewise closed its doors—a ferrochrome industry—because it was being outsold, out-competed, and out-produced with cheaper labor. This has been the consequence of the Byrd amendment, the shifting from the import of chrome to the import of ferrochrome alloys, and American labor is screaming for help by repealing the Byrd amendment.

Finally, Mr. President, we have discovered the price that we have already had to pay in the international community of nations for the shortsightedness of our early decision to adopt the Byrd amendment. In the United Nations, government after government after government has asked us again, "Why are you willing to pay such a high price for the Byrd amendment, for such a complicated consequence that has injured, impeded, and dragged down the efforts of the United States to strengthen its position in the international community?"

I must say, Mr. President, I do not have an answer to that. And no reasonable man can come up with an answer that will explain in rational terms why we, the United States, the advocates of international understanding, the advocates of seeking a commitment through treaties, through the United Nations, and then living up to it, should take such a position.

Oh, I know that this body is a supreme body. We can do whatever we darn please. But one can say the same thing with respect to the Constitution of the United States. The Constitution is what we try to say it is from time to time, and when it gets in our way, we try to do something about it.

But that is not what builds international understanding. We like to say in the same breath, Mr. President, that we believe in law and order. Well, that includes international law and international order. For surely we have learned, at great cost in our treasure and the blood of ours sons, the folly of trying to go it alone, the folly of trying to pretend that international agreements do not matter.

Mr. President, what really is at stake in this bill is the integrity of the word of the United States of America, given in the United Nations, given outside of the United Nations, given in bilateral agreements, in regional pacts, and in military alliances. It is all being laid on the line.

The Members of this body and the Members of the House of Representatives are likewise required to reexamine their earlier vote for a fourth reason. The fourth reason is that no longer can it be demonstrated that the national security of the United States, speaking of that in literal terms, is affected by this issue. The chrome we are buying, or bidding for, does not go to the defense industry. Deputy Secretary of Defense, Mr. Clements, has testified that of the chrome we already have stockpiled, only 2.3 percent of it would be required in the event of war.

Mr. President, that is not saying 2.3 percent of all the chrome in the world. It is not saying 2.3 percent of the chrome we get from the Soviet Union. It is not saying 2.3 percent of the chrome we might get from Rhodesia. It is 2.3 percent of the chrome that we already have stacked up in our country in a stockpile reserve in the national interest. As a matter of fact, we have been trying to move a lot of that stockpile back into commercial channels. No one wants to buy it, because the need is not there.

That is why time has been stripping away all the folderol on this issue. There is no national interest, or any other interest except on the part of Union Carbide and on the part of some of the laboring men, who protest as they see their jobs going down one by one, because they have seen, since the passage of the Byrd amendment, the closing down of the ferrochrome industry, and that means jobs. And they see in it likewise something else that looms very large, and that is our word, the word of our Government.

So let us not argue any longer about how the Senate voted. If the Senator is so confident that his position represents the public opinion of America, if he is so confident that the House of Representatives is going to overwhelming kill the measure, then I say, "Why in God's name do you not let us vote in the Senate, and send it to the House, so they can kill it?"

Of course, the answer is obvious, Mr. President: They are scared to death the House of Representatives will approve it, because the Congressmen have changed their minds. That is what it is all about.

It is time, therefore, Mr. President, that we address ourselves to that issue which cuts across all of the other factors here. That issue is whether we are still going to use the United Nations as one of the lines of American national interest, of American foreign policy.

There is no one that I know of in his right mind who says the U.N. can do everything. Of course not. But it does many things. And we need it. Therefore, if we are to keep open all of our options with NATO, with the Southeast Asia Pact, with the OAS, and with all the other kinds of international commitments that we have undertaken, we indeed, Mr. President, also need and depend upon the integrity of the United Nations. It is that which cries out now for the restoration of the integrity of the United States under the U.N. Charter. It is the repeal of the Byrd amendment to enable us achieve the reestablishment of the integrity of our word as a nation.

Mr. President, we have plenty of problems in the world. We have frightening responsibilities around the world, and I would not be one to pick a fuss and say, "We can do them all this way," or "We can do all that way."

I would rather insist, Mr. President, that we have to have as many strings to our bow as we can keep intact and taut, if we are to achieve that which we seek, namely a more stable world; namely a better chance for a world with less violence; and it is that which rides on this issue.

I would close these informal remarks by once again petitioning my colleagues who stand in opposition to this pending repeal proposal, "Let us show the American people that we are not afraid to let the Senate, as big boys, vote."

Just let them vote; that is all the Senate asks. We have had lots of time to talk. We have had plenty of efforts taken not to talk. Everything has been

said too many times already, and the Senate cries out for the right to express itself.

Mr. President, with all due respect to my colleague from Virginia, with the deepest regard for his own sincerity and integrity in this matter, I would think that he could understand, in a reciprocal way, in that same context, that Senators in this body with integrity, Senators in this body with independence of judgment, Senators in this body who also are proud in their own responsibility of expressing themselves, are simply saying to the Senator from Virginia, "Sir, we believe that the record of the Senate of the United States should entitle us to stand up and be counted on the pending measure of repealing the Byrd amendment." It is as simple as that.

The Senate is a wise body. If it thinks otherwise, it will vote down the repeal. If it disagrees with the Senator from Virginia, he is a gentleman and he knows that people have different points of view, and he will abide by the decision of this body to disagree.

AUTOMOBILE EMISSION STANDARDS

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the hour of 12 o'clock having arrived, the Senate will now proceed to the consideration of S. 2772 which the clerk will state.

The second assistant legislative clerk read as follows:

S. 2772, to amend title 2 of the Clean Air Act, as amended.

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

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

The PRESIDING OFFICER. Debate on this bill is limited to 30 minutes, to be equally divided and controlled by the Senator from Maine (Mr. MUSKIE) and the minority leader or his designee; with 30 minutes on any amendment, except one to be offered by the Senator from Virginia (Mr. WILLIAM L. SCOTT) on which there shall be 1 hour; and with 20 minutes on any debatable motion or appeal.

Mr. MANSFIELD. Mr. President, will the Senator from Maine yield, without having any of his time applied to my request?

Mr. MUSKIE. I yield.

Mr. MANSFIELD. Earlier today, Mr. President, I indicated that we would very likely lay before the Senate the FEA bill, so-called, as reported from the Committee on Government Operations, at the conclusion of business today, so that it would be the pending business tomorrow.

I am about to change that because I indicated last week that the Flood Control Insurance Act would be taken up on Tuesday, and it may have precedence over the FEA bill.

I make this statement now for the Record in order to let the Senate know that a commitment has been made which will be kept unless a way can be found to avoid it.

Mr. MUSKIE. Mr. President, during consideration of and voting on S. 2772, I ask unanimous consent that the privilege of the floor be granted to the following staff members of the Committee on Public Works: M. Barry Meyer, John W. Yago, Phillip T. Cummings, Leon Billings, Karl Braithwaite, Sally Walker, Charlene Sturbitts, Bailey Guard, Richard Helman, Katherine Cudlipp, Richard Herod and Harold Brayman.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Scott amendment be the first amendment in order when we get to that point in the discussion.

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

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, this legislation is the result of 18 days of hearings and 8 executive sessions devoted to the review of the implications of auto emission standards required as result of Clean Air Amendments of 1970. While the language of the bill is simple, its implications are important and complex.

The legislation extends for an additional year the interim emission requirements which the auto industry must meet for the 1975 model year. The effect of this amendment is to postpone for an additional year, the statutory standards established in 1970 for hydrocarbons and carbon monoxide. This amendment also vacates the 1976 interim NOX standard.

The Committee on Public Works is not unaware of the implications of this proposed legislation. Much controversy has surrounded the technology which the auto industry selected to meet statutory emission control requirements. While the catalyst controversy alone raises sufficient questions to urge moderation on the part of the Senate and the Congress, there are other issues regarding emission control requirements.

The committee was concerned with the questions raised about public health-related air quality requirements, fuel economy, oxides of nitrogen emission controls, nitrogen dioxide air quality standards, and transportation control strategies.

This bill would mean something less than a total, national commitment to catalysts—as few as 25 percent and as many as 50 percent of vehicles could meet these standards without catalysts and without fuel economy loss—because noncatalyst cars are small cars.

This bill would vacate 1976 standards which are more stringent than the 1975 interim standards but less stringent than the 1977 standards. Two years' experience with these interim standards will provide ample opportunity to evaluate catalyst issues; evaluate fuel economy questions related to stricter standards; and provide the auto industry with an opportunity to gear their technical efforts and resources to 1977 rather than the present moving target of different standards in 1975, 1976, and 1977.

This bill is a logical outgrowth of the procedure established in the 1970 act; that is, when administrative remedies were exhausted, the Congress would evaluate industry progress and ramifications of the statutory standards. This is the first result of that evaluation. After the NAS studies the committee will have additional recommendations.

The Senate, through the Committee on Public Works, is paying $500,000 to the NAS to evaluate the need for current auto standards from a public health point of view and an evaluation of the cost effectiveness of alternative strategies to deal with auto emission. This bill will place a hold on auto standards for a sufficient period to evaluate the results of those studies. Any more would prejudge those results—any less would foreclose NAS input.

I would like to discuss the history of the issues with which this legislation deals and the basis for committee proposal.

The 1970 Clean Air Amendments (P.L. 91–604) required that all 1975 model cars achieve a reduction in emissions of hydrocarbons and carbon monoxide of 90 percent over the emissions from 1970 model cars. In section 202(b)(5) of the act, the Administrator of the Environmental Protection Agency is authorized to extend the date for compliance with that statutory standard for 1 year, upon a determination that:

(i) such suspension is essential to the public interest or the public health and welfare of the United States; (ii) all good faith efforts have been made to meet the standards established by this subsection; (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

The Administrator made such a determination in April of this year. In accordance with the statute, at that time an interim emission requirement for 1975 model year cars was established. Test procedures for the certification of emission controls on light duty vehicles and engines for model year 1975 have also been established. This legislation provides that the certification procedure for 1976 model cars shall be the same as that for 1975 model cars.

This legislation extends the Environmental Protection Agency interim emission requirements and the implementing test procedures for 1 more year and extends the final date for compliance with the statutory 90-percent reduction of hydrocarbons and carbon monoxide to model year 1977. The statutory standard for oxides of nitrogen will also become effective in model year 1977.

And, this legislation preserves the separate standard established by the administrator for California for model year 1976 as well as model year 1975. The statutory authority for a waiver at the request of the State of California for

stricter emission controls in model year 1976 remains in effect.

The available evidence indicates the need to continue efforts to reduce air pollution emissions from automobiles. This finding is confirmed in a preliminary report to the committee from the National Academy of Sciences which concludes regarding present public health-related standards of air quality:

> Present knowledge of health effects appears to afford no compelling basis for suggestions to either raise or lower the currently mandated primary air quality standards at this time.

The available evidence from the Environmental Protection Agency, the National Academy of Sciences and from other independent sources indicates that public health-related air quality standards are no more stringent than needed to protect the health of sensitive groups in our population from the adverse impact of air pollution.

The committee intends to continue its investigation of the validity of health standards which are the basis for the control requirements of the act. A final report from the National Academy of Sciences on the validity of present standards will be available in August, 1974.

This report and associated reports from the Academy on the feasibility of technology to control oxides of nitrogen emissions and on the costs and benefits of alternative strategies to achieve air quality standards will provide the committee with a basis for an evaluation of a number of aspects of the Clean Air Act, including statutory auto emission standards and transportation control strategy requirements.

Conflicting evidence was presented to the committee on the potential impact of unregulated emissions from catalyst-equipped vehicles.

One serious question relates to emissions of sulfates and sulfuric acid from catalyst-equipped vehicles. While there is considerable disagreement as to the validity and implications of available data, the Environmental Protection Agency scientists and contractors have found significant emissions of sulfates and sulfuric acid in tests on catalyst-equipped vehicles. Projections made by agency researchers from this data indicate a potential for roadside concentrations of sulfates and sulfuric acid in excess of those levels required to assure protection of public health.

Information provided the committee indicates that the projections were based on insufficient evidence and did not justify action by the committee which would delay the introduction of catalysts.

Present marketing trends in the industry show that smaller cars will have a large portion of the market by 1975 and 1976. Thus catalyst-equipped vehicles will have a significant on-the-road test without a total national or industry commitment to the technology.

Also, the Environmental Protection Agency is committed to a major field test of the unregulated emissions and other effects of catalyst control systems in California in late 1974 and early 1975. Reports of this full field investigation should be made available to the Congress by April 1975.

Another issue is emission of potentially toxic noble metal compounds. While no substantiated data was submitted as to emissions of such compounds, the committee expects the Environmental Protection Agency, the auto and catalyst manufacturers to direct adequate resources to monitoring the evaluation of this question to ascertain whether pollutants such as platinum compounds are released from catalyst-equipped vehicles in actual use.

The committee underscores the need to continue the development of alternative pollution control strategies and alternative engine systems which have inherently low emissions. Should the concerns expressed regarding unregulated emissions be borne out in field tests and should other alternatives such as desulfurization of oil prove impractical, the Congress will want options available which would permit immediate abandonment of catalyst technology on the model years subsequent to 1976..

Much controversy exists regarding fuel economy or diseconomy associated with auto emission standards required for 1975 and subsequent model year vehicles.

There are two issues involved: the first is the extent to which there will be a significant penalty in crude oil requirements associated with the manufacture of lead-free gasoline. The second is the extent of the penalty or savings associated with catalyst-equipped vehicles.

The committee is satisfied that the fuel penalty associated with production of lead-free gasoline, if any, is not a sufficient justification for abandoning our clean car efforts.

On the other hand, there is little controversy as to the fuel economy relationship between 1975 and 1974 cars. Virtually all testimony received by the Subcommittee on Air and Water Pollution and the Senate Committee on Public Works this year indicates that the poorest fuel economy was achieved with 1973–74 vehicles, in part as a result of exhaust gas recirculation required to reduce oxides of nitrogen levels in intermediate and large cars.

The auto industry testified that the catalyst would permit an increase in engine efficiency and thus a decrease in fuel use. The auto companies agreed that the use of catalysts could permit up to a 5 percent to 6 percent increase in fuel economy depending on the efficiency of the postcombustion emission control system and the extent to which the engine is "detuned" from an emission point of view to maximize fuel economy and performance. General Motors and the Environmental Protection Agency have placed this fuel economy improvement at anywhere from 13 to 18 percent.

The committee believes on the basis of the evidence cited that implementation of the 1975 interim standards would result in improvement of both emission control and fuel economy.

Mr. President, I reserve the remainder of my time.

Mr. BUCKLEY. Mr. President, I yield to the Senator from Tennessee (Mr. BAKER) such time as he may require.

Mr. BAKER. Mr. President, may I begin these remarks by extending my compliments and congratulations to the distinguished chairman of the Subcommittee on Air and Water Pollution and the distinguished ranking minority member—the Senator from Maine and the Senator from New York. They have dealt in detail and carefully with this complex and sometimes emotional question. I believe that in a very responsible and effective way, they guided the subcommittee and, finally, the full committee to a synthesis of viewpoints and ideas that represents an accommodation of practical requirements at this time, together with dedication to our continuing drive for clean air.

I believe that the hallmark of the bill reported by the committee is realism. I believe it is a realistic approach in these difficult times, when energy is a matter of extraordinary importance to us all. I hope, therefore, to support S. 2772, the bill that the Committee on Public Works has reported to amend the Clean Air Act.

As I stated in a speech on the floor of the Senate on December 10, 1973, the proposed legislation, which would continue for one additional year the 1975 interim standards for emissions of hydrocarbons and carbon monoxide from automobiles, is a workable and fair compromise between the continuing need for clean and healthful air and the need to improve the gas mileage of cars.

Great progress has been made since the enactment of the Clean Air Act Amendments of 1970 in reducing harmful automotive emission of pollutants. The largest percentage reductions in major automotive pollutants will not occur until 1975, however, when the use of the catalyst and other systems will provide improved fuel economy and better driveability as well as clean air. In view of these developments, the burden should be upon those who are urging us to go slow in cleaning up emissions to prove that some overriding public purpose will be served by such delay. The Environmental Protection Agency is not convinced that this burden of proof has been carried and so is recommending that no change in automotive standards be made until next spring at the earliest. Similarly, the Committee on Public Works, after extensive hearings and several markup sessions, determined that only a limited 1 year delay could be justified—mainly to allow an orderly phasein of new emission control systems, to permit all segments of the industry to keep pace, to allow continued development of automotive emission control systems other than catalyst systems, and to optimize fuel economy in the process.

Mr. President, I urge each of my Senate colleagues, before they consider any more radical surgery on the provisions of the Clean Air Act, to review the mass of data which the committee has weighed in arriving at S. 2772. None of the other options considered by the committee offered sufficient advantages to justify the risks and costs that would be entailed, in our judgment. For example, continuation of the 1973–1974 emission standards would

have the effect of locking the industry into the lowest point on the fuel efficiency and driveability curves and would block progress toward the first significant levels of emission control. Continuation of the 1975 interim standards for more than 1 year or adjustment of the statutory standard for NOX control—now scheduled to take effect in 1977—at this time would have prejudged issues on which the committee will have far better information by next year. There has been some consideration of a two-car strategy in which cars in areas with severe air pollution problems would have to meet a more severe standard than those in areas with cleaner ambient air; no one has been able to provide a workable administrative mechanism for such a strategy. Without indicating in any way what the committee is likely to do, I think it is fair to say that the continuing reexamination of the Clean Air Act likely will mean a continuing series of adjustments to the act to reflect the latest state of our knowledge and to minimize the economic and social effects of our progress toward a cleaner environment.

Mr. President, this is the third response of the committee to its pledge to reexamine the Clean Air Act during this Congress. We have engaged the National Academy of Sciences-National Academy of Engineering to review the basis of the health standards under the act by mid-year 1974. We also have provided for short term variances and longer term changes in implementation plans to permit burning of higher sulfur fuels in powerplants and other stationary sources, with appropriate safeguards to insure installation of pollution control equipment.

Early in the next session, the committee will review the entire question of the nitrogen oxide automotive emission standard, the development of technology to control such emissions, and the relationship of NOX emissions from automobiles to those from stationary sources. After hearings and examination of all available evidence on the NOX question, the committee should bring to the Senate the information necessary for responsible action.

In addition to the preamble remarks with respect to the distinguished chairman of the subcommittee and the ranking member, I wish to extend my congratulations and my thanks for his typical cooperation to the chairman of the full committee, Senator RANDOLPH, and to express my appreciation to our colleagues on the committee, on both sides of the aisle, at hearings and in markup, for their excellent cooperation and probing search for a solution to the complex dilemma which presents itself.

It is my understanding that the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT) will offer an amendment to this bill and that, under the terms and provisions of the unanimous-consent order, time has been allocated to that amendment.

I may say that the approach that Senator SCOTT utilizes, as I understand his amendment, is very similar to the approach of this bill. There are substantial distinctions which I am sure he will explain.

The fact that there is an amendment to this bill in no way discourages me from paying respect and expressing my satisfaction at the substantial unanimity of the approach of the committee; because, in terms of the bill as reported and in terms of the amendment which will be offered by the distinguished Senator from Virginia, we are doing the same thing, in my judgment: We are pursuing in a realistic way our search for a cleaner environment. We are trying to accommodate the agencies of the moment. We are trying to avoid throwing the baby out with the bathwater.

So may I close by extending, once again, my congratulations to the chairman, the chairman of the subcommittee, the ranking member, and all members of the committee for their cooperation in bringing this matter to the floor of the Senate in this legislative form, and to express my desire that we have an early disposition of the matters before us.

Mr. WILLIAM L. SCOTT. Mr. President, I am prepared to bring up my amendment, but I yield to the Senator from New York, who is carrying the burden on our side.

Mr. BUCKLEY. Mr. President, I appreciate the courtesy of the Senator from Virginia. I shall keep my remarks brief.

In the first instance, I wish to echo the remarks of the Senator from Tennessee as to the deliberate and fair manner in which this committee and the subcommittee has conducted this important work. This is due in great measure to the attitudes and sense of responsibility of the Senator from Maine and the Senator from West Virginia (Mr. RANDOLPH).

Mr. President, I rise to urge my colleagues to accept the action of the Committee on Public Works regarding emission standards for model year 1975 and 1976 automobiles. On balance, I believe this policy will contribute significantly to progress toward the goal of clean air and, at the same time, result in a net savings of petroleum over the continuation of the 1974 standards. I realize this decision was a very controversial one; it was also a most difficult decision. I believe, however, that the committee's action represents a reasonable resolution of often competing national objectives.

This is a complex matter. The committee has worked conscientiously in an attempt to evaluate all the facts. It has resisted the great pressures of the energy crisis in trying to hack away in a wholesale manner some of the great measures we have enacted in order to make sure we are moving ahead with all due speed, with a balanced approach to all of our national objectives.

The recent decision by the committee regarding automobile emissions standards presented me with one of the most difficult choices I have had to make since entering the U.S. Senate. It required making judgments as to a variety of technological, economic, manufacturing, and health issues, often on the basis of conflicting testimony—judgments which are by and large beyond the technical competence of this committee. Our responsibility is to make pollution control policy; we do not make automobiles. Granted that substantial technical testimony was presented to the committee at hearings, and that much information was made available to individual members and our staffs. This information, with few exceptions, was provided by interested parties: the automobile manufacturers—who were divided—and the oil companies—who were not. EPA, which may have come closest to being disinterested, appeared to subordinate scientific advice with respect to technology to policy advice with respect to air quality standards. "Environmental" witnesses tended to understate the social and economic costs of achieving clean air while overstating the costs of any postponement of statutory targets.

The balancing judgment faced by the committee is a responsibility which, in the normal exercise of government regulatory policy, Congress typically vests in the executive branch. Indeed, less than 8 months ago, the Administrator of the Environmental Protection Agency was faced with an almost identical decision. On April 11 Administrator Ruckelshaus opened his "Summary of Decision" with the statement:

> As I view this decision, the issue before me is essentially the most reasonable method by which necessary technology will be installed on automobiles to meet the statutory standards.

What this committee faced was essentially an appeal of the Administrator's judgment with respect to the application of emission technology. In a few short months, the evidence on which he acted had sufficiently changed to warrant another review of the reasonableness of Federal standards for 1975 model automobiles.

The new factors were twofold: First, meeting the interim standards now appears to require a nearly total reliance on the new catalyst technology, as to which some manufacturers have serious reservations; and two, the country is in the grips of an "energy crisis."

With the announcement by EPA Administrator Train on November 6 that he would adhere to the interim standards established for model year 1975, the administrative "string" had run out. Any change in the standards would now have to be made by Congress. Only two choices were available: to proceed to the interim 1975 standards, or to retain the standards applicable to 1973–74 model cars. The first choice necessitates the application of the catalyst technology to a substantial proportion of 1975 model production.

I voted to proceed to the interim 1975 standards because, on balance, I believe this policy, one, will contribute significantly to progress towards the goal of clean air and, two, will result in a net savings of petroleum fuel over the continuation of the 1974 standards.

The legislative "package" offered for the consideration of the Committee included two main features: one, fixing the interim 1975 standards for two model years (1975 and 1976), and two, setting

a new statutory standard for oxides of nitrogen at 2.0 grams/mile beginning in model year 1977—the present statutory NOX standard is set at 0.4 g/m beginning in 1977—but providing for administrative discretion to tighten that standard in subsequent years based on a reassessment of the impact of nitrogen oxides on health.

For the purposes of voting, the committee divided this proposal into its two component parts. I voted in favor of both features. The 2-year freeze of the 1975 interim standards succeeded; the establishment of a new statutory NOX standard failed.

I favor the continuation of the 1975 standards for one extra year because I believe it important to provide corporate planners with a degree of stability that is necessary to perfect the technology for automobile emission control. I also believe that manufacturers should know at this time what the standards will be for model year 1976 automobiles in order to design emission controls for nitrogen oxides that are technically compatible with the controls that will be in place for hydrocarbons and carbon monoxide in model 1975 cars. As Mr. Cole of General Motors testified on November 5:

> By August 1974, we will be in production on 1975 models and we simply cannot wait until August 1974 or later to make final commitments on our 1976 control system.

I favored setting the statutory standard for oxides of nitrogen at 2.0 grams/mile, rather than retaining the 0.4 grams/mile standard for model year 1977 for two reasons. One was, again, to signal a degree of stability for planning purposes. Based on my understanding of the testimony before the committee, a level of 2.0 grams/mile for NOX is the one which appears to encourage the pursuit of the broadest range of technological options for achieving emission controls, including alternatives to the catalyst. Manufacturers claim that they do not see how the catalyst system, at this point in its development, can succeed in meeting 0.4 grams/mile NOX in each and every vehicle. Furthermore, while the diesel engine can meet low HC and CO standards with relative ease, testimony before the committee indicates it is very difficult to achieve a NOX standard of less than 2.0 grams/mile. With regard to the Mercedes diesel, Mr. van Winsen of Daimler-Benz told us: "In the long run, it seems to me we could achieve 1.5 grams/mile NOX."

The need to aim at about 2.0 grams/mile standard for NOX in order to pursue the stratified charge technology was repeatedly emphasized at our recent hearings by Mr. Misch of Ford Motor, who stated:

> . . . if by the end of the year or thereabouts Congress would see it appropriate to establish a NOX level of about two grams, then we can pursue an alternate engine program.

On the other side of the coin, the emerging evidence regarding the contribution of NOX emissions from automobiles suggests that relaxing the statutory NOX standard would not have a measurable adverse effect on the level of NOX in the ambient air and would not thereby increase the adverse health hazard from that pollutant.

This is the tentative conclusion of the Environmental Protection Agency upon reexamination of measurement techniques which now indicate that the extent of NOX pollution as a public health problem had been previously overstated. On November 26, EPA Administrator Train tentatively recommended to the committee that EPA rescind the statutory NOX standard and retain the 2.0 grams/mile standard for NOX.

Despite these compelling reasons, the committee failed, by a tie vote, to adopt a standard of 2.0 grams/mile for oxides of nitrogen. All members of the committee recognize, however, that the NOX issues must be reviewed in the near future, and hearings are expected to commence early in the next session of Congress.

To complement the "package" which is described above, I offered an amendment to be regarded as part of the entire proposal. During the recent hearings, many witnesses expressed sincere and deep misgivings about the practical success of the catalyst technology which will be applied, for the first time in everyday use, on most of the 1975 model year production. In view of the fears expressed, and in spite of the enthusiasm of General Motors for its catalyst technology, my amendment, which would have permitted the option of retaining the 1974 emission standards upon payment of a penalty of $75 per car—equivalent to the estimated cost of the catalyst device alone—seemed to be a prudent response to the possibility of failure of the catalyst in practical use. The penalty would be far preferable to the "nuclear deterrent" of foreclosing the sale of all automobiles which failed to meet the 1975 standards.

It would also have offered a significant inducement to the development of alternative ways of attaining the 1975 interim standards.

Given the confidence expressed by General Motors in the performance of its own catalyst technology to improve fuel economy and driveability, it is anticipated that GM would still have chosen to use the catalyst while Chrysler and Ford would be free to continue producing cars which meet the 1974 standards for those heavier models which would otherwise require catalysts. One effect of the $75 penalty would be to moderate the competitive disadvantage between those manufacturers which were clearly capable of meeting the 1975 interim standards and those who maintained serious reservations as to the performance of the catalyst in daily use.

At this point I would like to voice my own reservations about the long-term viability of the catalyst technology in controlling emissions. The catalyst is essentially an add-on device which permits the engine to operate in a "dirty" mode. Except for the catalyst, at least in GM cars, the engine is essentially "uncontrolled" with respect to emissions. Therefore, it is the catalyst and not the engine which bears the full weight of emission control. To maintain the catalyst in peak working order will require a substantial cost to the Government and to the carowner in inspection and maintenance routines. Furthermore, the catalyst's successful performance is dependent on the widespread availability of no-lead gasoline.

Other technologies, which are achievable in the very short run, such as diesel engines or stratified charge engines, "want" to run with low emissions. It is the normal mode for those engines. Furthermore, greater fuel economy is associated with each of these alternatives. Both of these factors—low emissions and fuel economy—can be attributed to the simple fact that they burn the fuel more efficiency and, hence, waste less. I venture that it can be demonstrated that in the long run the present standards can be met more efficiently with alternative engines.

I am also troubled by the emerging evidence that the catalyst may contribute to the formation of sulfates and sulfuric acid mists, due to the sulfur in the gasoline. The Environmental Protection Agency admits a potential problem exists after 2 model years with catalysts. Technical experts from the oil industry seem agreed that the relevant atmospheric chemistry, and the contribution of the catalyst, is clouded in mystery at this time. Some suggest that gasoline could and should be desulfurized if the sulfate problem proves serious. This would, however, substantially add to the total cost of adopting the catalyst technology over some alternative which would not pose the sulfates problem.

During our deliberation, this committee was faced with vexing technical problems and with conflicting testimony with regard to the energy benefits and penalties associated with the need to refine unleaded gasoline.

It is clear, however, that the penalties are more than offset by the greater fuel efficiencies in the 1975 interim standard cars, made possible by catalytic converters.

It is my hope that some of the inconsistencies in testimony will be resolved for us by the studies which the committee has contracted to the National Academy of Sciences for completion in August 1974. The committee recognized that the work being undertaken would not be available for the decision which we have just made. Nevertheless, we expect that the analyses of the costs and benefits of various strategies for air pollution control will be of great value in any future policy decisions by this committee.

I was not a Member of the Congress when the Clean Air Act of 1970 was enacted. With the obvious benefit of hindsight, the experience associated with meeting the deadlines of the act confirms my natural inclination that Congress ought to give serious consideration to alternative tools to implement pollution control policy. I have in mind emission charges or penalties, directly related to the amount of pollutant discharged by the offending source. This approach to the problem of what economists call externalities may be preferable to the brinksmanship which has been the demonstrable result of the combined effect of statutory deadlines and

statutory emission standards as applied to the automobile industry.

I am fully cognizant of the costs which we are asking the consumer to assume in moving to the interim 1975 standards. I believe that, given the available options, it was the best of the available choices. However, I am sufficiently unsettled by this recent decision to want seriously to examine policy alternatives, should our judgment ultimately prove incorrect.

Mr. MUSKIE. Mr. President, I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the decisions of the Committee on Public Works necessary to bring this bill to the Senate were among the most difficult we have been called on to make.

When the Clean Air Act of 1970 was adopted, this country embarked on a bold new program intended to halt the increasing pollution of the air we breathe. We recognized then that some substantial adjustments would be required to accommodate the new procedures mandated by the Act.

We knew there would be agitation for changes in this statute. Members of the committee knew that if we compromised the commitment inherent in the Clean Air Act by making unwarranted modifications in its provisions, then the total effort would be weakened and its success impaired.

Therefore, we approached the question of automobile emission standards with a determination to examine all aspects of the issue in detail. Beginning last spring, the committee conducted hearings, participated in a number of meetings on both formal and informal bases, and directed its staff to make the additional inquiries necessary to accumulating the data on which to base a reasoned and workable decision.

The legislation now before the Senate represents the sum total of this effort. It takes into account many diverse factors about which there is often less than universal agreement.

The catalytic converter and its effect on fuel consumption has been a matter of dispute. The necessity for maintaining an ongoing pollution control program, as I indicated earlier, is vital.

There are new and better power sources, perhaps, that can be brought into use for motor vehicles. We hope so. We are concerned also with the health of the American people. That is one aspect we must continually consider in connection with motor vehicle emissions.

Mr. President, I think we will consider carefully—I know that I will—the amendment of the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT), who is a valued member of the committee.

In the 3 years it has been in effect, the Clean Air Act has had a noticeable impact on the quality of the air in this country. The program it initiated, however, was a new one on a scale never before attempted. Under such circumstances, there was need for almost continual congressional review of the act's requirements and the way in which they were implemented.

With respect to automobile emission standards, there were enough questions raised that the committee felt obliged to give this aspect of the air pollution program a searching examination. There were numerous proposals and recommendations that modifications be made. There were those who urged us to refrain from any action that would compromise the cause of cleaner air.

On November 28, the committee—after 2 days of hearings that month and after extensive discussion—approved legislation extending the interim standards for model year 1975 vehicles through 1976. The full implementation of the act in 1977 was left unchanged.

Mr. President, that action, reflected in the bill now before the Senate, is not a retreat. I consider it merely a stretching out of the time for arriving at the statutory standards.

Congress did not require the automobile manufacturers to install catalytic converters on 1975 cars to achieve the interim standards for that year. The choice of technology was made by the companies. There are a number of questions, however, about converter technology that should be answered. The extra year provided in this bill will allow time to improve catalytic converters and to extend research on other types of engines that are both low in emissions and high in fuel economy.

We could not explore the question of pollution control without being acutely cognizant of the current energy supply situation. There has been considerable discussion of the effect of pollution control systems on fuel requirements. Controls installed on cars in the past 2 years have increased their gasoline consumption.

The committee considered this problem carefully and concluded that maintaining the present schedule of compliance with the 1975 interim standards would not materially increase fuel demand. In fact, there was testimony at our hearings that use of catalytic converters would result in increased fuel economy. Although there is some dispute on this point, General Motors—our largest car maker—insists that its 1975 cars equipped with converters will increase mileage per gallon by about 13 percent over this year's models.

We could not, therefore, justify retaining the 1974 standards, as had been urged by some people. The technology is available to provide significant improvement in air quality, and it can be done at little or no cost to fuel usage.

Mr. President, this bill does not represent the final judgment of the Committee on Public Works on this issue. At the same time, it does not necessarily mean that we will recommend further changes in automobile emission standards next year.

We are continuing to exercise our oversight responsibilities and, in this context, have commissioned the National Academy of Science to conduct two exhaustive studies. The reports of these inquiries will be made to the Congress next summer and will provide us with updated information on both the health effects of automobile emissions and the monetary costs of meeting the act's requirements.

Next month our Subcommittee on Air and Water Pollution, under the able chairmanship of the Senator from Maine (Mr. MUSKIE) will conduct hearings on issues relating to the requirements for lowering emissions of oxides of nitrogen. This is one of the most troublesome parts of the automobile pollution effort and one on which there is considerable disagreement. We intend to explore in detail the technology for reducing oxides of nitrogen emissions and the validity of the existing statutory standards for this pollutant. These hearings, scheduled for the week of January 28, also will be concerned with lead phase-down regulations.

Mr. President, automobiles are America's favorite form of transportation. That is why millions of our citizens are concerned with the effects of automobile pollution control legislation. The Congress, therefore, must act responsibly to reduce pollution from cars but without unnecessarily impairing the mobility that we are dependent on to sustain our country.

This bill was one of a series of major legislative measures to be developed by the Committee on Public Works in recent months. The versatility of the collective membership of the committee has been shown on frequent occasions. Great concern with the issues of this legislation was demonstrated by each member as we deliberated the content of the bill. Senator MUSKIE's experience in the pollution field helped to guide our discussions. Senator BAKER, the ranking minority member of the committee, and Senator BUCKLEY, the ranking minority member of the Subcommittee on Air and Water Pollution, made valuable contributions. Major involvement by the other committee members enabled us to report this legislation expeditiously. Senators MONTOYA, GRAVEL, BENTSEN, BURDICK, CLARK, BIDEN, STAFFORD, WILLIAM L. SCOTT, MCCLURE, and DOMENICI all gave concentrated attention to the bill. As chairman of the committee, I am grateful for their dedication and participation.

Mr. BAKER. Mr. President, will the distinguished Senator from Virginia yield 30 seconds to me, to make a unanimous consent request?

Mr. WILLIAM L. SCOTT. Certainly.

Mr. BAKER. Mr. President, I ask unanimous consent that David Clanton, of the staff of the distinguished Republican leader may be entitled to the privileges of the floor during the debate on this amendment.

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

Mr. WILLIAM L. SCOTT. Mr. President, I call up my amendment which is at the desk and I ask that it be read.

The PRESIDENT pro tempore. Is this the amendment on which there is a time limitation of 1 hour?

Mr. WILLIAM L. SCOTT. Yes, it is, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) section 202(b)(1) of the Clean Air Act is amended—

(1) by striking out in subparagraph (A) "1975" and inserting in lieu thereof "1978";

(2) by striking out "during or after model year 1976" and all that follows in subparagraph (B) and inserting in lieu thereof "during model year 1976 shall contain standards which limit emissions to a maximum of 3.1 grams per vehicle mile of oxides of nitrogen. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light duty vehicles and engines manufactured during or after model year 1977 shall contain standards which limit emissions to a maximum of 2.0 grams per vehicle mile of oxides of nitrogen."; and

(3) by adding at the end of such paragraph the following new subparagraph:

"(C) Compliance with the regulations prescribed pursuant to this section for model years 1975, 1976, and 1977, shall be measured by certification test procedures prescribed by the Administrator for model year 1975. The regulation for model years 1975, 1976, and 1977 prescribed pursuant to subsection (a) (for carbon monoxide and hydrocarbons) shall impose the same emission standards as are in effect as of December 1, 1973, for model year 1975."

(b) Section 202(b)(5) of the Clean Air Act is repealed.

Mr. WILLIAM L. SCOTT. Mr. President, let me first express my appreciation to the distinguished chairman of our full committee and to the ranking Republican member of the committee for their kind remarks.

In the legislative process, as I see it, reasonable people can have different opinions. I favor the bill before us but doubt that it goes far enough. My amendment would extend the 1975 interim standards for an additional 2 years. An automobile manufacturer would have until the model year 1978 to reduce carbon monoxide and hyrocarbons by 90 percent from the 1970 standards. It would give him a 2-year extension rather than the 1 year provided in this bill. In my opinion, a 1-year extension is not sufficient time to permit the automobile industry to have a choice of methods for reducing air pollution.

This amendment is identical with a provision the other body added to the National Emergency Energy Act last week. It is similar to a bill I introduced in October with a number of cosponsors. That measure provides for a 2-year extension with an option in the administrator of the environmental protection agency to extend it for 1 additional year. However, the House language is used in the present amendment because it has already been agreed to in the other body.

I understand that it also has the support of the administration. In fact, I am told that it has the wholehearted support of the administration.

I would read to the Senate a statement that was made December 5 by the Deputy Director of the Federal Energy Office, John C. Sawhill, just his concluding remarks:

I fully recognize that we must balance our energy and our environmental objectives. Based upon the presentations and analysis available to me at this time, I conclude that the extension of the 1975 interim standards to model year 1976 and 1977 epitomizes the balance between the objectives of reducing energy consumption and reducing atmospheric pollution. Additional studies should be made of the possibility of freezing the 1973–74 standards.

Mr. President, we all want to reduce air pollution, all of us want a clean environment, but it must be coupled with a realistic view of our present energy situation and the present state of our economy. In my opinion, the automobile industry should have a sufficient leadtime to develop a cleaner and more efficient motor rather than to be compelled to use a dirty motor and to clean up the exhaust by add-on devices.

I believe that is really the crux of the matter—giving the industry time to plan, and not have periodic interruptions in this planning by changes in the law made in the Congress. I feel that this amendment does give time for them to make decisions that must be made.

During hearings last month before our full Committee on Public Works, the spokesmen for the three leading automobile manufacturers were in disagreement as to the wisdom of using a catalytic converter. Under the amendment, there will also be sufficient time to evaluate a report from the National Academy of Sciences and to determine the extent of health damage, if any, of emissions of sulphates and sulphuric acid from catalyst equipped vehicles. At present there appears to be substantial disagreement on that point by the experts. However, to the layman, it appears preferable to strive for a clean motor, burning the fuel as completely as possible for the energy it provides, than to have the pollutant reduced by an add-on device after it has left the engine.

As you know, Mr. President, present law provides that by 1976 there shall also be a 90 percent reduction from the 1971 level of nitrogen oxides emissions. This is discussed in some detail by the knowledgeable Senator from New York (Mr. BUCKLEY) in his supplement to the committee report. I had urged a 2-year extension of this requirement in the committee, plus authorization for the administrator of the Environmental Protection Agency to extend the period for an additional year, but the House language which is adopted as this amendment provides that during or after the 1977 model year, the automobile emission standards shall be no more than two grams of oxides of nitrogen per vehicle mile. I understand the Environmental Protection Agency has recommended this standard as high enough for health protection in ambient air and obtainable without adverse problems within the automobile or petroleum industries.

Mr. President, I believe there are three major matters that must be weighed in the various energy measures coming before the Congress. One, of course, is the effect any legislation or action we take has on the environment. Second, what effect will it have on the energy crisis with which we are confronted? And, third, what effect will it have on the economy? This amendment will not do violence to any of the three. It should tend to prevent further erosion in gasoline mileage and, in fact, give the industry time to perfect a more efficient motor. The identical language has been adopted in another bill by the House. It does have administration support. I urge its approval and ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAM L. SCOTT. Mr. President, I reserve the remainder of my time, but do want to comment further before the vote on the amendment.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

First of all, I think I ought to comment on the administration's alleged position on the amendment of the distinguished Senator from Virginia. He spoke of the administration's wholehearted support for this amendment. He read from a communication presumably from Mr. Simon, who is the new energy administrator.

I think the source of the testimony is significant, Mr. President. There is an inclination, in the name of the energy crisis, to throw overboard values in the environmental field that it has taken us long years to fix as a part of our public policy. Mr. Simon has no responsibilities in that field. His recommendations in the field, I think, therefore, ought to be put in proper perspective.

Unless Mr. Russell Train, Administrator of EPA, does not speak for the administration, it is inaccurate to describe the administration's position as wholehearted support for the pending amendment.

I ask unanimous consent that there be included in the RECORD a letter to the editor dated November 27, 1973, by Mr. Russell Train, Administrator of EPA.

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

CLEAN AIR BACKFIRE

SIR: I read with interest your editorial entitled, "Clean Air Backfire." After reviewing the information presented, I have concluded that many of the assumptions underlying your statements concerning catalysts are in error. This is especially true in regard to fuel penalties associated with catalysts.

The use of a catalytic control device to meet emission-control standards will definitely save gasoline as compared to the fuel penalties associated with current emission-control systems. For example, it is conservatively estimated that use of catalysts on the majority of the 1975-through-1977-model vehicles to meet the federal emission-control standards will save 151,000 barrels of gasoline per day. This figure includes the penalties associated with the use of lead-free gasoline. In addition, it goes without saying that the use of the catalyst provides for meeting more stringent emission standards and substantially reducing emissions beyond the levels emitted from 1973 and 1974 automobiles.

EFFECTS OF DELAY

If we postpone the implementation of the 1976 nationwide emission standards (95 percent in exhaust emissions reduction), Detroit may attempt to achieve interim 1975 standards (83 percent exhaust emissions reduction) without using the catalyst. Automobile manufacturers have always been more concerned with the sticker price of their vehicles, choosing to ignore improvements which would lower the operating cost. Since the catalyst cost is added to the purchase price, Detroit might choose to achieve the standards without the catalyst, which would reduce fuel economy to 1973 levels. If we adopt a standard which requires the use of catalysts we will substantially reduce emis-

sions and enhance the likelihood of better fuel economy.

Backing off to the interim 1975 California standard (90 percent exhaust emissions reduction) is an option and would require the use of catalysts. While there is some evidence that adopting the California standard nationwide would make possible slight fuel savings, 1–3 percent, when compared with imposing the 1976 statutory requirement (95 percent exhaust emissions reduction) we have good evidence that Detroit could achieve fuel savings in this range using technology which is available now and still achieve the 1976 statutory requirement. We believe that before sacrificing our hard fought air quality goal we should explore alternative ways of improving fuel economy, particularly when you consider that fuel economy will be better in 1977 than in 1973 and our air will be substantially cleaner.

D.C. TRAVEL CUT

To illustrate this point, the Clean Air Act requires that we achieve the primary health standards by 1977. If the 1975 interim standards (83 percent reduction) were implemented in place of the statutory standards (95 percent reduction) on 1976 and 1977 automobiles, Washington, D.C., would have to achieve an additional 11 percent reduction in vehicle miles traveled to meet the health standards by 1977. Since a 13 percent reduction in vehicle miles is already required for the area, accomplishment of the additional reductions is unlikely by 1977. Consequently, the people of the National Capital could be exposed to hazardous levels of pollution for an additional two to three years.

On your point regarding the use of the Honda stratified charge engine, current testing which is being conducted by General Motors shows that the stratified charge system could bring us back to pre-controlled fuel economy levels. This is essentially the level which General Motors believes they can achieve using the catalyst. If the emissions timetable is pushed back, the fuel savings from the catalyst will be lost.

POLLUTION FROM CATALYSTS

Your editorial also mentioned the problem of sulfuric acid mist or sulfate emissions from catalysts and referred to EPA scientists urging a delay in catalyst usage due to this potential problem. EPA has recently completed a preliminary evaluation of this possibility and determined that if high sulfate emissions accompany catalyst usage, a resulting air-quality problem is unlikely to develop for several years. Accordingly, time is available to further evaluate the potential for sulfate emissions from catalysts and to determine the extent to which this will be a problem. If a sulfate emission problem does exist, EPA has several courses of action available to solve the problem and still permit the use of catalysts. These include reducing the sulfur-content levels of lead-free gasoline and modifying the catalytic process to prevent excessive sulfate formation.

In view of the significant reduction in emissions provided by the catalysts, the energy savings associated with its use and our ability to prevent any sulfur-emissions problem which may develop from endangering the public health, EPA believes the emissions standards should be implemented as scheduled.

RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency.

Mr. MUSKIE. Mr. President, a reading of that letter makes clear to anyone that Mr. Train is opposed not only to the amendment offered by the Senator from Virginia but also to the pending bill which has been reported by the committee. Let me read his concluding paragraph. He says:

In view of the significant reduction in emissions provided by the catalysts, the energy savings associated with its use and our ability to prevent any sulfur-emissions problem which may develop from endangering the public health, EPA believes the emissions standards should be implemented as scheduled.

By that Mr. Train means the 1975 interim standards, the 1976 standards, the 1977 standards, without change—not that Mr. Train is not sensitive to new information or to new understanding that we may develop in the continuing search for data and judgment on these important questions. No; he is simply reflecting the voice of current evaluation of all the questions that have been raised.

The fact is that the 1975 standards which the committee bill would extend for another year represent a fuel economy for all operators of motor vehicles in this country.

Moreover, the 2 years that the committee bill would now give to the industry gives the industry ample time to meet those standards and to move on to the standards which are now fixed in the law for the years beyond 1976.

For example, Senator SCOTT's amendment would freeze in the law until 1978 the 1975 interim standard on hydrocarbons, which is 1.5 grams per mile.

It would freeze into law the interim standard on carbon monoxide which is 15. And it would freeze into law until 1978 the NOX standard of 3.1.

The committee bill, on the other hand, would still retain as the target for 1977 the 0.41 standard for hydrocarbons—and the industry has indicated no great doubt that it can achieve that standard. The standard is 3.4 for carbon monoxide, and again industry has demonstrated its ability to meet that standard.

The NOX standard is the one standard that causes the industry to raise doubts about its own ability to develop adequate technology.

In the committee bill we have frozen the NOX standard at 3.1 for 1975 and 1976. We think that it would be premature to do more than that at this point.

Mr. President, let me emphasize that when we consider the standards of the Clean Air Act of 1970, what we are considering is health-related standards. These were not arbitrary standards picked out of the air to create technological problems for the industry or to create problems for those who operate the vehicles manufactured by the automobile industry. Rather, we sought to identify the performances at which public health would be damaged by given levels of air pollutants transmitted into the atmosphere from motor vehicles.

EPA has maintained those standards since the 1970 Act was enacted into law.

The Senate has authorized a study by the National Academy of Sciences and has appropriated half a million dollars for that purpose. It also had testimony as to the validity of the standard.

The National Academy study was designed to be performed in two stages. First there was to be an interim study which was made available to us this fall. Second, there was to be a more comprehensive study, which we expect to get next summer.

Now, with respect to the interim study, which the National Academy sent to us this fall, I read as follows:

Present knowledge of health effects appears to afford no compelling basis for suggestions to either raise or lower the currently mandated primary air quality standards at this time.

Mr. President, we have appropriated half a million dollars to test that question. That study is underway, and the industry does not need a study at this point with respect to developing its technology beyond 1976.

There is absolutely no health justification and no technological justification for taking the step which the Senator's amendment would cause us to take today.

The committee has already committed itself to conducting hearings early next year. We expect that they will be conducted in the latter part of January on this whole issue.

EPA submitted its own conclusions on the NOX question the day before the committee reported the pending bill out of committee. There have been no hearings on that EPA report. There is evidence from the Japanese that the NOX problem may be even more serious from a health standpoint than reflected by our own law. The Japanese requirements are even more stringent than ours.

In addition, a week or two ago in California, the subcommittee held hearings at Riverside on the latest available evidence of the damage to the environment from NOX. There was recent evidence of widespread damage to the lettuce crops of California attributable to previously unidentified effects of NOX pollutant.

There is no reason to take a step of this kind unless one just simply panics in the heat of the energy crisis and throws overboard values that have been established after long years of study and careful deliberation to establish a proper balance between doing what is possible and what the health of the country requires.

The Senator's amendment would extend for 1 further year the HC and the carbon monoxide standards which the committee bill would extend for 1 year only. The committee action is all the industry needs.

Mr. President, as a matter of fact, I think one of the companies indicated a willingness to accept a freeze at the level of the California interim standards. And the California interim standard is not the 1.5 covered by the committee amendment or the Senator's amendment, but a 0.9 for hydrocarbons. It is not 15 percent for the carbon monoxides, as provided in the Senator's amendment, but is 9.0. And with respect to NOX, it is 2.0 and not 3.1, as covered by the Senator's amendment.

So, on these counts, Mr. President, the Senator from Virginia may well be able to make the argument he is making today when we do have more evidence. However, we do not have that evidence now. It could be premature to take this step at this time. And its effect would be to freeze the NOX standards at 2.0, not until 1978, but permanently thereafter.

We think the effect may well have a predictable impact on public health which we would regret. There is no reason to take the step now, in terms of the energy crisis and in terms of what we now know are the effects of the pollutants on our environment.

Mr. President, I reserve the remainder of my time.

Mr. BUCKLEY. Mr. President, would the Senator from Maine yield to me?

Mr. MUSKIE. Mr. President, I yield such time as he may require to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I really think I should be asking that my time be allocated 45 percent and 55 percent between the proponents of the amendment and the distinguished chairman of the committee. I say this because, while I think the issues that are involved are extremely difficult, we have received a volume of compelling evidence on this matter.

I have enormous sympathy with the objectives of the Senator from Virginia. And I know that he, too, has sought to balance the compelling objectives in the most prudent way, taking into consideration not only health requirements, but also the other imperatives which we now face.

In point of fact, I voted with him for an amendment that would have frozen the NOX standards to 2.0 for a 2-year period. And this, of course, is an important part of the amendment he has offered.

I would believe, as he does believe, that this would have created a degree of certainty that would have been helpful to the industry in coming up with the most effective design, even though we now have assurances that the committee will consider this particular recommendation shortly after the first of the year.

I will not be able to support the Senator from Virginia for two reasons. First, I am willing to abide by the judgment of the committee on the nitrous oxide standard for the reason that we will be, in fact, having hearings upon the recommendations of EPA. I do believe, knowing this committee and subcommittee as I do, that we will see fast action. We will also be informed by some of the information which the National Academy of Sciences will be marshaling.

So, I believe that what we face here is a deferral rather than a longtime, indefinite postponement of consideration of the advisability of adopting a 2.0 NOX standard.

With respect to the proposal that we extend the 1975 interim standard for 2 years, this may well be something that becomes desirable, but I see no necessity to do so at this time. We are giving the automobile industry here and abroad a comfortable target within which the engineers can work in seeking the most efficient and effective way of meeting those standards, keeping in mind the next stage.

I believe, too, that the public move toward smaller cars, toward cars that are inherently more efficient in their consumption of energy, will have the effect of rendering unnecessary the experimentation with alternatives. I think this is something we will see develop within the next 2 years.

Finally, the experience of this committee has been that breakthroughs have occurred that 6 months earlier had not been predicted by anyone in the industry. We saw this in terms of the utilization and distribution of the catalyst. General Motors, a year or so ago, or even more recently, was testifying that this was not the answer. Now they are wholeheartedly in favor.

I, therefore, do not feel that there is a need at this time to create so large a target, and thereby reduce some of the incentive to the industry to develop more effective ways and alternative ways of achieving our health goals.

For all of those reasons, Mr. President, and with a great deal of reluctance, I shall vote against the amendment offered by the Senator from Virginia, but I do pledge to him that I will continue to work with him in the examination of the NOX standard and a determination as to whether we should enact new legislation to that effect, and I shall continue to keep as open a mind as I can toward the evidence that will be brought to the floor as we move into actual experience with 1975 model cars.

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

Mr. BUCKLEY. Gladly.

Mr. RANDOLPH. In connection with the comment on the situation that we call the NOX problem, I want to reinforce what the Senator has said, but from the standpoint of the committee itself. We will have hearings very early in the coming session on this subject in the subcommittee. The results of those hearings will, of course, be brought to the full committee, and it will be the desire and the determination of the chairman, of course, working with the members, to bring this matter from the full committee to the Senate itself.

I think that is an assurance which the Senator has given as an individual member, and which I want to reinforce as the chairman of the committee.

I think the able Senator from Virginia must know, and I am sure he does know, that this is a pledge which will be kept from the standpoint of prompt attention to the problem to which his amendment is directed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans to assure the continuation of vital public services; and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MACDONALD, Mr. MOSS, Mr. ROGERS, Mr. BROYHILL of North Carolina, Mr. BROWN of Ohio, and Mr. HASTINGS were appointed managers of the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7352) to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners.

The message further announced that the Speaker had appointed Mr. FREY as a conferee in the conference on the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the Northeast region of the United States; to designate a system of essential rail lines in the Northeast region; to provide financial assistance to certain rail carriers; and for other purposes, vice Mr. HARVEY, resigned.

NATIONAL ENERGY EMERGENCY ACT—MESSAGE FROM THE HOUSE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2589.

The PRESIDING OFFICER (Mr. HATHAWAY) laid before the Senate the amendments of the House of Representatives to (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act, including the following table of contents, may be cited as the "Energy Emergency Act".

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TITLE I—ENERGY EMERGENCY AUTHORITIES

TITLE I—ENERGY EMERGENCY AUTHORITIES

SEC. 101. PURPOSE.

The purpose of this Act is to call for proposals for energy emergency conservation measures and to authorize specific temporary emergency actions to be exercised to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable, (1) is consistent with existing national commitments to protect and improve the environment, (2) minimizes any adverse impact on employment, (3) provides for equitable treatment of all sectors of the economy, (4) maintains vital services necessary to health, safety, and public welfare, and (5) insures against anticompetitive practices and effects, and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State' means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Administration.

SEC. 103. AMENDMENTS TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsections:

"(h)(1) If the President finds that, without such action, the objectives of subsection (b) cannot be attained, he may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide, consistent with the objectives of subsection (b) an ordering of priorities among users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to such users of rights entitling them to obtain any such oil or product in precedence to other users not similarly entitled. A top priority in such ordering shall be the maintenance of vital services (including, but not limited to new housing construction, education, health care, hospitals, public safety, energy production, agricultural operations as defined in paragraph (1)(C) of subsection (b) of this section, collection, transportation and delivery of mail by the United States Postal Service, its lessors, contractors and carriers, and transportation services, which are necessary to the preservation of health, safety, employment, and the public welfare).

"(2) The President shall, by order, in furtherance of the rule authorized pursuant to paragraph (1) of this subsection and consistent with the attainment of the objectives in subsection (b) of this section, cause such adjustments in the allocations made pursuant to the regulation under subsection (a) as may be necessary to provide for the allocation of crude oil, residual fuel oil, or any refined petroleum product in such manner and in such amounts to permit such users to obtain any such oil or product based upon such entitlements.

"(3) The President shall provide for procedures by which any user of such oil or product for which priorities and entitlements are established under paragraphs (1) and (2) of this subsection may petition for review and reclassification or modification of any determination made under such paragraphs with respect to his priority or entitlement. Such procedures may include procedures with respect to local boards as may be established pursuant to section 109(c) of the Energy Emergency Act.

"(4) The President may, by order or rule (which rule shall be deemed a part of the regulation under subsection (a)) require adjustments in the processing operations of any refinery in the United States with respect to the proportions of residual fuel oil or any refined petroleum products produced through such operations if he finds that such adjustments are necessary to assure the production of residual fuel oil or any refined petroleum product in such proportions necessary to attain the objectives of subsection (b) of this section.

"(5) The President shall consult with the Department of Labor, and if there is an increase in the level of unemployment from the level of unemployment in 1973 based upon the average 1973 figures and such increase reasonably results from energy shortages, then the President is urged to take such actions consistent with the provisions of this Act, as he is authorized to take under this Act and any other Acts to encourage full production by the domestic energy industry at levels of investment return which make possible the expansion of facilities required to assure against a protraction in any such increased levels of unemployment.

"(6) For purposes of this subsection, the term 'allocation' shall not be construed to exclude the end-use allocation of gasoline to individual consumers.

"(i)(1) The President may, by order, require the production of crude oil at the producer level at the maximum efficient rate of production.

"(2) The President shall consult the Department of the Interior and with appropriate State governments in order to determine which producers should be reasonably required to produce crude oil at the rates specified in paragraph (1) of this subsection.

"(3) For purposes of this subsection, maximum efficient rate with respect to any oilfield other than oilfields on Federal lands shall be such rate as is determined by the State in which such oilfield is located, and with respect to any oilfield on Federal land shall be such rate as is determined by the Department of the Interior, except that the President may establish after consultation with such State (or with the Department of the Interior, in the case of any oilfield on Federal lands) a maximum efficient rate higher than the rate established by the State or by the Department of the Interior if he determines that such higher maximum efficient rate will not unreasonably impair the ultimate recovery of crude oil or natural gas from any such oilfield under sound engineering and economic principles.

"(4) The President shall direct the appropriate Federal agency to require that all existing and future development plans for oilfields involving Federal leases, permits or other arrangements for production of crude oil on Federal lands shall include or be amended to include effective provisions for the secondary recovery of crude oil, and, to the greatest extent technologically possible consistent with sound engineering and economic principles, for the tertiary recovery of crude oil, before the well is abandoned.

"(j) Notwithstanding any other provision of this Act, or any provision of State or local law with respect to the allocation of gasoline or diesel fuel, there shall be provision for adequate supplies of gasoline, diesel fuel related products for essential and purposeful mobility of persons in the armed services of the United States on military orders, for household moves related to employment or displacement due to unemployment, and for moves due to health, educational opportunities, or other good and sufficient reasons.

"(k)(1) Except as provided in paragraph (3) of this subsection, no provision of the regulation under subsection (a) (including a regulation under subsection (h)) may provide for allocation of any refined petroleum product to any person (including a State or political subdivision thereof, or State or local educational agency) if the product so allocated will be used for the transportation of any public school student to a school farther than the public school closest to his home offering educational courses for the grade level and course of study of the student within the boundaries of the school attendance district wherein the student resides.

"(2) Any energy conservation plan proposed under section 105 of the Energy Emergency Act and any regulation under this section for allocation of petroleum products for transportation of public school students shall have as its purpose conserving refined petroleum products by reducing to the minimum the distance traveled by such students to and from the schools within the school attendance district in which the student resides. Such plans shall be formulated in consultation with the affected State and local education agencies.

"(3) Nothing in this subsection shall prohibit allocation of refined petroleum products for student transportation to relieve conditions of overcrowding; to meet the needs of special education; or where the transportation is within the regularly established neighborhood school attendance areas.

"(4) This subsection shall not take effect until August 1, 1974.

"(l) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during a historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, or unusual factors influencing use, of the product in the historical period. This subsection shall take effect 30 days after the date of enactment of the Energy Emergency Act."

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(1) fuels, and

"(2) minerals essential to the requirements of the United States,

and for required transportation related thereto;".

(c) Section 4(c)(3) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "or" immediately before "(B)" and by inserting immediately before the period at the end thereof the following: ", or (C) to take into account lessened use of crude oil, residual fuel oil, and refined petroleum products prior to the date of enactment of this Act as a result of unusual regional climatic variations within the United States".

(d) Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "February 28, 1975" in each case the term appears and inserting in each case "May 15, 1975".

(e) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by inserting at the end thereof the following new subsections:

"(l)(1) The President shall transmit any rule (other than any technical or clerical amendments) which amends the regulation (promulgated pursuant to subsection (a) of this section) with respect to end-use allocation authorized under subsection (h) of this section.

"(2) Any such rule with respect to end-use allocation shall, for purposes of subsections (m) and (n) of this section, be treated as an energy action and shall take effect only if such actions are not disapproved by either House of Congress as provided in subsections (m) and (n) of this section.

"(m) DISAPPROVAL OF CONGRESS.—

"(1) For purposes of this subsection, the term 'energy action' means any rule under subsection (l) or repeal of such rule.

"(2) The President shall transmit any energy action (bearing an identification number) to the Congress. The President shall have such action delivered to both Houses on the same day and to each House while it is in session.

"(3) Except as otherwise provided in paragraph (4) of this subsection, an energy action shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that that House does not favor the energy action.

"(4) For the purpose of subsection (l) of this section—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 15-day period.

"(5) Under provisions contained in an energy action, a provision of the plan may be effective at a time later than the date on which the action otherwise is effective.

"(6) An energy action which is effective shall be printed in the Federal Register.

"(n) DISAPPROVAL PROCEDURE.—

"(1) This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(2) For the purpose of this subsection, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the does not favor the energy action numbered transmitted to Congress by the President on , 19 .', the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy action.

"(3) A resolution with respect to an energy action shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives as the case may be.

"(4)(A) If the committee to which a resolution with respect to an energy action has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the energy action which has been referred to the committee.

"(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same energy action.

"(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy action, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an energy action, and motions to proceed to the consideration of other business, shall be decided without debate.

"(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy action shall be decided without debate."

SEC. 104. FEDERAL ENERGY ADMINISTRATION.

(a) There is hereby established a Federal Energy Administration, to be headed by a Federal Energy Administrator, who shall be appointed by the President by and with the advice and consent of the Senate. The Administrator may be removed by the President for cause. The Administrator shall serve for a term ending on May 15, 1975. Vacancies in the office of Administrator shall be filled for the remainder of the term of the original Administrator, in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 (as amended by sections 103, 117, and 118 of this Act), and of any officer, department, agency, or State (or officer thereof) under such sections (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

(d) PRICE CONTROL AND SHORTAGES.—The President and the Administrator shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of petroleum products, coal, natural gas, and petrochemical feedstocks, and of materials associated with the production of energy supplies, and equipment necessary to maintain and increase the exploration and production of coal, crude oil, natural gas, and other fuels. The results of this review shall be submitted to the Congress within thirty days of the date of enactment of this Act.

(e) Section 27(k) of the Consumer Product Safety Act shall apply to the Administrator. The Federal Energy Administration shall be considered an independent regulatory agency for purposes of chapter 35 of title 44, United States Code.

SEC. 105. ENERGY CONSERVATION PLANS.

(a) Within 30 days of the date of enactment of this Act and from time to time thereafter, the Administrator shall propose one or more energy conservation plans which shall be designed to supplement and be coordinated with actions taken and proposed to be taken under other authority of this or other Acts to result in a reduction of energy consumption to a level which can be supplied by available energy resources. For purposes of this section the term "energy conservation plan" means proposed plans for transportation controls (including highway speed limits, and plans for maximizing car pooling arrangements in all communities and business where applicable), priority allocation plans for energy conserving recyclable raw materials for use within the United States, or other such restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption. The Administrator shall submit such plans to the Congress for appropriate action.

(b) Energy conservation plans shall provide for the maintenance of vital services (including new housing construction, education, health care, hospitals, public safety, energy production, agricultural operation as defined in paragraph (1)(C) of subsection (b) of section 4 of the Emergency Petroleum Allocation Act of 1973, collection, transportation and delivery of mail by the United States Postal Service, its lessors, contractors and carriers, and transportation services,

which are necessary to the preservation of health, safety, and the public welfare).

(c) Plans submitted by the Administrator pursuant to subsection (a) of this section shall provide that, to the maximum extent practicable, proposed restrictions on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restrictions on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply groceries or goods and services of a convenience nature during times of day other than conventional daytime working hours.

(d) Energy conservation plans submitted pursuant to this section shall include proposals to provide for Federally sponsored incentives for the use of public transportation and Federal subsidies to maintain or reduce existing fares and additional expenses incurred because of increased service.

(e) Nothing in this section or any other provision of this Act or of the Emergency Petroleum Allocation Act of 1973 shall be construed as authorizing the imposition of any tax.

SEC. 106. COAL CONVERSION AND ALLOCATION.

(a) PROHIBITION OF USE OF NATURAL GAS AND PETROLEUM PRODUCTS BY CERTAIN USERS.—The Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this Act, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal as provided in subsection (b) of this section until January 1, 1980. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact.

A prohibition on use of natural gas and petroleum products under this subsection shall be contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. The Administrator may require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant may be required under this section to be so designed and constructed, if (1) to do so would be unreasonable or would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether a conversion requirement under this subsecton is unreasonable, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the availability of compensation or tax relief for any capital loss incurred through such conversion requirement.

(b) USE OF COAL.—

(1) Except as provided in paragraph (2), any electric powerplant (A) which is prohibited from using petroleum products or natural gas by reason of an order issued under subsection (a), or which has voluntarily begun conversion to the use of coal during the period 90 days prior to the effective date of this Act and (B) which converts to the use of coal, shall not, until January 1, 1980, be prohibited from burning coal which is available to such source by any fuel or emission limitation, if the Administrator of the Environmental Protection Agency approves, after notice to interested persons and opportunity for presentation of views (including oral presentation), a plan submitted by the person who operates such plant. A plan submitted under the preceding sentence shall be approved only if it provides (A) that such plant shall make such use of control technology as may be necessary to enable such plant to come into compliance with national ambient air quality standards to which the suspension applied, as expeditiously as practicable; (B) for a schedule described in section 119(a)(2)(A)(iii) of the Clean Air Act (excluding section 119(a)(2)(B)(i)); and (C) that such plan will, during the period beginning on the effective date of the approval of the plan and ending at the time such plant complies with such stationary source of fuel or emission limitation, comply with interim requirements which the Administrator of the Environmental Protection Agency shall prescribe to assure that such source will not materially contribute to a significant risk to public health. Such Administrator shall approve any such plan before May 14, 1974, or if later, 60 days after such plan is submitted.

(2) Nothing in paragraph (1) shall prohibit the Administrator of the Environmental Protection Agency or a State or local agency, to the extent practicable after notice to interested persons and opportunity for presentation of views (including oral presentations), (A) from prohibiting the use of coal by such a source to which paragraph (1) applies if such Administrator or any such agency determines that the use of coal by such source is likely to materially contribute to a significant risk to public health; or (B) from requiring such source to use a particular grade of coal of any particular type, grade, or pollution characteristic, if such coal is available to such source.

(3) For purposes of this subsection, the term "fuel or emission limitation" means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation (including the Clean Air Act) and which is designed to limit stationary source emissions resulting from combustion of fuels (including a restriction on the use or content of fuels).

(c) COAL ALLOCATION AUTHORITY.—The Administrator may by rule prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in section 4(b) of the Emergency Petroleum Allocation Act of 1973 and of section 205 of this Act. Any rule prescribed under this subsection shall be deemed to be part of the regulation.

(d) EXPIRATION.—The authority under this section (other than subsection (b)) shall expire on May 15, 1975.

SEC. 107. REGULATED CARRIERS.

(a) AGENCY AUTHORITY.—The Interstate Commerce Commission (with respect to common or contract carriers subject to economic regulation under the Interstate Commerce Act), the Civil Aeronautics Board, and the Federal Maritime Commission shall, for the duration of the period beginning on the date of enactment of this Act and ending on May 15, 1975, have authority to take any action for the purpose of conserving energy consumption in a manner found by such Commission or Board to be consistent with the objectives and purposes of the Acts administered by such Commission or Board on its own motion or on the petition of the Administrator which existing law permits such Commission or Board to take upon the motion or petition of any regulated common or contract carrier or other person.

(b) The Interstate Commerce Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points with respect to which such motor common carrier has regularly performed service under authority issued by the Commission. Such rules shall assure continuation of essential service to communities served by any motor common carrier.

(c) The Interstate Commerce Commission shall by expedited proceedings adopt appropriate rules under the Interstate Commerce Act which will contribute to conserving energy by eliminating discrimination against the shipment of recyclable materials in rate structures and other Commission practices.

(d) REPORTS.—Within sixty days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975, while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 108. DELEGATION OF AUTHORITY.

The Administrator may delegate all or any of his functions under this Act or the Emergency Petroleum Allocation Act of 1973 to any officer or employee of the Federal Energy Administration as he deems appropriate. The Administrator may delegate any of his functions relative to implementation of regulations and energy conservation plans under this Act or the Emergency Petroleum Allocation Act of 1973 to officers of a State, or to State or local boards of balanced composition reflecting the makeup of the community as a whole. Section 5(b) of the Emergency Petroleum Allocation Act of 1973 is repealed, effective on the effective date of transfer of functions under such Act to the Administrator.

SEC. 109. ADMINISTRATION.

(a) ADMINISTRATIVE PROCEDURE.—

(1) Subject to paragraphs (2), (3), and (4) of this subsection the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule or order (including a rule or order issued by a State or officer thereof) under this title except with respect to any rule or order pursuant to section 107 of this Act, section 205 (a), (b), (c), and (d) of this Act, or section 4(h) or

4(i) of the Emergency Petroleum Allocation Act of 1973, or under the authority of any energy conservation plan.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment to the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than 45 days after the implementation of any such rule or order. A transcript shall be kept of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardships, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(b) JUDICIAL REVIEW.—Any interested person (including a State or political subdivision thereof) may obtain judicial review of any rule or order described in subsection (a)(1) of this section in accordance with chapter 7 of title 5, United States Code. Review of a rule may be obtained in the Temporary Emergency Court of Appeals. Review of a rule or order shall be pursuant to the procedures of section 211 of the Economic Stabilization Act of 1970.

(c) LOCAL BOARDS.—

(1) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

SEC. 110. PROHIBITED ACTS.

It shall be unlawful—

(1) for any person, who is engaged in the business of marketing or distributing diesel fuel to trucks on bona fide cargo runs, to deny to such trucks full fill-ups of fuel, unless—

(A) there is in effect under this Act, the Emergency Petroleum Allocation Act of 1973, or any other Act an end-use allocation regulation which restricts such full fill-ups by such person to such trucks, or

(B) such person has no such fuel available for sale;

(2) to violate any order under section 106;

(3) to violate any rule under the first sentence of section 123; or

(4) to violate any order of the Renegotiation Board issued pursuant to its authority under section 117 of this Act.

SEC. 111. ENFORCEMENT.

(a) CRIMINAL PENALTY.—Whoever willfully violates any provision of section 110 shall be fined not more than $5,000 for each violation.

(b) CIVIL PENALTY.—Whoever violates any provision of section 110 shall be subject to a civil penalty of not more than $2,500 for each violation.

(c) INJUNCTIVE AND OTHER RELIEF.—Whenever it appears to any person authorized by the Administrator to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of any provision of section 110, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with such provision of section 110.

(d) PRIVATE RELIEF.—Any person suffering legal wrong because of any act or practice arising out of any violation of section 110 may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 112. GRANTS TO STATES.

There are authorized to be appropriated such sums as may be necessary for the purpose of making grants to States to which the Federal Energy Administrator has delegated authority under section 109 of this Act. The Administrator shall make such grants upon such terms and conditions as he may prescribe.

SEC. 113. FAIR MARKETING OF PETROLEUM PRODUCTS.

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"FAIR MARKETING OF REFINED PETROLEUM PRODUCTS

"SEC. 8. (a) As used in this section:

"(1) The term 'commerce' means commerce between a State and a point outside such State.

"(2) The term 'marketing agreement' means that portion of an agreement or contract between a refiner and a branded independent marketer (A) which authorizes such marketer to market or distribute refined petroleum products using a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner, or (B) which authorizes such marketers to occupy premises owned, leased, or in any way controlled by a refiner, for the purposes of marketing or distributing refined petroleum products, or (C) which authorizes both.

"(3) The term 'person' means an individual or a corporation, partnership, joint-stock company, business trust, association, or any organized group of individuals whether or not incorporated.

"(4) The term 'refiner' includes any person (other than a branded independent marketer) who controls, is controlled by, or under common control with, a refiner. For purposes of the preceding sentence, the term 'control' does not include control solely by means of a supply contract.

"(5) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States.

"(6) The term 'to terminate' includes to cancel or to fail to renew.

"(b) The following conduct is prohibited:

"(1) A refiner shall not terminate a marketing agreement unless he furnishes prior notification pursuant to this paragraph to each branded independent marketer to which such termination applies. Such notification shall be in writing and shall be accomplished by certified mail to each such marketer; shall be furnished not less than ninety days prior to the date on which such agreement will be terminated; and shall contain a statement of intention to terminate together with the reasons therefor, the date on which such termination shall take effect, and a statement of any remedy or remedies available to such marketer under this section, together with a summary of the provisions of this section.

"(2) A refiner shall not terminate a marketing agreement unless the branded independent marketer to which such termination applies failed to comply substantially with one or more essential and reasonable requirements of such marketing agreement or failed to act in good faith in carrying out the terms of such agreement; except that such refiner may terminate such agreement if he does not, during the 3-year period which begins on the date of such termination, engage in the sale of any refined petroleum product in commerce for sale other than for resale in any relevant market within such branded independent marketer operated.

"(c)(1) A branded independent marketer may maintain a suit under this section against a refiner who engages in conduct prohibited by subsection (b), whose actions affect commerce, and whose products he sells or has sold, directly or indirectly, under a marketing agreement.

"(2) The court may award to any branded independent marketer actual damages resulting from the termination of a marketing agreement together with such equitable relief (including interim equitable relief and punitive damages) as may be appropriate, including declaratory judgments and mandatory or prohibitive injunctive relief. The court may, unless such suit is frivolous, direct that costs, including a reasonable attorney's fee, be paid by the defendant.

"(d) A suit under this section may be brought in the district court of the United States for any district in which the plaintiff resides, is found, or is doing business, without regard to the amount in controversy. No suit shall be maintained under this section unless commenced within four years after the date of the termination of such marketing agreement.".

SEC. 114. VOLUNTARY ENERGY CONSERVATION AGREEMENTS.

(a) Within fifteen days of the date of enactment of this Act, the Administrator, in consultation with the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which retail or service establishments may develop and implement voluntary agreements to promote energy conservation by limiting the operating hours of such retail or service establishments, adjusting retail store delivery schedules, and by taking such other actions as the Administrator, after

consultation with the Attorney General and the Federal Trade Commission, by rule determines to be necessary and appropriate to accomplish the objectives of this Act.

(b) The standards and procedures under subsection (a) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(i) A written copy of any agreement under this section shall be submitted to the Attorney General and the Federal Trade Commission and be available for public inspection;

(ii) Meetings held to develop and implement an agreement under this section shall permit attendance by interested persons and shall be preceded by timely notice to the Attorney General, the Federal Trade Commission, and to the public in the affected community;

(iii) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views, and arguments at such meetings; and

(iv) A written summary of the proceedings of any such meeting together with copies of any written data, views, and arguments presented by interested persons shall be submitted to the Attorney General and the Federal Trade Commission and be available for public inspection.

(c) Actions taken in good faith, in accordance with this section and rules promulgated hereunder, to develop and implement a voluntary energy conservation agreement shall not be construed to be within the prohibitions of the antitrust laws of the United States, the Federal Trade Commission Act, or similar State statutes.

(d) Any voluntary agreement entered into pursuant to this section shall be submitted in writing to the Attorney General ten days before being implemented. The Attorney General, at any time, on his motion or upon the request of any interested person, may disapprove any such voluntary agreement and thereby withdraw prospectively the immunity conferred by subsection (c).

(e) As used in this section—

(i) The term "voluntary agreement" shall not pertain to, or govern the conduct of, activities relating to the marketing and distribution of any petroleum product.

(ii) The term "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or both) is not for resale and is recognized as retail sales or services in the particular industry, as determined by the Attorney General.

(f) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President at least once every six months a report on the impact on competition and on small business of the voluntary agreements authorized by this section.

(g) The authority granted by this section (including any immunity under subsection (c)) shall terminate on May 15, 1975.

SEC. 115. PROHIBITIONS ON UNREASONABLE ALLOCATION REGULATIONS.

Action taken under authority of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of refined petroleum products and electrical energy among users or resulting in restrictions on use of refined petroleum products and electrical energy, shall be equitable, shall not be arbitrary or capricious, and shall not unreasonably discriminate among users: *Provided*, That, with respect to allocations of petroleum products applicable to the foreign trade and commerce of the United States, no foreign corporation or entity shall receive more favorable treatment in the allocation of petroleum products than that which is accorded by its home country to United States citizens engaged in the same line of commerce, and allocations shall contain provisions designed to foster reciprocal and nondiscriminatory treatment by foreign countries of United States citizens engaged in foreign commerce.

SEC. 116. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling systems from units of State and local governments and private groups and employees;

(2) promoting greater participation in carpooling through public information and the preparation of such materials for use by State and local governments;

(3) encouraging and promoting private organizations to organize and operate carpool systems for employees;

(4) promoting the cooperation and sharing of responsibilities between separate, yet proximately close, units of government in coordinating the operations of carpool systems; and

(5) promoting other such measures that the Secretary determines appropriate to achieve the goal of this subsection.

(c) The Secretary of Transportation shall encourage and promote the use of incentives such as special parking privileges, special roadway lanes, toll adjustments, and other incentives as may be found beneficial and administratively feasible to the furtherance of carpool ridership, and consistent with the obligations of the State and local agencies which provide transportation services.

(d) The Secretary of Transportation shall allocate the funds appropriated pursuant to the authorization of subsection (f) according to the following distribution between the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent Federal.

(2) The systems design process—up to 100 percent Federal.

(3) The initial startup and operation of a given system—60 percent Federal and 40 percent State or local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of this Act, the Secretary of Transportation shall make a report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of $1,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

(h) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles: *Provided*, That, the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1975 may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year; and the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year. For purposes of this subsection, the term "fuel inefficient passenger motor vehicle" for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term "fuel inefficient passenger motor vehicle" means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation: *Provided further*, That, the aggregate number of fuel inefficient passenger motor vehicles purchased by or for the Legislative and Judicial Branches of the Federal Government and for all Departments in the Executive Branch may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by each such Branch in such year; and the aggregate number of fuel inefficient passenger motor vehicles purchased by each such Branch in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles by each such Branch in each such year. For purposes of this subsection the term, fuel inefficient passenger motor vehicle for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term fuel inefficient passenger motor vehicle means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation.

(i)(1) The President shall take action to require that no Federal official or employee in the executive branch below the level of Cabinet officer be furnished a limousine for individual use. The provisions of this subsection shall not apply to limousines furnished for use by officers or employees of the Federal Bureau of Investigation, or to those persons whose assignments necessitate transportation by limousines because of diplomatic assignment by the Secretary of State.

(2) For purposes of this subsection, the term "limousine" means a type 6 vehicle as defined in the Interim Federal Specifications issued by the General Services Administration, December 1, 1973.

SEC. 117. PROHIBITION ON PRICE GOUGING.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 (as amended by section 193 of this Act) is further amended to prevent price gouging with respect to sales of crude oil, residual fuel oil, refined petroleum products, and coal, including sales of diesel fuel to motor common carriers by adding at the end thereof the following new subsection:

"(m)(1) The President shall exercise his authority under this Act and under the Economic Stabilization Act of 1970 so as to specify prices for sales of crude oil, refined petroleum products, residual fuel oil, produced in or imported into the United States, which avoid windfall profits by sellers.

"(2) Any interested person, who has reason to believe that any price (specified under any of the authorities referred to in paragraph (1) of this subsection) of crude oil, refined petroleum products, residual fuel oil, permits a seller thereof any windfall profits, may petition the Renegotiation Board (created by section 107(a) of the Renegotiation Act of 1951 and hereinafter in this subsection referred to as the 'Board') for a determination under subparagraph (A) or (B) or paragraph (3).

"(3)(A) Upon petition of any interested person, the Board may by rule determine, after opportunity for oral presentation of

views, data, and arguments, whether the price (specified under any of the authorities referred to in paragraph (1)) of crude oil, any refined petroleum product, residual fuel oil, or coal, permits sellers thereof to receive windfall profits. Upon a final determination of the Board that such price permits windfall profits to be so received, it shall specify a price for the sales of such item which will not permit such profits to be received by such sellers. After such a final determination, no higher price may be specified for sales of such item (under any of the authorities specified in paragraph (1)) except with the approval of the Board.

"(B) Upon petition of any interested person and notwithstanding any proceeding or determination under subparagraph (A), the Board may determine whether the price charged by a particular seller of crude oil, any refined petroleum product, residual fuel oil, permitted such seller to receive windfall profits. If, on the basis of such petition, the Board has reason to believe that such price has permitted such seller to receive windfall profits, it may order such seller to take such actions (including the escrowing of funds) as it may deem appropriate to assure that sufficient funds will be available for the refund of windfall profits in the event there is a final determination by the Board under this subparagraph that such seller has received windfall profits. Prior to a final determination under this subparagraph, such seller shall be afforded a hearing in accordance with the procedures required by section 554 of title 5, United States Code. Upon a final determination of the Board that such price permitted such seller to receive windfall profits, the Board shall order such seller to refund an amount equal to such windfall profits to the persons who have purchased from such seller the items the price of which resulted in such windfall profits. If such persons are not reasonably ascertainable, the Board shall order, for the purpose of refunding such profits, the seller to reduce the price for future sales of the item the price of which resulted in windfall profits, to create a fund against which previous purchases of such item may file a claim under rules which shall be prescribed by the Board, or to take such other action as the Board may deem appropriate.

"(C) Notwithstanding section 108 of the Renegotiation Act of 1951 and section 211 of the Economic Stabilization Act of 1970, any final determination under subparagraph (A) or (B) shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code.

"(4)(A) The Board may provide, in its discretion under regulations prescribed by the Board, for such consolidations as may be necessary or appropriate to carry out the purposes of this subsection.

"(B) The Board may make such rules, regulations, and orders as it deems necessary or appropriate to carry out its functions under this subsection.

"(5) The determination and approval authority of the Board under this paragraph may not be delegated or redelegated pursuant to section 107(d) of the Renegotiation Act of 1951 to any agency of the Government other than an agency established by the Board.

"(6) For the purposes of subparagraph (B) of paragraph (3), the term 'windfall profits' means that profit (during an appropriate accounting period as determined by the Board) derived from the sale of crude oil, any refined petroleum product, residual fuel oil, determined by the Board to be in excess, of the lesser of—

"(A) a reasonable profit with respect to the particular seller as determined by the Board upon consideration of—

"(i) the reasonableness of its costs and profits with particular regard to volume of production;

"(ii) the net worth, with particular regard to the amount and source of capital employed;

"(iii) the extent of risk assumed;

"(iv) the efficiency and productivity, particularly with regard to cost reduction techniques and economies of operation; and

"(v) other factors the consideration of which the public interest and fair and equitable dealing may require which may be established and published by the Board; or

"(B) the greater of—

"(i) the average profit obtained by all sellers for the particular item during the calendar years 1967 through 1971; or

"(ii) the average profit obtained by the particular seller for the particular item during such calendar years.

"(7) Except as provided in paragraph (4), for the purposes of this subsection, the term 'windfall profits' means profit in excess of the average profit obtained by all sellers for the particular item during the calendar years 1967 through 1971.

"(8) For the purposes of this subsection, the term 'interested person' includes the United States, any State, and the District of Columbia.

"(9) This subsection shall not apply to the first sale of crude oil described in subsection (e)(2) of this section (relating to stripper wells)."

"(b) Notwithstanding any other provision of law, administrative proceedings before the Board under section ( ) of the Emergency Petroleum Allocation Act of 1973 shall be governed by subchapter II of chapter 5 of title 5, United States Code, and such proceeding shall be reviewed in accordance with chapter 7 of such title.

"(10) Any action or proceeding under subsections (3) (A) and (B) of this section to determine windfall profits or to recover windfall profits under this Act must be brought within one year after the expiration of this 'Emergency Energy Act' or any extension thereof. Further, it is expressly provided that windfall profits as defined in this section refer only to profits earned during the period beginning with the enactment of this Act and ending on the date of the expiration of this Act, or any extension thereof."

SEC. 118. IMPORTATION OF LIQUEFIED NATURAL GAS.

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"SEC. 9. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquefied natural gas from a foreign country: *Provided, however*, That the authority to act under this section shall not permit the importation of liquefied natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date."

SEC. 119. DEVELOPMENT OF ADDITIONAL ELECTRIC POWER RESOURCES

Not later than ninety days after the date of enactment for this Act, the President shall prepare and submit to Congress a plan for the development of the hydroelectric power solar energy, and geothermal resources of the United States by Federal and non-Federal interests. Such a plan shall provide for the expeditious completion of projects already authorized by Congress and for the planning of other projects designed to utilize available hydroelectric power, solar energy, and geothermal resources, including tidal power and pumped storage.

SEC. 120. ANTITRUST PROVISIONS.

(a) Except as specifically provided in subsection (1), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and criminal liability or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.) as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c)(1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552(b)(1) and (b)(3) of title 5, United States Code.

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of actions to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular fulltime Federal employee.

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community;

(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying, subject to provisions of section 552 (b)(1) and (b)(3) of title 5, United States Code.

(f) The Federal Trade Commission may exempt types or classes of meetings, conferences or communications from the requirements of subsection (c)(3) and (e)(4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section Such ministerial meeting, conference or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed wtih the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

(g)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity conferred by subsection (i) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

(h)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

(2) The Attorney General and the Federal Trade Commission shall promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing or distributing crude oil, residual fuel oil, or any refined petroleum product that—

(1) Such action was

(A) authorized and approved pursuant to this section, and

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) Such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts of practices which occurred; (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(k) Effective on the date of enactment of this Act, this section shall apply in lieu of section 6(c) of the Emergency Petroleum Allocation Act of 1973. All actions taken and any authority or immunity granted under such section 6(c) shall be hereafter taken or granted, as the case may be, pursuant to this section.

(l) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973.

(m) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

(n) The authority granted by this section (including any immunity under subsection (i)) shall terminate on December 31, 1974.

(o) The exercise of the authority provided in section 107 shall not have as a principal purpose or effect of the substantial lessening of competition among carriers affected. Actions taken pursuant to that subsection shall be taken only after providing from the beginning an adequate opportunity for participation by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division, who shall propose any alternative which would avoid or overcome, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of this Act.

SEC. 121. COMPREHENSIVE REVIEW OF EXPORT AND FOREIGN INVESTMENT POLICIES.

The Secretary of the Interior and the Secretary of Commerce are directed to prepare a comprehensive report of (1) United States exports of petroleum products and other energy sources, and (2) foreign investment in production of petroleum products and other energy sources to determine the consistency or lack thereof of the Nation's trade policy and foreign investment policy with domestic energy conservation efforts. Such report shall include recommendations for legislation and shall be submitted to Congress within ninety days after the date of enactment of this Act.

SEC. 122. EMPLOYMENT IMPACT AND WORKER ASSISTANCE.

(a) Carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President is authorized and directed to make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(d) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 123. EXPORTS.

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate: *Provided*, That the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States. In the administration of such restrictions, the Administrator may use existing statutory authority and regulations including, but not limited to, the Export Administration Act of 1969. Rules under this section shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 124. PROHIBITION OF PETROLEUM EXPORTS FOR MILITARY OPERATIONS IN INDOCHINA.

In the exercise of his jurisdiction under the preceding section, and in order to conserve petroleum products for use in the United States, the Administrator shall prohibit the exportation of petroleum products for use, directly or indirectly, in military operations in South Vietnam, Cambodia, or Laos.

SEC. 125. REPORT AND TERMINATION DATE.

(a) No later than September 1, 1974, the President shall submit to Congress an interim report on the implementation of this Act, together with such recommendations as he deems necessary for amending or extending the authorities granted in this Act or in the Emergency Petroleum Allocation Act of 1973.

(b) Notwithstanding any other provisions of title I of this Act or of the Emergency Petroleum Allocation Act of 1973, any authorities granted in title I of this Act or by the Emergency Petroleum Allocation Act of 1973 which, but for this section would expire on December 31, 1974, one year after the date of enactment of this Act, or on February 28, 1975, shall expire on May 15, 1975.

SEC. 126. REPORTS ON NATIONAL ENERGY RESOURCES.

(a) For the purpose of providing to the Administrator, Congress, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Administrator shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs by product; and (4) other data required by the Administrator for such purpose. Such regulation shall also require that such persons provide to the Administrator such reports for the period from January 1, 1970, to the date of such person's first sixty-day report. Such regulation shall be promulgated 30 days after such publication. The Administrator shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Administrator may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Administrator. The district courts of the United States are authorized, upon application of the Administrator, to require enforcement of such reporting requirements.

(c) Upon a showing satisfactory to the Administrator by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such report, or portion thereof, shall be confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Administration for the purpose of carrying out this Act, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any committee of Congress upon request of the chairman. The provisions of this section shall expire on May 15, 1975.

SEC. 127. DEVELOPMENT OF PROCESSES FOR THE CONVERSION OF COAL TO CRUDE OIL AND OTHER LIQUID AND GASEOUS HYDROCARBONS.

The Administrator shall prepare and submit to Congress not later than 90 days after the date of enactment of this Act a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"TEMPORARY AUTHORITY TO SUSPEND CERTAIN STATIONARY SOURCE EMISSION AND FUEL LIMITATIONS

"SEC. 119. (a)(1) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before May 15, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under subsection (b) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2)(B) and (2)(C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a)(2) of this Act.

"(2)(A) After public notice and public hearing, the Administrator may, for any period beginning after May 15, 1974, and ending not later than June 30, 1979, temporarily suspend any stationary source fuel or emission limitation as it applies to any person if the Administrator finds—

"(i) that such person will be unable to comply with such limitation solely because of the unavailability of types and amounts of fuels,

"(ii) that such suspension (in conjunction with interim requirements under subsection (b)) will not, after the applicable implementation plan deadline, result in or contribute to a level of air pollutants which is greater than that specified in a national primary ambient air quality standard, and

"(iii) that such person has been placed on a schedule which provides for the use of methods which the Administrator determines will assure continuing compliance with a national primary ambient air quality standard as soon as practicable (but no later than June 30, 1979), which schedule shall include increments of progress toward compliance with such standard by such date.

"(B)(i) Any schedule under subparagraph (A)(iii) shall include, if necessary to meet a national primary ambient air quality standard, a date by which a contractual obligation shall be entered into for an emission reduction system which has been determined by the Administrator to be adequately demonstrated (except that in the case of a person wishing to construct and install such system himself as soon as practicable, but not later than June 30, 1979, the Administrator may approve detailed plans and specifications and increments of progress for construction and installation of such a system). Before the earliest date on which a person is required to take any action under the preceding sentence (but not later than May 15, 1977) any source may elect to have the preceding sentence not apply to it; but if such election is made, no suspension under this section may apply to such source after May 15, 1977.

"(ii) For purposes of subparagraph (A)(ii) and of subsection (b), the term 'applicable implementation plan deadline' means the date on which (as of the date of enactment of the Energy Emergency Act) a national primary ambient air quality standard is required by an applicable implementation plan to be attained in an air quality control region.

"(C) Any person may obtain judicial review of a grant or denial of a suspension under this paragraph and of any interim requirement on which such suspension is conditioned under subsection (b) by filing a petition with the United States district court for any judicial district in which is located any stationary source to which the action of the Administrator applies. The second and third sentences of clause (ii), and clauses (iii) and (iv) of section 206(b)(2)(B) of this Act shall apply to judicial review under this paragraph. No proceeding under section 304(a)(2) may be commenced with respect to any action or failure to act under this paragraph.

"(3) In issuing any suspension under this subsection, the Administrator is authorized to act on his own motion without application by any source or State.

"(b) Any suspension under subsection (a) shall be conditioned upon compliance with such interim requirements as the Administrator determines necessary for minimizing the threat to public health which may exist prior to the applicable implementation plan deadline and for assuring maintenance of the national primary ambient air quality standards during any portion of such suspension which may be authorized after the applicable implementation plan deadline. Such interim requirements and section 110 shall not be construed to preclude use of alternative or intermittent control measures which the Administrator determines are reliable and enforceable and which he determines will permit attainment and maintenance of the national primary ambient air quality standards during the period of the suspension. Such interim requirements shall include, but not be limited to, (A) a requirement that the source receiving the suspension comply with such monitoring and reporting requirements as the Administrator determines may be necessary to determine the effect on health or air quality of such suspension, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) requirements that the suspension shall be inapplicable during any period during which fuels or emission reduction systems which would enable compliance with the suspended fuel or emission limitations are in fact available to that person (as determined by the Administrator). Such fuel shall not be required to be used if the Administrator determines that the cost of changes necessary to use such fuel during such period are unreasonable.

(c) The Administrator may by rule establish priorities under which manufacturers of emission reduction systems shall provide such systems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to users in air quality control regions with the most severe air pollution.

"d) The adminitrator shall study, and report to Congress not later than March 31, 1974, with respect to—

"(1) the present and projected impact on the program under this Act of fuel short-

ages and of allocation and end-use allocation programs;

"(2) availability of scrubber technology (including projections respecting the time, cost, and number of units available) and the effects that scrubbers would have on the total environment and on supplies of fuel and electricity;

"(3) number of sources and localities which must use such technology based on projected fuel availability data;

"(4) priority schedule for implementation of scrubber technology, based on public health or air quality;

"(5) evaluation of availability of technology to burn municipal solid waste in these sources; including time schedules, priorities, analysis of unregulated pollutants which will be emitted and balancing of health benefits and detriments from burning solid waste and of economic costs;

"(6) projections of air quality impact of fuel shortages and allocations;

"(7) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards for sulfur oxides within the time frames prescribed in the Act, including associated considerations of cost, time frames, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(8) proposed allocations of scrubber technology for nonsolid waste producing systems to sources which are least able to handle solid waste byproduct, technologically, economically, and without hazard to public health, safety, and welfare; and

"(9) plans for monitoring or requiring variance-receiving sources to monitor impact of variances on concentration of sulfur dioxide in the ambient air.

"(e) No State or political subdivision may require any person to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (b) or a compliance schedule under subsection (a)(2)(A)(iii), including any requirement under subsection (a)(2)(B)(i)). No State or political subdivision may require any person to use an emission reduction system for which priorities have been established under subsection (c) except in accordance with such priorities.

"(f)(1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a) to violate any requirement on which the suspension is conditioned pursuant to subsection (b).

"(2) It shall be unlawful for any person to violate any rule under subsection (c).

"(3) It shall be unlawful for any person to fail to comply with a schedule of compliance under subsection (a)(2)(A)(iii), including any requirement under subsection (a)(2)(B)(i).

"(g) For purposes of this section:

"(1) The term 'stationary source fuel or emission limitation' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under this Act (other than section 303 111(b), or 112) or contained in an applicable implementation plan and which is designed to limit stationary source emissions resulting from combustion of fuels, including a prohibition on or specification of the use of any fuel of any type or grade or pollution characteristic.

"(2) the term 'stationary source' has the same meaning as such term has under section 111(a)(3).

"(h) Beginning 60 days after the enactment of this section, the Administrator shall publish at no less than 180-day intervals, in the Federal Register the following:

"(1) Up-to-date findings on the emission reduction systems determined to be adequately demonstrated for the purposes of subsection (a)(2)(B).

"(2) A concise summary of progress reports which are required to be filed by any person operating under a suspension pursuant to subsection (a)(2). Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator as a condition for receiving the suspension.

"(3) Up-to-date findings on the impact of the suspensions granted upon—

"(A) applicable implementation plans, and

"(B) ambient air quality in areas where any person has received a suspension under subsection (a)(2) of this section.

"(i)(1) In order to conserve available supplies of liquid and gaseous fuels, each coal-fired steam electric generating station which is eligible for such an exemption as provided in paragraph (2) is hereby exempted from all applicable stationary source fuel or emission limitations, unless the Administrator determines that the cost of compliance with any such limitation is reasonable in light of the projected useful life of the station, the availability of rate base increases to pay for such costs, and the risk to public health and the environment which may be associated with exemption from such limitation.

"(2) The exemption provided for in paragraph (i) shall only apply to coal-fired steam electric generating stations (A) which are to be taken out of service permanently by December 31, 1980, due to the age and condition of the station, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the utility operating such station, (B) for which a certification to that effect has been annually filed with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the FPC has determined that the certification has been made in good faith and the plan to cease operations by December 31, 1980, is likely to be carried out as planned in light of existing and prospective power supply requirements.

"(3) The Administrator of EPA shall be authorized to prescribe interim requirements for any source exempted from any stationary source fuel or emission limitation under this subsection so long as such requirements impose only reasonable costs in light of the criteria prescribed in paragraph (i)."

SEC. 202. IMPLEMENTATION PLAN REVISIONS.

(a) REVISIONS TO REFLECT SUSPENSIONS.—Section 110(a) of the Clean Air Act is amended—

(1) in paragraph (2)(B) by inserting before the semicolon at the end thereof ", and provision for energy conservation measures"; and

(2) in paragraph (3), by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B) The Administrator shall review each applicable implementation plan and no later than May 1, 1974, determine for each State whether its plan must be revised in order to achieve the national primary or secondary standard which the plan implements within the deadlines established under paragraph (2)(A) of this subsection. In making such determination the Administrator shall consider any current or anticipated suspensions under section 119, any action under section 106(b), and any projected shortages of fuels or emission reduction systems. Plan revisions for any State for which the Administrator determines its plan is inadequate shall be submitted not later than July 1, 1974, and shall be approved or disapproved by the Administrator, after public notice and opportunity for hearing, but not later than September 1, 1974. If a plan revision (or portion thereof) is disapproved (or if a State fails to submit a plan revision), the Administrator shall, after public notice and opportunity for a hearing, promulgate a revised plan (or portion thereof) not later than November 1, 1974.".

(b) AMBIENT AIR STANDARDS.—Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857(h)(1) and (2)), is amended to read as follows:

"(h)(1) The Administrator shall, upon application by the Governor for any air quality control region for which transportation controls have been imposed in order to attain and maintain the national primary ambient air quality standards by July 1, 1977, extend for two years the date required by any applicable implementation plan for attainment and maintenance of such standards, if the transportation controls for such region require a 20 percent (or greater) reduction in vehicle miles traveled by June 1, 1977, or if he otherwise finds that such controls are impracticable within such time.

"(2) The Administrator may, upon application by the Governor for any such region, further extend the date for attainment and maintenance of such standard if he finds that imposition of additional transportation control requirements is impracticable within such time. In no event, however, shall the Administrator permit any extension (A) which allows for attainment of the primary standard less expeditiously than practicable, or (B) which allows a less than 10 percent annual improvement in air quality toward achievement of such standard, so that protection of the public health may be assured by January 1, 1985."

(c) LIMITATION ON PARKING SURCHARGES, MANAGEMENT OF PARKING SUPPLY, AND PREFERENTIAL BUS/CARPOOL LANE REGULATIONS.—Subsection (c) of section 110 of the Clean Air Act, as amended (42 U.S.C. 1857 C-5) is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and by adding the following new paragraph:

"(2)(A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate within 6 months after the enactment of this paragraph on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations in order to achieve national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regulations, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Administrator of the Federal Energy Administration, and the Chairman of the Council on Environmental Quality.

"(B) No parking surcharge, management of parking supply, or preferential bus/carpool lane regulation may be promulgated by the Administrator under paragraph (1) of this subsection as a part of an implementation plan. All parking surcharge, management of parking supply and preferential bus/carpool lane regulations previously promulgated by the Administrator shall be null and void upon the date of enactment of this subsection. This subparagraph shall not prevent the Administrator from approving parking surcharges, management of parking supply regulations, and preferential bus/carpool lanes if they are adopted and submitted by a State as part of an implementation plan. The Administrator may not condition approval of any implementation plan

submitted by a State on such plan's including a parking surcharge, management of parking supply, or preferential bus/carpool lane regulation.

"(C) For purposes of this paragraph, the terms 'parking surcharge regulation' means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles. The term 'management of parking supply' and the term 'preferential bus/carpool lane' shall include those general activities covered by but not limited to regulations numbered 52.251 and 52.261 through 52.264 as set forth in VOL. 38 of the Federal Register number 217."

SEC. 203. MOTOR VEHICLE EMISSIONS.

(a) REVISION OF STANDARDS.—

(1) Section 202(b)(1) of the Clean Air Act is amended—

(A) by striking out in subparagraph (a) "1975" and inserting in lieu thereof "1978";

(B) by striking out "during or after model year 1976" and all that follows in subparagraph (b) and inserting in lieu thereof "during model year 1976 shall contain standards which limit emissions to a maximum of 3.1 grams per vehicle mile of oxides of nitrogen. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light duty vehicles and engines manufactured during or after model year 1977 shall contain standards which limit emissions to a maximum of 2.0 grams per vehicle mile of oxides of nitrogen."; and

(C) by adding at the end of such paragraph the following new subparagraph:

"(C) Compliance with the regulations prescribed pursuant to this section for model years 1975, 1976, and 1977, shall be measured by certification test procedures prescribed by the Administrator for model year 1975. The regulation for model years 1975, 1976, and 1977 prescribed pursuant to subsection (a) (for carbon monoxide and hydrocarbons) shall impose the same emissions standards as are in effect as of December 1, 1973, for model year 1975."

(2) Section 202(b)(5) of the Clean Air Act is repealed.

(b) EXTENSION OF IMPLEMENTATION PLAN DEADLINES.—Section 110 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, the Administrator may, within the period by which (under subsection (a)(2)(A)(i)) an applicable implementation plan must provide for the attainment in a State of a national primary ambient air quality standard (as such period may be extended under subsection (e)), extend such period for not more than two additional years if he determines that such primary standard cannot be attained in such State within such period solely by reason of the amendments made by section 203(a) of the National Energy Emergency Act."

SEC. 204. CONFORMING AMENDMENTS.

(a)(1) Section 113(a)(3) of the Clean Air Act is amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119(f) (relating to certain requirements during suspensions and priorities)."

(2) Section 113(b)(3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(f)".

(3) Section 113(c)(1)(C) of such Act is amended by striking out "or section 112(c)" and inserting lieu thereof ", section 112(c), or section 119(f)".

(4) Section 113 of such Act is amended by inserting at the end thereof the following new subsection:

"(d) For the purpose of this section, the violation of any provision of an approved plan under section 106(b) of the Energy Emergency Act shall be deemed a violation of a 'requirement of an applicable implementation plan during any period of federally assumed enforcement'."

(5) Section 114(a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119(f)" before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973, shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b) (1) For the period beginning May 15, 1974, the Administrator of the Environmental Protection Agency may, after public notice and opportunity for presentation of views in accordance with section 553 of title 5, United States Code, and consultation with the Federal Energy Administrator, issue exchange orders to any person or persons requiring the exchange of any fuel subject to any allocation program under title I of this Act or such Act of 1973. The purpose of such exchange orders shall be to avoid or minimize the adverse impact of any such allocation program on public health in those areas of the country designated by the Administrator of the Environmental Protection Agency under subsection (a). Such Administrator may issue an order under this subsection only if he finds that (A) substantial emission reductions will be afforded for one or more emission sources in areas designated under subsection (a), and (B) the cost and fuel availability impact of such order will not be excessive.

(2) Violation of any exchange order issued under paragraph (1) of this subsection shall be a prohibited act and shall be subject to enforcement action and sanctions in the same manner and to the same extent as a violation of any requirement of an energy conservation and rationing program under title I of this Act.

(c) In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 106, the Department of Health, Education, and Welfare shall, in cooperation with the Environmental Protection Agency, conduct a study of acute and chronic effects among exposed populations. The sum of $2,000,000 is authorized to be appropriated for such a study.

(d) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a 6-month period (other than action taken pursuant to subsection (e) of this section), or any action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(e) Notwithstanding subsection (d) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York, and for any other facilities for the transmission of electric energy between a foreign country and the United States which the Federal Power Commission finds will be subject to adequate environmental review conducted by a State agency pursuant to State law.

SEC. 206. ENERGY CONSERVATION STUDY

(a) The Administrator of the Federal Energy Administration shall conduct a study on potential methods of energy conservation and, not later than 6 months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance of payments and foreign relations implications of any such restrictions;

(2) federally sponsored incentives for the use of public transit, including the need for authority to require additional production of buses or other means of public transit and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service;

(3) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption trade-off which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials;

(4) the costs and benefits of electrifying rail lines in the United States with a high density of traffic; including (A) the capital costs of such electrification, the oil fuel economies derived from such electrification, the ability of existing power facilities to supply the additional power load, and the amount of coal or other fossil fuels required to generate the power required for railroad electrification, and (B) the advantages to the environment of electrification of railroads in terms of reduced fuel consumption and air pollution and disadvantages to the environment from increased use of fossil fuel such as coal; and

(5) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems.

(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the not later than January 31, 1975, on the im-President no later than December 31, 1974.

The Administrator of the Environmental Protection Agency shall report to Congress

SEC. 207. REPORTS.

plementation of sections 201 through 205 of this title.

SEC. 208. RECOMMENDATIONS FOR SITING OF ENERGY FACILITIES.

The President shall, within 90 days after the date of enactment of this Act, recommend to the Congress actions to be taken by the executive branch and the Congress regarding the problem of the siting of all types of energy producing facilities.

SEC. 209. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

"SEC. 213. (a)(1) The Administrator shall conduct a study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator shall consult with the Secretary of Transportation, the Administrator of the Federal Energy Administration, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to Congress but the Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307(a) of this Act to obtain necessary information.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined by the Administrator for each manufacturer. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means.".

SEC. 210. FUEL ALLOCATIONS.

Notwithstanding any other provision of law or regulation, any project or enterprise authorized by law or regulations of the Federal Government, regardless of time initiated shall be allowed the necessary fuel for all its operations under any rules formulated for such purposes.

And to amend the title so as to read: "An Act to assure, through energy conservation, end-use allocation of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and agree to the request of the House for a conference on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. METCALF, Mr. FANNIN, Mr. HANSEN, Mr. RANDOLPH, Mr. MUSKIE, Mr. BAKER, Mr. HOLLINGS, Mr. STEVENSON, and Mr. STEVENS conferees on the part of the Senate.

AUTOMOBILE EMISSION STANDARDS

The Senate continued with the consideration of the bill (S. 2772) to amend title II of the Clean Air Act, as amended.

Mr. BUCKLEY. Mr. President, I have no further remarks at this time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, will the Senator yield me 5 minutes?

Mr. MUSKIE. I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say that I, too, support wholeheartedly the remarks of the Senator from New York regarding this matter, and I regret that I cannot support the amendment proposed by the distinguished Senator from Virginia.

I, however, state to him that indeed he was among the early proponents of the need for some change in this area, and I compliment him in that regard.

However, let me address myself to the reasons why we are here today. If we are here talking about the energy crisis, I submit that the committee recommendation is far better than that proposed by the distinguished Senator from Virginia. If we are here on health matters, it appears to me that we should wait for the report of the National Academy.

Let me discuss very briefly my views as to why, in the interest of the energy crisis, we should proceed as we have recommended.

First of all, there is absolutely no evidence that we could not do better in terms of saving energy by moving away from the 1975 interim standards in the year 1977. We have said we will stay there for 1975 and 1976. There is ample evidence before the committee that during that 2 years, and indeed to this point in our history, we might have achieved greater energy conservation, with yet cleaner exhausts, in the year 1977 by using a standard different than the 1975 interim.

So it would appear to me that the only possible reason to freeze for 3 years instead of 2 on HC and CO would be that the alternative approaches to new engines and new methods to clean up the exhaust have dictated such a freeze, and in that regard, that is not true either. There was no evidence before the committee other than the problem with NOX, which I shall address myself to shortly, that we must move ahead that quickly in order to obtain alternate engine sources or alternate ways to clean the exhausts. The only thing they have been saying to us, and saying with some degree of consistency, is that if you clean up the HC and CO, you have a problem with NOX.

I think we all agree that we will have to have some changes in the NOX standards, not only so that the health of our citizens is not in jeopardy, but so as to maximize the issue of the inducement to clean up the environment.

For that reason, I propose that we freeze the NOX for 1977 at 2, but only for 1 additional year, and not in accordance with the recommendations of the Senator from Virginia that that be an indefinite or permanent standard.

The reason I have opposed it is that there is ample evidence that it is questionable from the health point of view, and it would open the door for more research and development by the companies of America, but I am convinced that before the committee made the commitment found in the report—and it is twofold, that EPA will report to us, a detailed examination and report will be forthcoming on January 15 as to the Japanese findings and the findings of

EPA itself with reference to NOX, and the second part of the commitment is that we will then begin public hearings in that regard—I think it is implicit in holding public hearings, that if the committee finds there is a need at that point in time to freeze at 2, we will, indeed, make such a recommendation.

I remember Senator MUSKIE's saying:

We will have the hearings, and let the hearings speak for themselves.

That is how I view it. If the evidence indicates the 1977 NOX standards must be changed and frozen at 2, we will come to the floor with them.

So I do not see where freezing them now will add anything to the ability of American industry to comply with the 1975 interims for 2 years, as far as cleaning up the HC and the CO is concerned. If we say we want to give them 3 years instead of 2, so that they can experiment with alternative engines and technology, it does not really bear much on that issue. Without the NOX change, it seems to me that to stick with the 1975's clear through the 1977's, so far as HC and CO are concerned, will accomplish little or nothing. February or March is soon enough to make the adjustment on NOX. That is what the evidence says. I think we will make the adjustments in a timely fashion.

I conclude with two remarks about the administration. First, I honestly do not think that Mr. Sawhill, at this point in time, knows any more about this problem, as complex as it is, than the members of the committee or the committee staff. I compliment him for wanting to arrive at a decision, but I just do not believe his approach would save energy for the American people.

As to Mr. Train, no one really has said he is recommending what the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT) is recommending in his amendment. I know that would be very inconsistent with what he had been recommending heretofore. I have tried to find out and I am convinced that he is not recommending the 1975 interims for 3 years or pressing for an immediate change in the NOX standard for 1977.

For those reasons I cannot support the amendment of the Senator from Virginia (Mr. WILLIAM L. SCOTT), although in many respects it is very close to what we have been discussing and what we will hope to accomplish today.

I thank the distinguished Senator from Maine.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Virginia yield me 5 minutes?

Mr. WILLIAM L. SCOTT. I yield 5 minutes to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, at the outset, let me say that if the amendment of the distinguished Senator from Virginia should not prevail, of course, I shall favor and vote for the bill that has been reported by the committee. A 1-year extension as provided in the bill will at least be an improvement over the situation confronting us now.

Nevertheless, I believe there is a great merit in the proposal advanced by the distinguished Senator from Virginia, and I rise to wholeheartedly support it.

As I understand it, his amendment is similar to an amendment adopted in the other body last week. I also call attention to the fact that the administration, speaking through Mr. Sawhill, deputy to Mr. Simon, has registered its support before a House committee for a 3-year freeze in the auto emission standards.

When Congress enacted the Clean Air Act in 1970, there was little reason, if any, to believe that we were not required to provide, as we are doing today, relief from the auto emission standards that were written then into the law—standards enacted even though the technology to achieve them did not exist and could not be reasonably anticipated.

Not surprisingly, the time has now arrived when we must change and push ahead the date on which compliance with those standards would be required.

The bill now before the Senate would suspend the 1976 statutory standards for 1 year pending completion of a study by the National Academy of Sciences with regard to health effects. If the standards are extended for only 1 year, it means that Congress will be forced to act again at the last minute next year if and when the National Academy of Sciences determines as a result of its study that the standards are still unnecessarily high. The study will not be completed until late next summer, probably in August, we will be required, unless the Scott amendment is adopted, to try then to get action again by Congress on another extension. That is not a happy prospect, considering the fact that next year is an election year when other considerations have a way of becoming confused with the merits of legislation.

Mr. President, the automobile industry and millions of workers who depend upon that industry for their jobs are being held hostage in a sense in this situation. By extending the timetable for only a year, the industry will have very little time to engage in research looking toward development of an alternative to the catalyst as a means of meeting clean air standards. Few of us, I regret to say, really appreciate the difficulties of the leadtime involved in the building of an automobile. I am told that 18 months is a minimum leadtime even when no substantial engineering changes are contemplated.

But when substantial engineering changes are to be made in an automobile, then the necessary leadtime may be as long as 3 years.

As I understand it, enactment of the committee bill—rather than the Scott amendment—will almost lock the automobile industry into adoption of the catalyst as the only way to meet emission standards. Unfortunately, Congress will be taking that action without adequate consideration of the cost or the consequences for the Nation as a whole.

I know of course, that one of the major automobile companies—has invested heavily in development of catalysts. And that action has been taken in a good faith effort to meet the timetable set by Congress.

We should also keep in mind that use of catalysts will add at least $150 to the purchase price of each new automobile, in addition to whatever maintenance is involved. Furthermore, by mandating the use of catalysts, we would also be mandating the purchase of large amounts of scarce chrome and platinum—ironically at a time when an effort is also underway to make it impossible by legislation to purchase chrome from one of the leading suppliers in the world. This approach—requiring the use of catalysts—will require conversion of refineries so they can produce nonleaded gasoline. As I understand it, at a time when we should be investing in the construction of new refineries—we will instead be required to invest $4 billion to convert existing refineries to the production of nonleaded gasoline.

These are important facts to take into account at a time when our most pressing problem is the energy shortage which, in turn, results partly from a shortage of refinery capacity.

At the same time, in order to produce nonleaded gas, it will involve an increase in crude oil by some 4 to 5 percent to produce the same quantity of gasoline.

Mr. MUSKIE. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. I yield.

Mr. MUSKIE. Exxon's testimony in our hearings is directly to the point that the 1975–76 standards would involve no crude oil penalty. I understand, of course, that the automobile companies, through PPG, have run full-page advertisements arguing that those standards would involve a crude oil penalty of a million barrels of crude oil a day. That is contrary to the evidence. The assumption is that they are talking about 94–98 octane gasoline. What we are talking about in 1975–76 does not involve that kind of high-octane gasoline.

The evidence is that no crude oil penalty is involved for the standards that are represented by the committee bill, that will be represented by the 1975 interim standards—no crude oil penalty at all—and there is no evidence in the hearings to the contrary.

Mr. GRIFFIN. I hope that the Senator from Maine is correct.

Mr. MUSKIE. May I say to the Senator that I can only rely on testimony, not on newspaper advertisements; and this line of advertisements we have been getting is directed at creating an emotional climate against these standards.

So, when I get evidence from testimony in my hearings, I think it is appropriate for me to call the Senate's attention to it on the floor of the Senate.

Mr. GRIFFIN. I thank the distinguished chairman for his contribution.

A member of my staff has called my attention to Business Week for December 15. In an article on page 54, a question is addressed to Russell Train, as follows:

But won't the need for unleaded fuel in catalyst-equipped cars require extra crude oil in the refining process?

Mr. Train's response, as printed in that article, is as follows:

There is a crude oil penalty. Our computations show a penalty of 50,000 bbl. per day in the first year and perhaps as low as 25,000 bbl. While there is some argument over the figures, there appears to be a net energy benefit in the 1975 standards. Beyond 1975, it's more uncertain.

Mr. WILLIAM L. SCOTT. Mr. President, might I interrupt very briefly to ask how much time I have remaining?

The VICE PRESIDENT. The Senator has 12 minutes remaining.

Mr. WILLIAM L. SCOTT. Mr. President, I would yield further, of course, to the distiguished Senator from Michigan, but would ask that the Senator from Maine pose the questions on his own time, because I do want to make some more remarks myself.

I yield to the Senator.

Mr. MUSKIE. I am ready to yield. I am only interested in presenting the facts.

Mr. GRIFFIN. Mr. President, according to Mr. Train, then, there is a penalty so far as the use of crude oil is concerned. I anticipate, of course, that the Senator from Maine will direct my attention to the last sentence of his statement, which goes, not to the crude oil penalty, but to the overall question involved.

There is, of course, a dispute as to whether or not the use of the catalyst device will reduce fuel consumption by 10 percent, as some spokesmen have claimed. Other industry spokesmen have put the figure at 5 percent, while still others say there would be no fuel economy at all.

Mr. President, at a time when the Nation is very concerned about the shortage of energy, at a time when there is no clear answer as to what auto emission standards should be, and at a time when the National Academy of Sciences still is studying the whole matter, I believe adoption of the Scott amendment makes a great deal of sense. Accordingly I urge Senators to support the pending amendment.

I thank the Senator from Virginia for yielding.

Mr. WILLIAM L. SCOTT. Mr. President, the senior Senator from Maine read a letter from the Administrator of the Environmental Protection Agency. I, too, saw the letter to the editor, as I recall, in the Washington Star, but it was some weeks ago. Our outlook on this whole question is changing, in view of the energy crunch we are in.

I say to the distinguished Senator and to the other Members of this body that on the way over here, after the Senate took up consideration of this bill, a member of the White House staff indicated to me that this amendment has the full support of the administration.

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

Mr. WILLIAM L. SCOTT. I am glad to yield.

Mr. MUSKIE. Is the Senator telling us that Mr. Train and the Environmental Protection Agency now support this position?

Mr. WILLIAM L. SCOTT. No. I am saying that the letter that the distinguished Senator read is a November letter. This is December. I do not know what is in the mind of the Administrator of the Environmental Protection Agency at this time. I think the Senator would admit that over the recent days and weeks, our outlook, or the outlook of the American people generally, has changed.

Mr. MUSKIE. I am asking whether or not, to the Senator's knowledge, EPA has changed its position. I am not talking about the outlook of citizens generally. I am talking about the outlook of an agency that has concern not only with the energy crisis, but also with the health values of the Clean Air Act.

The relationship between EPA and this committee is such that any such change in its position would be no secret on the floor of the Senate today. So that if EPA now endorses Mr. Simon's position, that ought to be a matter of record and not speculation.

Mr. WILLIAM L. SCOTT. I am saying to the Senator that the letter he read is a November letter.

Mr. MUSKIE. And that still represents the view of EPA, so far as we know.

Mr. WILLIAM L. SCOTT. I have no knowledge of whether it represents it or not, but I do know that in the White House we have the Chief Executive of this country; and one of his representatives in congressional liaison told me on the way over here, after the Senate took up consideration of this bill, that this amendment does have the full support of the administration.

Mr. MUSKIE. May I say to the Senator that I happened to hear Mr. Train on the evening news, when he was questioned on whether or not the position which the Senator has stated had been cleared with him and with EPA. He said it had not been, and he was not aware of any attempt on the part of Mr. Sawhill or Mr. Simon to clear this position with him.

So that, so far as I am concerned, whatever the rest of the administration may feel about this proposition, it does not represent the position of Mr. Train; but, rather, his position of November 27 is still current.

Mr. WILLIAM L. SCOTT. I say to the distinguished Senator that I have not communicated with Mr. Train. I have no knowledge other than that the letter the Senator read is an old letter. I do not doubt the statement of the Senator if he has more advance information.

Mr. MUSKIE. I do not consider a letter dated November 27 an old letter.

Mr. WILLIAM L. SCOTT. If the Senator would permit me to continue, I would say that Mr. Train is only one of several officials we have within the Federal Government who are concerned about the matter under consideration today. When a representative of the White House tells me that this has full administration support, I assume that it does have full administration support. Now, whether that coincides with what Mr. Train's feeling is, I do not know.

Mr. MUSKIE. Is the Senator concluding that it has Mr. Train's support?

Mr. WILLIAM L. SCOTT. I am saying that the letter that the distinguished Senator read is an old letter.

Mr. MUSKIE. It is no older than the testimony upon which the Senator bases his argument. That testimony was presented at about the same time as this letter was published on November 27. If one is old, the other is ancient, too.

Mr. WILLIAM L. SCOTT. Mr. President, I would ask that I be permitted to continue with my remarks.

I reiterate that after 12 o'clock today, I was told that this amendment does have the full support of the administration. As I see it, the greatest problem we face is how to spur Detroit into new engine technologies and away from costly add-on devices, like the catalytic muffler.

Frankly, I have come away from sessions of our Committee on Public Works when we have been considering emissions control with the belief that we must do all we can to foster technological innovations in pollution control. My amendment, I believe, would foster that innovation.

Detroit has testified—and I believe them—that they need a period of stability in order to unleash their scientists in an allout drive toward a better technology. When the standard keeps changing every year or 2, the auto companies simply do not have the time to develop something innovative.

If we do not pause, who will lose? Not Detroit—they will continue to sell cars. It is the American people who will lose. They will lose, because their cars will cost more. The economy will lose, because it will have less zip. And we really do not know what kind of dangerous pollutants we may produce if we require complete reliance on the catalytic muffler.

I am willing to accept use of catalysts on some models for 3 model years. But I want—and I am sure the American people want—something better by the latter part of the 1970s. The American people want new, low-polluting engines, possibly like the stratified charge engine.

To encourage this innovative flexibility among auto scientists, we must also give them a reasonable and definitive target for nitrogen oxide emissions. I am convinced that my proposal of 2.0 grams per mile of NOX is a reasonable target. That level is the one that was recommended by the EPA on November 27. And it is the level from which the industry can pursue the broadest range of technological options. A Ford Motor Co. executive told us in testimony:

If by the end of the year or thereabouts Congress could see it appropriate to establish a NOX level of about 2 grams, then we can pursue an alternate engine program.

Mr. President, if we do not give them that option, the American people will be the losers.

Nor do I think we have the luxury to say "wait till next year." Detroit will begin running tests on its 1977 model cars in less than 2 years. Detroit will have to make its tool orders before that. So in not much over a year from now, Detroit will begin to commit itself to its 1977 model cars. If we really intend to give Detroit a "plateau for progress," let us provide a meaningful period of time within which the auto companies can work in innovative solutions.

I am interested in clean, healthy air.

But I am also interested in our economy and the maintenance of our standard of living. I am interested in jobs: more jobs and better jobs.

For that reason, I want clean cars, but I want ones that are reasonably priced and efficient. I do not want Rube Goldberg contraptions. I want Detroit to go back to the drawing boards and develop an engine that is efficient, low on pollutants, and economical to buy and operate.

I believe they can do it. But they can only do it if they obtain stability in the target at which they are shooting. If they face uncertainty, they will take the surest, not the most innovative, path. Frankly, I want to spur innovation. I want Detroit to come up with something better than the catalyst. My amendment, I am convinced, would produce that result. Mr. President, I urge the adoption of the Amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Maine has 2 minutes remaining. The Chair recognizes the Senator from Maine.

Mr. MUSKIE. Mr. President, in the 2 minutes I have remaining I would like to read the testimony of Mr. Train on December 3, which was given on the House side. I ask for the attention of my good friend from Virginia. Mr. Train said:

> No decision on model year 1976 need be made until late next spring since certification will not begin until next fall.

That statement is in opposition to the committee bill.

He said further at the end of that testimony on December 3:

> Accordingly, I strongly recommend that no changes be made in the automotive emission standards at this time.

Mr. President, I wish to make these points in the time remaining. Since the 1970 act was written into law there has been no serious challenge of any of the health standards on which those requirements were based. The automobile industry has not seriously challenged it and every finding that EPA made has justified those health standards.

Second, if and when we change these requirements for automobiles the effect will be to impose burdens on mayors and city councils that will then have to find other ways to reduce emissions by controlling movements of automobiles in cities.

For example, in Washington if the statute were left untouched, achieving air standards in Washington would require a 13 percent reduction in vehicle miles traveled, and at the 1974 level there would be required a 32 percent reduction in vehicle miles traveled to achieve the same standards.

The PRESIDING OFFICER. All time of the Senator from Maine has expired. The Senator from Virginia has 1 minute remaining.

Mr. WILLIAM L. SCOTT. Mr. President, I wish to use the minute remaining to say that I feel that the automobile industry does need sufficient time to plan and develop a clean, economical engine and have a proper balance between the reduction of pollution and at the same time developing an efficient motor.

I urge the adoption of my amendment and yield back the remainder of my time.

Mr. MUSKIE. Mr. President, I use the 1 minute I have remaining on the bill.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, the automobile industry did not move until this legislation was adopted in 1970. The technological achievement it has developed has been under the prod of that legislation.

What the Senator from Virginia would now do would be to pull off the pressure and let the industry move at its own pace. History tells us that is not good enough for the health of the people of this country.

I urge the amendment be rejected.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES.), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), and the Senator from New York (Mr. JAVITS) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting (Mr. JAVITS) would vote "nay."

The result was announced—yeas 19, nays 67, as follows:

[No. 587 Leg.]

YEAS—19

Bartlett	Griffin	Scott, William L.
Brock	Hansen	Stennis
Byrd, Harry F., Jr.	Helms	Stevens
Curtis	Hruska	Taft
Eastland	Johnston	Thurmond
Fannin	McClellan	Tower
	Saxbe	

NAYS—67

Abourezk	Cannon	Goldwater
Aiken	Case	Gurney
Allen	Chiles	Hart
Baker	Clark	Hartke
Bayh	Cook	Haskell
Beall	Dole	Hatfield
Bible	Domenici	Hathaway
Biden	Dominick	Huddleston
Brooke	Eagleton	Humphrey
Buckley	Ervin	Inouye
Burdick	Fong	Jackson
Byrd, Robert C.	Fulbright	Kennedy
Magnuson	Nelson	Scott, Hugh
Mansfield	Nunn	Sparkman
Mathias	Packwood	Stafford
McClure	Pearson	Stevenson
McGee	Pell	Symington
McGovern	Percy	Tunney
McIntyre	Proxmire	Weicker
Metcalf	Randolph	Williams
Mondale	Ribicoff	Young
Moss	Roth	
Muskie	Schweiker	

NOT VOTING—14

Bellmon	Cranston	Long
Bennett	Gravel	Montoya
Bentsen	Hollings	Pastore
Church	Hughes	Talmadge
Cotton	Javits	

So Mr. WILLIAM L. SCOTT's amendment was rejected.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLARK. Mr. President, the Clean Air Act is a tribute to the foresight and thoughtfulness of the U.S. Senate and the Senate Public Works Committee.

Recently, that act has come under fire. The energy crisis has given impetus to the growing opposition to some of its provisions.

Today we are considering extension of the 1975 interim standards for automobile emissions. The Public Works Committee has held numerous hearings on automobile emissions, and varying proposals for changes or delays in the standards have been discussed.

I do not want to see any changes in the current schedule for implementing the standards. The testimony given to the committee did not convince me that there is real justification for delaying the standards, but I am convinced that there is very strong feeling in the Congress for delaying the standards—and to keep that delay at the very minimum I support the amendment to the Clean Air Act that is before the Senate today.

One of the justifications for the current proposal is that the automobile companies need more time to perfect the cleanup equipment they will be putting on the 1975 cars. Another reason is that it will give them more time to move into the alternative technologies which will probably be preferable to the catalytic converters being put on many of next year's cars.

Another rationale for changing the current schedule for implementing the standards is that the emissions controls deserve the blame for the poor gasoline mileage our cars are getting. It is true that the present controls have lessened fuel efficiency, but so have automatic transmissions and air-conditioners. Emission controls cut down on air pollution, and obviously are more in the public interest than either automatic transmissions or air-conditioners. While it is vital that we take steps to conserve energy, it is also vital that we remember that other goals are important—and that clean air is not in unlimited supply any more than energy is.

Actually, the catalytic converters which will be required in many cars if the present proposal goes into effect will

improve gasoline mileage—by at least 5 to 6 percent. So, moving ahead on clean-air goals will improve, not decrease fuel efficiency.

And we must continue to move ahead with clean-air goals. Dirty air is already a health problem in some areas of this country, but it need not be a health hazard for every area. The United States has the technology to cut automobile emissions. It should be used, and, if the only way we can be assured of cleaning up the air is through stringent standards required on a strict schedule, then it is vital that the standards and the schedule be maintained.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second [putting the question]. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MUSKIE. Mr. President, I yield back my time.

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

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Georgia (Mr. TALMADGE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT) and the Senator from New York (Mr. JAVITS) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 588 Leg.]

YEAS—85

Abourezk	Fong	Moss
Aiken	Fulbright	Muskie
Allen	Goldwater	Nelson
Baker	Griffin	Nunn
Bartlett	Gurney	Packwood
Bayh	Hansen	Pearson
Beall	Hart	Pell
Bible	Hartke	Percy
Biden	Haskell	Proxmire
Brock	Hatfield	Randolph
Brooke	Hathaway	Ribicoff
Buckley	Helms	Roth
Burdick	Hruska	Saxbe
Byrd, Harry F., Jr.	Huddleston	Schweiker
	Humphrey	Scott, Hugh
Byrd, Robert C.	Inouye	Scott, William L.
Cannon	Jackson	
Case	Johnston	Stafford
Chiles	Kennedy	Stennis
Clark	Magnuson	Stevens
Cook	Mansfield	Stevenson
Curtis	Mathias	Symington
Dole	McClellan	Taft
Domenici	McClure	Thurmond
Dominick	McGee	Tower
Eagleton	McGovern	Tunney
Eastland	McIntyre	Weicker
Ervin	Metcalf	Williams
Fannin	Mondale	Young

NAYS—0

NOT VOTING—15

Bellmon	Cranston	Long
Bennett	Gravel	Montoya
Bentsen	Hollings	Pastore
Church	Hughes	Sparkman
Cotton	Javits	Talmadge

So the bill (S. 2772) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 202 of the Clean Air Act, as amended (84 Stat. 1690), is amended to add the following new paragraph:

"(6) Notwithstanding the requirements of paragraph (1) of this subsection or the authority granted under paragraph (5)(B) of this subsection, the standards and test procedures applicable to emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen from light duty vehicles and engines manufactured during model year 1976 shall be the standards and test procedures prescribed by the Administrator for light duty vehicles and engines manufactured during model year 1975 pursuant to paragraph (5)(A) of this subsection and section 209 of this Act in his action of April 11, 1973.".

ENROLLED BILL SIGNED

The enrolled bill (S. 2178) to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes, having been signed on December 15, 1973, by the Speaker of the House of Representatives, was signed today by the Vice President.

FOREIGN ASSISTANCE APPROPRIATIONS, 1974

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, the Senate will now proceed to the consideration of H.R. 11771 which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (H.R. 11771) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. 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. INOUYE. Mr. President, on behalf of the Appropriations Committee I report to the Senate today an appropriation bill for foreign assistance and related programs (H.R. 11771) in the total amount of $5,475,068,000. This amount is $1,821,367,000 above the fiscal year 1973 appropriation. However, $2,450,000,000 is attributable to emergency disaster and military assistance. If this amount is excluded, the 1974 recommendation is $628,633,000 below the fiscal year 1973 appropriation—the grand total is $1,391,499,000 less than the amended budget estimate submitted by the President. I might add that this reduction not only meets the subcommittee's ambitious target of $1,202,583,000 adopted early this year at the request of Chairman MCCLELLAN, but exceeds it by $188,916,000.

I strongly believe the bill, as reported, reflects not only the considered judgment of the Appropriations Committee, but the vast majority of the Senate as well. I am certain that this is true with its three major thrusts—

First, the overall reduction of the traditional foreign aid program;

Second, the shift in emphasis from military and security related assistance to humanitarian assistance;

Third, by moving to insure that Congress knows of changes in these programs justified through what the Agency for International Development and the Department of Defense describe as illustrative presentation but which has been tantamount to selling Congress a "pig in a poke."

The Appropriations Subcommittee on Foreign Operations, which I have the honor to chair, began its hearings on March 19 and ended them on November 5, having sat in hearings for 41 hours and 28 minutes in one of the most detailed and exhaustive reviews ever made of our far-flung, much abused, and frequently misunderstood foreign assistance program.

The subcommittee began the year when with four other members of the full committee it made an exhaustive 21,000-mile trip to inspect our foreign assistance program in Southeast Asia.

The 228-page report made by this

delegation was classified at the request of the Department of State and Defense. However, it is available to any member and through him to appropriate staff personnel.

In addition, we have before the Senate today:

The two-volume set of regular hearings, including for the second year detailed tables on the total U.S. foreign assistance program for fiscal years 1972, 1973 and 1974—from whatever source—by country;

The special hearing held April 11 by the Subcommittee on Cambodian Assistance. This hearing was also classified but is available to members and appropriate personnel and a declassified version is available before you today;

A special report by Senator BROOKE on reconstruction assistance to Southeast Asia.

The special hearing held on March 19 concerning dollar devaluation and its effect, particularly on the U.S. contribution to the international development banks;

The special hearing held on November 5 relative to emergency military assistance for Israel and Cambodia and emergency disaster assistance for the Sahel, Nicaragua and Pakistan;

Last, before the Senate is a most comprehensive and detailed report summing up our conclusions after a year's work and containing our final recommendations.

To be more specific, I would like to sum up the major provisions of the bill before the Senate.

As Senators are aware, the Foreign Assistance Authorization Act of 1973 eliminated the old appropriation accounts for development loans, technical assistance and population growth with what is now referred to as functional accounts:

Food and nutrition;

Population planning and health;

Education and human resources development;

Selected development problems; and

Selected countries and organizations.

For the first three, the committee recommends the full amount authorized and has removed the House limitation of $100 million on population planning. The committee recommends reducing the last two categories—both referred to as "selected"—with the request that justifications under these categories be made in the future on a line item basis, as we do our own domestic projects. If activities, organizations, and countries are to be "selected," Congress ought to make the final judgments.

For the total of these five functional categories, the committee recommends $590 million—$10 million more than the House and a better break, $40 million more, in grants than loans, the latter at the specific request of the Agency for International Development.

The full amount authorized for international organizations and programs is recommended, including earmarking of $14,300,000 for UNRWA—Arab refugees—and $18 million for UNICEF—the latter, a $3 million increase over the House allowance. This recommendation also includes full funding for the United Nations Development Program.

For the sometimes controversial American schools and hospitals abroad appropriation, the committee recommends the full budget estimate but an amount of $9 million less than that authorized and approved by the House. Also included to bring about better geographical balance is a provision limiting each country to four participating institutions.

The full budget estimate for the United Nations Environment Fund is recommended as is a special $2 million for intensified vocational training for Palestine refugees. Also included at the full budget estimate are funds for international narcotics control and the full authorization of $1 million, funds for the renowned Albert Schweitzer Hospital in Gabon. Also, $25 million authorized for the tragic drought in the Sahel or Sub-Sahara Africa—another $50 million for the Sahel is funded under the emergency disaster section of the bill.

The committee report on page 71 outlines what it believes to have been a questionable use of the President's Contingency Fund and has, therefore, eliminated it in its entirety. We will promptly consider any emergency request that cannot be funded from the regular program.

No additional reserves are recommended for the Overseas Private Investment Corporation—OPIC—in view of the size of its current reserves and the fact that any proven losses are backed by the full faith and credit of the U.S. Government.

The item identified as "administrative expenses" was established to cover personnel costs, travel, overhead, and other expenses necessary to carry out AID's assistance program. Last year, however, a detailed analysis of these costs indicated that many of AID's operating expenses had gradually been transferred over and were being commingled with appropriations for grants and loans. In its 1973 report, the committee brought this matter to the attention of the Agency and the authorizing committees but nothing was done about it. Therefore, the committee, upon learning that this year's operating costs were $191 million rather than the $45 million authorized for administrative expenses, elected to further encourage correction of this policy by reducing administrative expenses to $24 million. This is the amount authorized by the Senate version of the authorization bill.

The committee feels that our foreign military assistance program, through both the grant and sales programs, adds little to the free world's defense posture and is perhaps as often a disservice as a service to recipient nations.

One might expect that most of these countries could better use our resources and their own in improving the lot of their people. In this regard, it might be noted that a respected international organization reviewing international military expenditures estimates that some $26 billion a year is so spent by the nations of South America, Africa and Asia, excluding Communist China, the Soviet Bloc, and NATO countries.

Those interested in the subject matter ponder the discussion of military sales presented on page 41 of the committee's report and highlighted with a graph on page 100. This unusual presentation shows that total U.S. involvement in the arms traffic is not the $325 million appropriated in this bill but, rather, an astonishing $5 billion estimated for the current fiscal year.

The committee recommends $300 million for the military grant program and $325 million for military credit sales. The latter will support a total program of up to $730 million and of this amount $300 million is earmarked for Israel.

For a reduced supporting assistance program, $100 million is recommended, and for Indochina postwar reconstruction, $400 million would be concentrated on humanitarian relief, refugees, and especially children, rather than direct support of the governments concerned.

Slight reductions were made in the Department of State's refugee program and its proposed new programs for Cuban refugees and its South African project are specifically denied. Small reductions are also proposed for Department of State's administrative expenses, Peace Corps and the regular Cuban refugee program which will begin its proposed phaseout on July 1, 1974.

No funds are recommended for Soviet Jewish refugees. No budget request was received for this item and no funds were justified to the committee.

For the international development banks, the committee provided $100 million for the Asian Development Bank with the understanding that the entire amount will be spent in the United States; $418 million for the Inter-American Development Bank—the same amount as the House but distributed differently as between the Bank's accounts; and $320 million for the International Development Association.

The full amount of $2.2 billion is recommended for emergency military assistance to Israel, with the same provision as included in the House passed bill—not to exceed $1 billion in grants and for the Congress to be notified 10 days prior to the last $500 million which will be further justified in detail at that time.

For Cambodia, the committee recommends $100 million. This is in addition to the $173 million for Cambodia proposed in the regular military assistance program. The committee bill would close the door to an additional availability of $250 million through drawdown authority of Department of Defense stocks—the channel recommended by the legislative committees although such stocks would presumably be replaced through next year's MAP appropriations—an end run of the appropriations process, and congressional control over appropriations if there ever was one.

The full amount of the request for Emergency Disaster Relief Assistance is approved and broken down—$50 million for the Sahel; $85 million for Pakistan; and $15 million for Nicaragua.

In addition, the committee recommends bill language disassociating the

United States from Vietnam's public safety program once and for all;

Requiring excess foreign currency to be used for local costs of the foreign assistance program to the extent to which it is available; requiring the Agency for International Development to justify to the committee any activities not justified in its annual presentation or in excess of amounts justified.

On page 11 of the committee reports we detail certain personnel practices indicating that better utilization is needed and that AID is still overstaffed and top-heavy even though certain reductions have been made. For instance, we wrote that almost 5 percent of AID's personnel costs are for 314 auditors—perhaps the highest ratio of any organizations, public or private, and one that cannot be continued.

Mr. President, I believe this bill is a well balanced and fiscally responsible approach to America's concerns for its less fortunate neighbors abroad. I commend it to you for adoption.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded for purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

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

The amendments, agreed to en bloc, are as follows:

On page 2, at the beginning of line 7, strike out "$277,000,000" and insert in lieu thereof "$291,000,000".

On page 2, in line 11, after "expended" strike out the colon and the following language:

Provided further, That no grants made available to carry out the purposes of this paragraph shall be used to initiate any project or activity which has not been justified to the Congress.

On page 2, in line 17, strike out "$125,000,000" and insert in lieu thereof "$145,000,000".

On page 2, in line 21, after "expended" strike out the colon and the following language:

Provided further, That no grants made available to carry out the purposes of this paragraph shall be used to initiate any project or activity, except those under title X, which has not been justified to the Congress: *Provided further*, That not more than $100,000,000 appropriated or made available under this Act snall be used for the purposes of section 291 during the current fiscal year.

On page 3, in line 6, strike out "$88,000,000" and insert in lieu thereof "$90,000,000".

On page 3, in line 11, strike out the colon and the following language:

Provided further, That no grants made available to carry out the purposes of this paragraph shall be used to initiate any project or activity which has not been justified to the Congress.

On page 3, in line 17, strike out "$52,000,000" and insert in lieu thereof "$29,000,000".

On page 3, at the end of line 21, strike out the colon and the following language:

Provided further, That no grants made available to carry out the purposes of this paragraph shall be used to initiate any project or activity has not been justified to the Congress.

On page 4, in line 3, strike out $38,000,000" and insert $35,000,000".

On page 4, at the end of line 7, strike out the colon and the following language:

Provided further, That no grants made available to carry out the purposes of this paragraph shall be used to initiate any project or activity which has not been justified to the Congress.

On page 4, in line 15, strike out $300,000,000" and insert in lieu thereof $340,000,000".

On page 4, at the beginning of line 18, strike out $105,000,000" and insert in lieu thereof "$127,822,000".

On page 4, in line 18, strike out "$15,000,000" and insert in lieu thereof "$18,000,000".

On page 4, in line 20, after "Fund" insert "and of which $14,300,000 shall be available only for the United Nations Relief and Works Agency".

On page 4, at the end of line 21, strike out the colon and the following language:

Provided, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress: *Provided further*, That none of the funds appropriated or made available pursuant to this Act shall be used to supplement the funds provided to the United Nations Development Program in fiscal year 1973.

On page 5, in line 6, strike out "$5,000,000" and insert in lieu thereof "$10,000,000".

On page 5, line 9, strike out "$19,000,000" and insert

$10,000,000: *Provided*, That the amount appropriated under this paragraph shall not be used to furnish assistance to more than four institutions in the same country.

On page 6, beginning with line 9, insert

Albert Schweitzer Hospital: For necessary expenses to carry out section 33 of the Foreign Assistance Act of 1973, $1,000,000.

On page 6, beginning with line 12, strike out

Contingency fund: For necessary expenses, $30,000,000, to be used for the purposes set forth in section 451.

On page 6, in line 20, strike out "$5,000,000" and insert in lieu thereof "$24,000,000".

On page 6, in line 26, strike out "$5,432,000" and insert in lieu thereof "$4,800,000".

On page 8, in line 9, strike out "$500,000,000" and insert in lieu thereof "$300,000,000".

On page 8, in line 16, strike out "$500,000,000" and insert in lieu thereof "$400,000,000".

On page 8, in line 21, strike out "$125,000,000" and insert in lieu thereof "$100,000,000".

On page 8, in line 22, after "*Provided,*" strike out

That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress: *Provided further,*

On page 9, beginning with line 1, strike out

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

Overseas Private Investment Corporation, reserves: For expenses authorized by section 235(f), $50,000,000, to remain available until expended.

On page 9, in line 22, strike out "$7,500,000" and insert in lieu thereof "$12,500,000".

On page 12, in line 14, strike out "amendment" and insert in lieu thereof "section".

On page 13, beginning with line 3, strike out

SEC. 111. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador, unless the President determines that the furnishing of such assistance is important to the national interest of the United States.

SEC. 112. The funds appropriated or made available pursuant to this Act shall be available notwithstanding the provisions of section 10 of Public Law 91-672 and notwithstanding the provisions of section 655(c) of the Foreign Assistance Act of 1961, as amended.

On page 13, at the beginning of line 13, strike out "113" and insert in lieu thereof "111".

On page 13, beginning with line 17, strike out

SEC. 114. None of the funds appropriated or made available pursuant to this Act may be used to provide assistance to South Vietnam unless the President receives assurances satisfactory to him and that no assistance furnished under this Act, and no local currencies generated as a result of assistance furnished under this Act, will be used for support of police, or prison construction and administration within South Vietnam.

On page 13, beginning with line 25, insert

SEC. 112. None of the funds appropriated or made available pursuant to this Act, and no local currencies generated as a result of assistance furnished under this Act, may be used for the support of police, or prison construction and administration within South Vietnam, for training, including computer training, of South Vietnamese with respect to police, criminal, or prison matters, or for computers or computer parts for use for South Vietnam with respect to police, criminal, or prison matters.

SEC. 113. It is the sense of the Congress that excess foreign currencies on deposit with the United States Treasury, having been acquired without the payment of dollars, should be used to underwrite local costs of United States foreign assistance programs to the extent to which they are available Therefore, none of the funds appropriated by this title shall be used to acquire, directly or indirectly, currencies or credits of a foreign country from non-United States Treas-

ury sources when there is on deposit in the United States Treasury excess currencies of that country having been acquired without payment of dollars.

SEC. 114. None of the funds made available under this Act for "Food and Nutrition, Development Assistance," "Population Planning and Health, Development Assistance," "Education and Human Resources Development, Development Assistance," "Selected Development Problems," Development Assistance," "Selected Countries and Organizations, Development Assistance," "International Organizations and Programs," "American Schools and Hospitals Abroad," "International Narcotics Control," "Contingency Fund," "Indochina postwar reconstruction assistance," "Security supporting assistance," "Military assistance," or "Migration and refugee assistance" shall be available for obligation for activities, programs, projects, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations of the Senate and House of Representatives for funding under any of these specific headings for fiscal year 1974.

On page 16, in line 24, strike out "$9,100,000" and insert in lieu thereof "$8,566,000'.

On page 17, beginning with line 7, strike out

ASSISTANCE TO REFUGEES FROM THE SOVIET UNION

For necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, $36,500,000.

On page 17, in line 17, strike out "$25,000,000" and insert in lieu thereof "$100,000,000".

On page 17, in line 22, strike out "to (1) paid in capital stock; (2) callable capital stock and (3)" and insert in lieu thereof "(1) to paid-in capital stock, $25,000,000; (2) to callable capital stock $43,380,00; and (3) for the".

On page 18, in line 3, strike out "$418,380,000" and insert in lieu thereof "$350,000,000".

On page 18, in line 16, after the comma, insert the following

That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation: *Provided further,*

On page 19, at the end of line 7, strike out "$150,000,000" and insert in lieu thereof "$100,000,000".

On page 19, after "amended" insert a colon and the following language:

Provided further, That the President shall not exercise his special authority during fiscal year 1974 under section 506 of the Foreign Assistance Act of 1961.

On page 19, at the beginning of line 18, strike out "$100,000,000" and insert

$150,000,000, of which sum $85,000,000 shall be available only in Pakistan, $50,000,000 shall be available only in the Sahel region of Africa, and $15,000,000 shall be available only in Nicaragua: *Provided,* That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation.

Mr. BROOKE. Mr. President, consideration of this bill by the Senate represents the culmination of a long and arduous task. Particular credit should be given to the very diligent and hard-working chairman of the Foreign Operations Subcommittee, Senator INOUYE. However, and I am sure my chairman would be the first to agree, this bill is not the total responsibility of any one man or any small group of men. Instead, the bill is a result of the combined best efforts and best endeavors of many individuals. I would like to note the tireless efforts of the members of the Appropriations Committee staff in bringing this measure to fruition. Special thanks is due Bill Jordan, Bill Kennedy, and Burkett Van Kirk.

Naturally, with a bill of this magnitude I am not in total agreement with each and every item. I would have preferred to have provided larger sums for education and human resources development. Although our committee recommended a figure of $2 million above that allowed by the House, the Agency for International Development testified that—

Developing countries have doubled the size of their school assistance in the past 10 years, but it is likely that more children are out of school today than there were 10 years ago.

Thus, Mr. President, the need for additional funds for education is there, and clear for all to see.

Another area, and, one of many where more funds are urgently needed, is in the Sahel area of Africa. During our hearings we found that—

Because of the effects of a prolonged period of insufficient rain and inadequate harvests in six countries in West Africa, among them some of the poorest nations in the world, people were suffering excessively from severe draught, and malnutrition as well.

Very shortly our U.S. assistance will shift focus from emergency relief operations to recovery and rehabilitation programs. No one can dispute the urgency and necessity for the prompt appropriation of these funds.

Another area in this bill of which I am particularly proud is our contribution to the Albert Schweitzer Hospital in Gabon. Although $1 million was authorized for this institution. I was disturbed to discover that the House made no allowance whatsoever for this most necessary facility. Our committee recommends $1 million for this item. The remainder of the funds necessary for the hospital will come from contributions by other governments and private sources.

Mr. President, this measure represents months of careful consideration and the spirit of responsible compromise. I commend this measure to Senators and hope that we shall expeditiously act on it.

Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. 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 9, line 1, insert the following:

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

Mr. BROOKE. Mr. President, this is a technical amendment and it does not involve a money matter at all. It merely involves striking out language on page 9. I offer the amendment as a technical amendment.

Mr. INOUYE. The committee is very pleased to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FONG was recognized.

Mr. INOUYE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. FONG. I yield.

Mr. INOUYE. Mr. President, I ask unanimous consent that Richard McCall, of the staff of the Senator from Wyoming (Mr. MCGEE), be permitted on the floor during the debate on this matter.

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

Mr. MANSFIELD. Mr. President, will the Senator yield for a unanimous-consent agreement?

Mr. FONG. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the two amendments to be offered by the Senator from Hawaii (Mr. FONG) and a 20-minute limitation on the amendment to be offered by the distinguished Senator from Arkansas (Mr. MCCLELLAN), the time to be equally divided between the sponsors of the amendment and the manager of the bill.

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

Mr. FONG. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 16, line 25, strike out "$8,566,000" and insert in lieu thereof "$9,504,000".

Mr. FONG. Mr. President, today I received a letter from Frank L. Kellogg, Special Assistant to the Secretary for Refugees and Migration Affairs, Department of State, reading:

DECEMBER 17, 1973.

DEAR SENATOR FONG: I am addressing you in your capacity as ranking minority member of the Subcommittee on Refugees and Escapees, to call your attention to a damaging reduction in funds for the operations of my office, and to request your assistance in having the money restored to us. The amount is not large in terms of the total under the Foreign Assistance and Related Programs Appropriation Bill, 1974 (H.R. 11771), but its unavailability will reduce the effectiveness of refugee assistance programs worldwide. It is of particular concern that this reduction will set an example for other nations in their

contributions and thus, at a time when refugees problems are proliferating, inhibit the operations of the international organizations which have been doing extremely effective work in this field.

Our original budget estimate and also the authorization for Migration and Refugee Assistance conducted by my office on a regular basis was $9.504 million, roughly the amount of our 1973 expenditure with an allowance for the effects of devaluation. The House of Representatives allowed $9.1 million. And this has been followed by a recommendation from the Senate Committee on Appropriations for a further reduction—subject of this letter—of $534,000, bringing our total down to $8.566 million.

The Appropriations Committee report contains the assertion that my Office of Refugee and Migration Affairs directs its primary assistance efforts toward European problems with some attention to Africa. In actuality, although we continue to support European operations, extensive refugee problems have been developing elsewhere. As an example, one of the major international organizations supported under this appropriation—the Office of the U.N. High Commissioner for Refugees (UNHCR)—devotes over half of its material assistance budget to Africa, and the Intergovernmental Committee for European Migration—(ICEM)—has important current programs in South Asia, the Far East and Latin America.

The Appropriation Committee reports that the committee's intention, in making the reduction, is that no new programs or activities be undertaken in fiscal year 1974 that were not carried on in fiscal year 1973. I find this incomprehensible. It is the very nature of refugee problems in today's world that they occur unexpectedly and in unanticipated places. A prohibition of this kind, had it existed previously, presuambly would have enjoined, for example, U.S. support of international programs to assist Asians recently expelled from Uganda, Bengalis and non-Bengalis being repatriated between Bangladesh and Pakistan, and alien refugees in Chile requiring protection and assistance. If it should be approved by the Congress, it would prevent us from assisting any new refugees who might be generated this year.

The United States for many years has played a role of leadership and example in humanitarian programs. Our non-response to assistance programs for refugees could drastically inhibit the participation of other nations. Our budget request, even before the reductions, permitted U.S. contributions of lesser magnitude, on the basis of comparable wealth, than those of several other humanitarian nations.

I have prided myself, in operations of this office, on efficiency and maximum benefit from funds provided to us. Current refugee problems and programs supported or conducted by my office will have to be curtailed, if the reduction stands, in Europe, the Far East, Africa, South Asia and Latin America—and for that matter in the United States, so far as transport of refugee immigrants to this country is concerned.

I most urgently ask you to do what you can to bring this appropriation up to strength.

Sincerely,

FRANK L. KELLOGG,
Special Assistant to the Secretary for Refugee and Migration Affairs.

As the ranking minority member of the Subcommittee on Refugees and Escapees of the Judiciary Committee and as a member of the Appropriations Committee, I have sent to the desk an amendment on behalf of Senator KENNEDY, chairman of the Subcommittee on Refugees and Escapees, Senator PELL, and myself. This is an amendment to the Foreign Assistance and Related Programs Appropriations Act, 1974. This amendment is of vital concern to refugees and escapees.

For fiscal year 1973, the appropriation for migration and refugee assistance amounted to a total of $9,100,000. Of this, $600,000 was provided in the Second Supplemental Appropriations Act of 1973 (Public Law 93–50) and $534,000 was transferred to salaries and expenses appropriation for Pay Act increases.

It is true that when the Department of State first sent up its fiscal year 1974 request for appropriations, it did request only $8,800,000 for these programs.

But, when Frank L. Kellogg, Special Assistant to the Secretary for Refugee and Migration Affairs, Department of State, testified before the Foreign Assistance Subcommittee of the Appropriations Committee on May 10, 1973, in support of the Department's budget request, he did indicate at page 383 of the transcript of the hearings that—

A budget amendment for FY 1974 is being prepared by the Department and may be released by the President in the near future.

In its budget amendments for fiscal year 1974, the Department of State asked that the figure for refugee and migration assistance be increased from $8,800,000 to $9,504,000 due to the devaluation of the dollar by $704,000.

I ask unanimous consent that an excerpt from this budget amendment, House Document 93–104, showing the justification and proposed use of these increased funds be printed in the RECORD at this point, as well as an excerpt from page 109 of Senate Report 93–620 showing the use to be made of the $9,504,000.

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

MIGRATION AND REFUGEE ASSISTANCE

Increased costs resulting from devaluation of the dollar

Request pending	$8,800,000
Budget amendment for devaluation of dollar	704,000
Revised request	9,504,000

GENERAL STATEMENT

On February 12, 1973, the United States announced the devaluation of the dollar by 10 percent. Preceding this announcement, the purchasing power of the dollar in relation to other currencies had been weakening in overseas markets, especially in Western Europe and Japan. Since the effect of the devaluation is not reflected in the fiscal year 1974 budget, this budget amendment seeks to provide the necessary funds to meet these unforeseen increases in our operations overseas. The reasons for the devaluation are both complex and varied; but the effect on the United States will be to improve our international balance of payments by increasing the financial attractiveness of our exports and decreasing imports of foreign goods because of their higher costs. Notwithstanding these and other long and short-term advantages to the American economy, the devaluation has had a significant adverse effect on the overseas activities of the Department.

The overseas operations of our posts are primarily paid for in local currencies and the decrease in the value of the dollar has automatically caused our costs to increase sharply. The increases in our costs overseas as a result of the February 12 devaluation are primarily those arising from the changes in the value of the Swiss Franc. This currency revaluation exceeded 22 percent. The major increases in cost cover activities performed by the International Committee for European Migration, the United States Refugee Program, and administrative operations in Geneva, Switzerland and Hong Kong. The funds are requested to pay local salaries, rent, utilities, and air charter costs which have increased as a direct result of the devaluation.

The Department requests an additional $704,000 to offset the effect of devaluation on the cost of overseas operations funded by this appropriation.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE—INCREASED COSTS DUE TO DEVALUATION OF THE DOLLAR

Country and organization	Fiscal year 1974 costs affected by devaluation	Percentage increase in 1974	Increased costs due to the devaluation
Switzerland:			
Contribution to Intergovernmental Committee for European migration	$877,400	22.68	$199,000
Refugees from European countries	1,899,500	22.68	430,800
Administration	300,000	22.68	68,000
Hong Kong: Administration	49,000	12.55	6,200
Total	3,125,900	22.52	704,000

Note: These funds are on a calendar year basis.

Increased costs resulting from devaluation of the dollar—Object class summary

	Object classification	
11.1	Permanent positions	$18,500
11.3	Positions other than permanent	-------
11.5	Other personal compensation	-------
	Total personnel compensation	18,500
12	Personal benefits	8,600
	Total personnel compensation and benefits	27,100
	Other obligations	
21	Travel and transportation of persons	3,500
22	Transportation of things	500
23	Rent, communications, and utilities	2,300
25	Other services	467,100
26	Supplies and materials	500
41	Grants, subsidies, and contributions	203,000
	Total other obligations	676,900
	Total obligations	704,000

MIGRATION AND REFUGEE ASSISTANCE—PROPOSED ANNUAL PROGRAM

Appropriation	1972 (actual)	1973 (estimated)	1974 (estimated
1. Contribution to Intergovernmental Committee for European Migration	$3,150,000	$3,325,000	$3,449,000
2. Contribution to United Nations High Commissioner for Refugees	1,050,000	1,275,000	1,100,000
3. Refugees from European Communist countries	3,045,000	2,307,000	2,831,000

Appropriation	1972 (actual)	1973 (estimated)	1974 (estimated)
4. Refugees from Communist China	$500,000	$500,000	$500,000
5. Contribution to International Committee of the Red Cross	50,000	50,000	50,000
6. African refugees	225,000		300,000
7. Administration	1,011,000	1,091,000	1,274,000
Total obligations	9,031,000	8,548,000	9,504,000
Transfer to salaries and expenses appropriation for Pay Act increases		534,000	
Unobligated balance		18,000	
Appropriation	9,031,000	9,100,000	9,504,000
Presidential determination orders	8,850,000	4,000,000	

Mr. FONG. Then, on May 16, 1973, nondepartmental witnesses were heard by the subcommittee in support of migration and refugee assistance. Rev. John W. Schauer and other vice chairmen of the Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies, representing 26 voluntary agencies, testified in support of the then $8,800,000 budget request as—

The minimum amount . . . to insure programs not only of an ongoing nature but to meet new problems as they may emanate from East Europe, Africa, Asia, Near and Far East and Latin America . . . (Pages 544 and 548 of the transcript of the Hearing.)

And at page 548, Reverend Schauer stated:

It is recommended that the Appropriations Committee . . . consider an increase in the above figures, if possible, to meet new contingencies.

The chairman of the subcommittee, the junior Senator from Hawaii, while indicating that cuts would be made in the foreign assistance program, at page 551 of the transcript of the hearing, reassured the representatives of the voluntary agencies that this would not, and I repeat not, happen to activities involving migration and refugee assistance, stating:

We have no intention to cut back activities such as yours; we hope to increase them. I just wanted to say this in case you see headlines that the committee is making 30-percent cuts, it is not aimed at you.

Then, after the Department had submitted its request for a budget of $9,504,000 for migration and refugee assistance for fiscal year 1974, and on December 13, 1973, the Appropriations Committee recommended this appropriation be cut to $8,566,000, stating, at page 108 of its report, Report No. 93-620:

It is the intention of the Committee in making this reduction that no new programs or activities be undertaken in fiscal year 1974 that were not carried on in fiscal year 1973.

We fail to provide for the devaluation of the dollar so that our present level of assistance be maintained and then we go further and invite catastrophe upon all new kinds of migrants and refugees who need assistance.

We refuse to recognize that on October 25, 1973, the Attorney General under his parole authority, authorized the parole into the United States of the approximately 20,000 Cuban refugees now in Spain over the period of the next 2 years.

This is a new program—are we now to drop these people in the midst of their revived hopes?

I have just received a batch of clippings from the Hong Kong Standard and the South China Morning Post. Apparently, the People's Republic of China has begun to issue exit permits to its overseas Chinese, who returned to China in the 1950's and 1960's from Indonesia, Cambodia, South Vietnam, Malaysia, the Philippines, and other countries of Indochina. Over 48,000 such "overseas Chinese" had arrived in Hong Kong by mid-November 1973. They apparently will not be accepted for return by these countries. Their plight in already overcrowded Hong Kong is sad.

It is contemplated that assistance be given these unfortunate people to keep them alive until they can be resettled by the international organizations in their native country or possibly in South America.

None of these "legal overseas Chinese," it is expected, will be resettled in the United States.

I ask unanimous consent that a copy of a letter dated November 7, 1973, from Lilli Neugebaeur, director, World Council of Churches, Hong Kong office to Mrs. Ingrid Walter, Lutheran Council in the United States of America, and the clippings referred to therein, as well as two excerpts from the South China Morning Post, dated November 8, 1973, be printed in the RECORD at the conclusion of my remarks on this amendment as exhibit A.

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

(See exhibit A.)

Mr. FONG. Are these people to be abandoned to die of starvation and dispair once they have legally reached Hong Kong, because assistance to them would be an undertaking of "new programs or activities—in fiscal year 1974 that were not carried on in fiscal year 1973" and thus would be prohibited under the Senate mandate of Senate Report 93-620—even though some international assistance to them will be forthcoming.

Let us hope not.

We are a compassionate nation. Even with our inflation, our energy shortage, and our other problems, we cannot afford morally to abandon the needy of the world.

Today it is the Cuban refugee in Spain, or the overseas Chinese migrant in Hong Kong—tomorrow it may be any part of the world. We cannot, and I trust will not, shut our eyes, our hearts, or our pocketbooks to alleviate such suffering.

The dismay of the voluntary agencies is well expressed in a telegram I received today. It reads:

HIRAM L. FONG,
Washington, D.C.:

Officers of Migration and Refugee Committee American Council of Voluntary Agency for Foreign Service, expressed dismay and shock regarding funding cut for Department of State Office of Migration and Refugee Affairs. We urge restoration of funds to requested figure of $9,504,000 with deep conviction ORM program is crucial in expressing American humanitarian concern for the homeless and persecuted throughout the world, and in the belief that the need for these most essential services will be increased in the coming year.

JAN PAPANEK,
American Fund for Czechoslovak Refugees.
JOHN SCHAUER,
Church World Service.
CHARLES STERNBERG,
International Rescue Committee.
DONALD ANDERSON,
Lutheran Immigration and Refugee Service.
EDMUND CUMMINGS,
Migration and Refugee Services, USCC.
TATIANA SCHAUFUSS,
Tolstoy Foundation.
GAYNOR I. JACOBSON,
United HIAS Service.

I ask the adoption of this amendment to increase the appropriation for Migration and Refugee Assistance to $9,504,000 as requested by John M. Thomas, Acting Deputy Under Secretary for Management, Department of State, in a letter to the Honorable DANIEL K. INOUYE, dated December 13, 1973, a copy of which letter I ask be printed in the RECORD at the conclusion of my remarks on this amendment as exhibit B.

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

(See exhibit B.)

EXHIBIT A

WORLD COUNCIL OF CHURCHES,
Hong Kong, November 7, 1973.

MRS. INGRID WALTER,
Lutheran Council in the United States of America, New York, N.Y.

DEAR MRS. WALTER: Enclosed please find for your interest the following Newspaper cuttings:

S.C.M. Post—"HK headache as Chinese flock here", Nov. 3, '73.

Hong Kong Standard—"China's legal migrants speak," Nov. 4, '73; "Immigrants from China," Nov. 5, '73; "Massive influx of migrants," Nov. 6, '73.

S.C.M. Post—"Another big surge in China exodus," Nov. 6, '73.

As you will see, people from China are entering this tiny Colony at an alarming rate, building up a situation which we are sure will involve all of us much more deeply.

There is, besides trying to help these people secure travel documents etc., also the social side—their personal problems which are brought to us, such as a child being knocked over by a car and being hospitalized, schooling, language barriers, unemployment, health, financial difficulties—they want to talk, they want advice, and they need help.

Yours sincerely,
LILLI NEUGEBAUER,
Director.

[From the South China Morning Post, Nov. 3, 1973]

HONG KONG HEADACHE AS CHINESE FLOCK HERE

China is permitting an increasing number of overseas Chinese to leave the country—and Hongkong is being stuck with the problem of absorbing them.

So far this year, 46,000 people have been allowed to leave China.

In October alone, about 7,000 arrived across the border bridge at Lowu.

Virtually all of them have stayed in Hongkong—and the flood of legal arrivals from China is posing the Government a big headache that threatens to get a lot worse before it gets better.

It is believed the Government has contacted authorities in Kwangtung and has expressed concern over the increasing number of people arriving from China.

But Government officials refused to confirm this. The only official comment they had was that the matter was still under consid-

eration and no statement could be made "at this time."

However, it is known that the big increase in the number of those permitted to leave China has been the subject of an exchange of cables between Hongkong and Whitehall.

The Foreign and Commonwealth Office has been kept informed of the situation and has obviously treated the matter as one of considerable concern.

A large percentage of those permitted to leave China are overseas Chinese, many of them from Indonesia. Others returned to China in the 1960s from Cambodia. South Vietnam and Malaysia following a call from Peking for overseas Chinese to return to help rebuild the motherland.

Now they are disillusioned and wish to leave China—and, for reasons which nobody can fully explain, China is agreeing to allow them to depart.

They are issued with exit visas which allow them to leave China—but once they walk over the Lowu bridge, the documents are worthless.

They are out of China with nowhere to go. Their former homelands do not want them back and no other country will accept them—so Hongkong must absorb them.

The large number of people lining up at the immigration counters at Lowu is a comparatively recent development.

For years, there has been an informal understanding between the Colony and Canton authorities that Hongkong would accept up to 50 legal arrivals a day.

These people were almost invariably Cantonese.

In 1971, the number of people who legally arrived in the Colony averaged about 30 to 45 a month.

Last year, they averaged about 800 a month, still well under the 50-a-day limit.

It was not until June this year that the quota started to be regularly exceeded—but last month's flood of 7,000 arrivals was by far the largest number.

About a third of the arrivals are Cantonese it is believed. Another third are overseas Chinese and the remainder are from provinces other than Kwangtung.

Many of the "legal refugees" are middle-aged or elderly and have no relatives in Hongkong.

Part of the concern being felt in the Government is based on the surmise that the trend will accelerate, and that the Colony will have to house, feed and employ even larger numbers in the future, at an obvious cost to the community.

As well as the "legal refugees," the Colony also has to absorb a continuing flow of illegal immigrants. Last month, 614 young refugees, most of them freedom swimmers, successfully made it to Hongkong and were arrested by police.

But about three times this number are believed to have arrived and melted into the community without being arrested.

[From the Hong Kong Standard, Nov. 4, 1973]

CHINA'S LEGAL MIGRANTS SPEAK: "I CAN SEE NO FUTURE FOR US HERE"

(By Bill Wong)

Every day between 50 and 80 Indonesian-Chinese are pouring into Hongkong from China to swell the number of a new breed of refugee.

There are now about 40,000 of them pining to **return to their homeland—but Indonesia** no longer recognises or wants them.

As their numbers rise day-by-day, so does the social problem of absorbing them.

Over the last few days, I have interviewed several of the newcomers to find out exactly who and what they are.

Mr. Chan was sitting on a stool with his back leaning against the wall. Opposite him sat his two room-mates on the lower bed of bunk which took up half the dimly-lit, windowless 10-foot by 10-foot cubicle in a flat in a multi-story building in Kuntong. The only other furniture was a stool and a folding table which served as both a dining table and writing desk. Several cases, containing their best clothes and a few valuables, lay loosely on the floor beneath the bunk.

"We are not satisfied with life here . . . but we are nevertheless happy to be here," Mr. Chan murmured.

He is an Indonesian-Chinese who fled the Southeast Asian country to further his studies in China in the late 1950s but eventually came to Hongkong a few months ago. His views reflect the thinking of most of the tens of thousands of overseas Chinese who are stranded in Hongkong after leaving China with official permission during the last 18 months.

There is no official estimate of how many of these people are now in Hongkong.

But a conservative estimate suggested the number is as high as 30,000 to 40,000 with Indonesian topping the list. The others are from Malaysia, Singapore, Philippines, Burma and South Vietnam. Since all these governments have refused to take them back, they have to make their "home" here.

Because of their different educational and social backgrounds, they have formed themselves into national groups with an invisible barrier between them and other residents of Kuntong, Tsuehwan and North Point where most of them now live.

It is not difficult to understand this self-imposed "isolation".

The reasons seem to be:

The lack of understanding of Hongkong society: They have been staying in China since either the late 1950s or early 1960s and the newcomers are naturally afraid of all the "mysteries" which they have not encountered in the last 10 to 15 years.

The lack of communication with local residents: Although some of them speak Cantonese, find themselves unable to talk with their neighbours because of the different terms used and different interest. Most only speak Mandarin and find themselves "deaf and dumb" here.

The lack of social recognition: Despite the fact that many of the newcomers were teachers, interpreters, doctors or engineers in China, very few can find themselves jobs in similar lines but have had to switch to odd-jobs in plasticware, metalware and garment factories or in construction sites.

The difference in hobby and interests: The newcomers' hobbies are much less worldly than their local friends. They enjoy sports, reading and philosophical discussions.

Financial hardships: Most of them are facing difficulties because of unsteady employment—often being dismissed by employers for not working hard enough or because of language problems. They feel unhappy with the long working hours and poor working conditions. Many send money to support their wife and children in China.

Mr Chan came to Hongkong last summer from Tientsin, where he worked as a doctor in a leading hospital. Because he has "settled down" in Kuntong for nearly 16 months, he is regarded as a guardian by those who came to Hongkong afterwards.

"Hongkong is not as good as most of us thought. But still we are happy to be here," he said.

But Mr Chan admitted that the opportunities for people like him in Hongkong are very slim.

"Unless we get support from our parents in Indonesia, it is difficult for us to compete with local people," he said, adding that even that was difficult because of tight financial controls by the Indonesian government there.

Another Surubaja-born Chinese living in Tsuenwan, who declined to reveal his surname, painted an even greyer picture of the future for his fellow newcomers.

"I simply see no future for us here unless we can go back to our families," he said.

A significant point in all the interviews is that they refused to answer any question on political issues in China or their countries of birth.

A former pharmaceutical plant technician made this point: "We have no grudge towards any of these countries and we are tired of talking politics."

[From the Hong Kong Standard, Nov. 5, 1973]

IMMIGRANTS FROM CHINA

It looks now as if the alarming figure of 60,000 legal immigrants from China, forecast in August by Hongkong officials, may have been far too conservative an estimate. If the current trend continues, the Colony may find itself facing the problem of caring for far more.

Although officials were unusually tight-lipped on the subject, reliable reports have it that an unusually heavy influx of migrants poured over the Lowu border late last week, a flow which—if it keeps up—could swell our population by some 20,000 to 30,000 people over the next two months alone.

Population problems are nothing new to the Colony. In the 120-odd years of its existence, Hongkong has become inured to dealing with sudden, unexpected floods of people from China. This latest influx, however, comes at a time when the Colony's administration is in the decisive stages of planning sufficient housing, education and other social amenities long needed here, and has laid careful plans on the basis of Hongkong's existing population and meticulous projections for the next decade or so. A large, unexpected addition to the population could play havoc with these badly-needed projects.

The sudden increase in migrants presents the Government with a new set of frustrations, the biggest of which is that there is really very little that Hongkong can do to stem the flood.

All those who come across the Lowu border have valid exit permits from Peking, and there is apparently no way short of closing the frontier of refusing them entry. The so-called "quota" of 50 Cantonese-speaking Chinese permitted to enter the Colony daily does not really exist, since this was arbitrarily set up by Hongkong and is not the subject of a formal Sino-British agreement. Thus, without Peking's co-operation, the flow will continue.

Once in Hongkong, the arrivals have no choice but to stay. Most of the new migrants, although ethnically Chinese, are stateless. The majority are Indonesian and Malaysian Chinese who, in the mid-1950s and the first flush of overseas. Chinese chauvinistic fervour, left their homes to help build the new China. Since then, homesick and unable to adapt to life on the mainland, they have been seeking ways to leave. For reasons which have yet to be understood, Peking, this year apparently changed its mind and is now allowing them free passage out of the country.

They arrive in Hongkong only to find that the countries of their birth refuse to allow them back in. Deportation from the Colony is virtually impossible. Stranded in a Hongkong already bursting at the seams with people, these immigrants are daily forming clannish, unhappy communities.

It is not difficult to imagine that these refugees, and there are an estimated 40,000 of them here already, could present Hongkong with entirely new headaches if solutions are not worked out soon. Presumably, China is permitting them to leave because it wants to be rid of a frustrated, dissatisfied minority—many of whom are well-educated but unable to adapt to the regimens of a disciplined communist society. The last thing the Colony

needs today is a frustrated, dissatisfied group of once-idealistic men and women.

It is believed that Hongkong has already made quiet representations to Peking, probably through London, for the flow to be curbed somehow. It is to be hoped that China will be sympathetic to the problem.

[From the Hong Kong Standard, Nov. 12, 1973]

THE LARGEST NUMBER TO CROSS INTO HONG KONG SINCE MAO TOOK OVER IN 1949—MASSIVE INFLUX OF MIGRANTS

(By Vincent Ho)

Hong Kong Government's fears that the Colony will be swamped by Chinese immigrants took a turn for the worse last week with the biggest influx and daily totals since the Communists came into power in 1949.

On Sunday 622 Chinese immigrants flocked across the border in the largest single intake of refugees ever.

The heavy new increases started on Wednesday when 604 immigrants crossed the border. On Thursday there were 434. On Friday the figure dropped slightly to 276 and then rocketed again on Saturday to 484, continuing the climb into Sunday which represented a third of the entire total of immigrants for 1971.

Records show that since January this year more than 40,000 Chinese have been allowed to settle in Hong Kong.

This compares with 1971 when the Chinese government put a squeeze on and only allowed 2,369 people to leave the country.

This year's immigrant total so far more than doubles last year's total of 5,847.

More than one third of the Chinese coming into Hong Kong from China were originally overseas Chinese who renounced the citizenship they held to return to China during the early 1960s.

Most of them were originally from Indonesia and they make up four fifths of the total of the immigrants. The others come from Singapore, Malaysia and Cambodia.

Having renounced their citizenship and lost their passports, they have nowhere to go and will have to stay in Hong Kong until an alternative is arranged for them.

Many wish to go to the United States or Canada where they have relatives.

Social Service officials, who have dealt with the immigrants have said that the majority of the Indonesian-Chinese are skilled workers or professionals with doctors, electrical engineers and technicians among their numbers.

China gave them a heroes welcome when they flocked to pledge allegiance to their ancestral land. But the gilt soon wore off the gingerbread.

They were provided with a classical Chinese education, a privilege which most native-born Chinese did not get.

But this education was discontinued arousing concern among them as they were worried about the future of their children, sources said.

Dissatisfaction set in and they began to leave China.

Unlike the Indonesian-Chinese, the native-born Chinese who are allowed to migrate to Hongkong are either unskilled or underprivileged because of the political or social background of their parents.

Sources said that they are not allowed to enter universities and they find it extremely difficult to find employment.

Most of these people are under 30 years of age and have been living on cash allowances sent to them by relatives who live in Hongkong.

Typical of the plight of the refugees who flee their motherland was a 33-year-old Indonesian-Chinese who arrived in Kowloon by train yesterday.

The man, a Mr. Tang, said he left Java for China with his grandmother when he was eight years old.

"We first went to Amoy in Fukien where my grandmother was born," he said.

"I was able to go to school and eventually went to the Shanghai University where I studied electrical engineering. After graduation I found a good job."

Mr. Tang said that as his job was stable he felt secure and married a Shanghainese girl who he has had to leave behind him.

"Two years after I was married, I lost my job," he said. "I don't know why. They just fired me."

"Since then I have been unable to find employment in any sphere and I have had to live on money my father has sent me from Java."

It took Mr. Tang 18 months to get permission from the Chinese to leave the country.

The concern of the Hongkong Government over the influx of immigrants has been passed on to the British Government who are believed to be holding talks in Peking trying to convince the Chinese that some sort of curbs are needed.

A senior Government official said yesterday: "The matter is still under consideration and there is no comment to be made at this time."

[From the South China Morning Post, Nov. 6, 1973]

ANOTHER BIG SURGE IN CHINA EXODUS

The flood of people being allowed to leave China and enter Hongkong—already running at the highest rate since 1949—has soared again in recent days.

Working from the numbers who have arrived in the past six days, the "legal refugees" are now coming across the Lowu border bridge at the rate of 14,000 a month.

Last month, there were 7,000.

The exodus from China is causing grave concern among Government officials, particularly those involved in housing, social welfare and health.

As reported in the S.C.M. Post on Saturday, the Government is believed to have been in touch with the authorities in Kwangtung about the increasing number of people who are being allowed to leave China.

They depart with travel documents and visas which allow them to enter Hongkong —but can then travel no further.

In the six days up to yesterday, the following numbers of arrivals from China entered the Colony:

October 31—604.
November 1—433.
November 2—276.
November 3—484.
November 4—622.
November 5—376.

Up to 1970, fewer people were allowed to leave China every year than those who now arrive daily in the Colony.

Many of them are Overseas Chinese. Others are from Kwangtung, while about a third are from other provinces.

Asked for comment yesterday about the flood of arrivals from China, a Government spokesman said: "The matter is still under consideration and no comment can be made at this stage."

Hongkong and Whitehall has been in close touch about the increased flow of arrivals, it is believed.

[From the South China Morning Post, Nov. 8, 1973]

HUMAN FLOATSAM—THE REFUGEE FLOOD

(By Kenneth Ko)

Two lonely old women were the centre of a human drama at Tsimshatsui railway station yesterday afternoon.

They had just arrived from Canton—and no relatives were at the station to meet them.

Clutching their few precious possessions—ragged clothing, preserved vegetables and clay pots—the old women wandered round for two hours looking for their relatives—but in vain.

People—station staff, lookers-on and pak pai drivers—gathered round with offers of help.

But all overtures were rejected. The old women's wrinkled faces showed nothing but stubborn distrust of everyone who approached.

Any goodwill gesture was brushed aside. Canteen fokis who tried to help were told: "Our relatives are coming—and we have no money to give you."

The two women, both in their seventies, were among an estimated 500 "legal refugees" who crossed into Hongkong from China yesterday.

Both said they were expecting relatives to pick them up—but for two hours they waited in vain.

One of the women, Mrs. Leung Mui—who came from a village in Shui Tau, Nam Hoi county—claimed she had a relative living in Lei Muk Shu estate, Tsun Wan. Rejecting one man's offer to drive her there, she told him: "I have no money, I will walk."

Fokis offered her free meals at the station canteen; but she refused . . . "I have to stay here to look after my luggage."

Her travelling companion, a farmwoman from Canton, took even less interest in the offers of help. She simply ignored them.

And, after waiting for two hours, the lonely old women simply picked up their bundles and wandered out into crowded streets of Tsimshatsui.

Another refugee who found himself "lost" yesterday was a middle-aged man who said he came from Canton. He was still waiting for a relative to "claim him" long after the two old women had wandered away.

So far this year, 46,000 people have been allowed to leave China—and most of them have stayed in Hongkong.

Many had gone back to China from Overseas Chinese communities, and were now leaving China with the intention of going back to their homelands in the Philippines, Indonesia and other Southeast Asian countries.

But an Indonesian Consulate spokesman said yesterday no applications for visas had been received from people in China.

And it would be "very hard indeed" to grant a visa.

"We have a law which says that when one gives up his citizenship he will be regarded as a foreigner—and it is very hard for them to be accepted again," he said.

A spokesman for the Philippines Consulate also said no applications for visas had been received from China.

"And the application is not a simple procedure—we very carefully study whether the applicant is one of us before we make a decision," he added.

PALSY VICTIM ABANDONED

A 10-year-old cerebral palsy victim, one of the China's unwanted, is now lying in a Hong Kong hospital, abandoned not only by his country, but by his mother.

The child, an example of the social burden the recent influx from China is placing on Hongkong's social services, came over the border with his mother three weeks ago, the police believe.

The boy, known as Chan Lok-ming, was found abandoned at the entrance to Kwong Wah Hospital, Kowloon, shortly before 1 pm on Monday.

A letter was found in his pocket, purportedly written by his mother, claiming she could no longer carry out her responsibilities and requesting that the child be made a ward of court.

The mother, known as Cheung Lai-fong,

about 33 years old, is believed to have arrived in Hongkong with the boy last month.

The child, who was admitted to the Kai Chi Children Centre, on November 5, is suspected to be "mentally retarded, requiring total care in eating, dressing and in everything", a source said.

Any person with any information which may assist in locating the mother of the boy is asked to contact the police.

EXHIBIT B

Hon. DANIEL K. INOUYE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR INOUYE: It is respectfully requested that the Senate Committee on Appropriations consider an Amendment to the Migration and Refugee Assistance appropriation to the Department of State contained in Title III of the Foreign Assistance and Related Programs Appropriation Bill, 1974, H.R. 11771, as passed by the House of Representatives on December 11, 1973.

H.R. 11771 as passed by the House appropriates $9,100,000 for regular continuing Migration and Refugee Assistance programs. This action represents a reduction of $404,000 below the $9,504,000 requested in the President's amended budget. The reduction was not applied specifically to any of the several items which are funded under the appropriation request.

The House reduction comes at a time when program costs are increasing rapidly. The cost of Cuban refugee movements from Spain under the expanded Parola Program which the Attorney General approved on October 26, 1973, could be covered under the $9,504,000 requested by the President, as we had earlier informed members of the Committee staff, but if the House reduction is maintained this cost could be funded only by sacrificing other essential programs. Moreover, the cost for the air charters arranged by the Intergovernmental Committee for European Migration are rising as a result of the increased cost of fuel to the air carriers.

Therefore I earnestly solicit your support of this request for restoration of the $404,000 for Migration and Refugee Assistance.

Enclosed is a table showing our 1974 budget estimate, the House action and the restoration amendment requested.

Department representatives will be available to discuss this request at the convenience of your committee.

Sincerely,

JOHN M. THOMAS,
Acting Deputy Under Secretary for Management.

Mr. FONG. Mr. President, I discussed this amendment with the distinguished chairman of the committee and I think he is willing to accept it. Is that correct?

Mr. INOUYE. Yes, with the understanding the sums will not be used for Cuban refugees or the South African project, which we have specifically denied in the committee report. This is for contributions to the refugee fund. Is that correct?

Mr. FONG. That is correct.

Mr. INOUYE. With that understanding, the committee is pleased to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 17 lines 7–10 insert the following: "Assistance to migrants from the Soviet Union. For necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, $36,500,000."

Mr. FONG. Mr. President, I believe there has been a misunderstanding by respect to the testimony that was presented before his committee, Mr. Kellogg said he still had the $50 million. But as of today, and I have been notified just a few minutes ago, $37,232,858.50 of the $50 million was actually paid out by October 1973, and there is no more money available from the $50 million for this program. All has been allocated.

With an understanding that these are the facts today—and I am going to have sent up to me a written report substantiating these facts—with that change in the situation, I was wondering if the chairman of the committee would be willing to accept this amendment.

Mr. INOUYE. Mr. President, as chairman of the subcommittee, I find it extremely difficult to accept this amendment because, as far as the chairman is concerned, the record is precise and very clear. As of this moment, the administration has not at any time made any official request or budget request for the sum of $36,500,000 to assist Soviet Jews in their transportation and resettlement in Israel.

At the hearings, not only in the Senate but also in the House, when asked specifically on this issue, administration witnesses in both cases answered without reservation, without condition, that moneys were sufficient; that moneys were available.

If moneys had been paid out in October—this is December—I am certain the administration knows the address of the junior Senator from Hawaii, chairman of the Subcommittee on Foreign Operations, and the address of the illustrious chairman of the full committee.

We have been discussing the matter now for weeks. We have had markups in the subcommittee. We have had markups in the full committee. Purposely we let this bill lie over the weekend so that everyone could study it. Now I find my distinguished colleague from Hawaii coming forth with the report—and I do not doubt the veracity of the report—but, as chairman of the subcommittee, this is not the way I would like to do business.

We found out in the hearing on this matter—the only hearing we had—the question was, "Do you need money?" And the answer was, "No; we have money."

On pages 110 and 111, it will be found that the testimony of the witness for the administration in the House and in the Senate on both occasions made it very clear that this administration does not desire any further appropriation for this program.

So I find it very difficult to accept this amendment.

Mr. FONG. Mr. President, in response to the distinguished Senator from Hawaii that the administration did not ask for any money for this program, I want to reply that the administration has never asked for any money for this program.

It is interesting to note that the Department of State, neither in its fiscal 1973 nor in its fiscal 1974 budget, asked for any money to assist the migrants from the Soviet Union. These funds were provided on the initiative of the Congress. We saw the need and we acted, and properly so.

Mr. President, this program which we seek to support is for assistance in the resettlement of migrants from the Soviet Union, covering costs from the time they are granted exit permits to final resettlement, mainly in Israel.

When Mr. Kellogg appeared before the committee he was asked whether he still had the $50 million. His answer was "Yes." That was as of March, the early part of this year, but as of today, as I stated, over $37 million have already been paid out of the $50 million and all the money has been allocated.

In the continuing resolution for fiscal 1973, $50 million was voted by Congress to help migrants leave the Soviet Union and provide care for them in the facilities of Vienna and transportation to and resettlement costs in Israel.

The March 1973, factsheet was provided the subcommittee on May 10, 1973, when Mr. Frank Kellogg's position was stated as appears on page 376 of the hearing record:

This program has just started, Mr. Chairman. I am leaving next week to observe it in its earliest stages.

I ask unanimous consent that the March 9, 1973, factsheet, as it appears on pages 377 and 378 of the hearing record be printed in the RECORD at the conclusion of my remarks as exhibit 1.

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

(See exhibit 1.)

Mr. FONG. Mr. President, as I stated, it is interesting to note that the Department of State, neither in its fiscal 1973 nor in its fiscal 1974 budget request, asked for any money to assist these migrant-refugees from the Soviet Union. These funds were provided on the initiative of Congress.—We saw the need and acted, and properly so.

In fiscal 1972, Mr. President, 31,500 Soviet Jews entered Israel. There refugees needed and received our assistance from the $50 million fund.

In calendar year 1973 the Department of State estimated the number of refugees who would be going to Israel would be 30,000. The $50 million was to cover all the assistance, of whatever nature, required by these refugees from the Soviet Union to Israel in calendar years 1973 and 1974.

Through November 30, 1973, 31,700 Jews had been resettled in Israel—more than in all of 1972. And, in addition, about 1,700 people of various religious affiliations—I understand many Baptists were included in this number—were resettled in the United States.

It is now hoped that well over 35,000 will be allowed to leave the Soviet Union this year, and there is no money for this program. They will need our assistance despite the optimistic views of the Department of State.

During the House hearings, Mr. Kellogg, in answer to an inquiry, listed the expenditures planned for calendar 1973.

It was planned to expend $33,500,000 for calendar year 1973's needs.

I ask unanimous consent that the itemized information as to the then contemplated expenditures be printed in the RECORD at the end of my remarks as exhibit 2.

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

Mr. FONG. As I have stated, the entire $50 million has been allocated and $37,232,858.50 of this sum was actually paid out by October 1, 1973.

No more money is available from the $50 million for this program.

Although Mr. Kellogg, on behalf of the Department of State, asked for no additional funds over the unexpended remainder of the $50 million supplemental appropriation, which, as I indicated, the State Department had also not requested, the House added an appropriation of $36,500,000 to carry out the much needed assistance to migrants from the Soviet Union, so that Israel will be able to resettle these people.

Especially at this time, when Israel is feeling the drain on its meager resources as a result of the Yom Kippur war, we in the Senate can be at least as compassionate as our colleagues in the House.

Accordingly I ask the adoption of this amendment to page 17, lines 7 to 10 of H.R. 11771 to add the provision:

Assistance to migrants from the Soviet union for necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, $36,500,000.

EXHIBIT 1

PROGRAM TO ASSIST MIGRANTS FROM THE U.S.S.R.

The Department of State initiated preliminary planning on programs to help emigrants from the USSR when Congress appropriated $50 million for this purpose. After extensive discussions with officials of U.S. voluntary agencies and members of the Israeli Embassy, an officer of the Department's Office of Refugee and Migration Affairs visited Israel, Vienna (the Western European transit center for these migrants) and Geneva to complete discussions with officials of the Israeli Government, the Jewish Agency for Israel (JAI), the Intergovernmental Committee for European Migration (ICEM) and the Refugee, Migration and Red Cross section of the U.S. Mission to the U.S., Geneva. In the meantime, the Department of State assisted these refugees by providing from its regular refugee budget through the U.S. Refugee Program (USRP) $40 per capita for maintenance while in Vienna and $95 per capita toward loans for travel from Vienna to Israel.

As a result of these discussions, the Department decided to contract with the United Israel Appeal (UIA), a U.S. voluntary agency for the bulk of the operation of the assistance programs. Negotiations on specific projects are currently going on but it has been agreed that these funds will be used to assist in the following general areas:

I. FOR SOVIET JEWS ENROUTE TO ISRAEL

A. Enlargement of transit facilities in Vienna.

B. Continuation of care and maintenance for refugees in transit.

C. Loans for transportation and shipment of effects between Vienna and Israel.

D. Construction of new reception hostels in Israel.

E. Construction of new absorption centers in Israel.

F. Training, retraining and education scholarships.

G. Small business loans.

H. Youth care.

I. Permanent housing for refugees.

The UIA is now preparing specific requests and cost factors on these projects. First priority will be given to A through H and the remainder will be used for the last area, housing. Based on the 31,500 Soviet Jews who entered Israel in 1972, these projects will be predicated on the movement of 30,000 migrants in CY 1973. Funds for the care and maintenance and transportation of an additional 30,000 in CY 1974 will also be committed. In addition, the Department will increase its contribution to ICEM so that organization can continue its portion of the transportation loans.

Finally, provisions will be made to provide similar assistance for 1,000 Soviet refugees a year who will leave the USSR in CY 1973 and 1974 for other countries, primarily to the United States.

EXHIBIT 2

PROPOSED 1973 EXPENDITURES FOR ASSISTANCE TO SOVIET REFUGEES

(Excerpt from House Report (pages 62 and 63) as quoted at page 111 of S. Rept. 93-620:)

I. Agreement with United Israel Appeal (UIA):	
1. En route care and maintenance costs in Vienna, Jan. 1, 1973 to Dec. 31, 1973, for 30,000 refugees	$1,200,000
2. Construction or enlargement of transit center in Vienna	500,000
3. Construction of new absorption center and hostels	4,000,000
4. Construction of hospital wing	2,000,000
5. Construction and procurement of apartments and/or mobile homes	15,000,000
6. University scholarships	1,000,000
7. Training and retraining for artisans and technicians	1,000,000
8. Maintenance costs for on-the-job trainees	1,250,000
9. Maintenance costs at Ulpanim, absorption centers and hostels	4,250,000
Subtotal	31,000,000
II. Travel assistance through ICEM loan fund	2,000,000
III. Agreements with other voluntary agencies for movement of refugees to countries other than Israel	475,000
IV. Administrative expenses	25,000
Total	33,500,000

Mr. KELLOGG. Discussions are now in progress on programs for fiscal year 1974. Transportation, maintenance while in transit, housing and education assistance will definitely continue.

Mr. President, I understand that the Senator from Maine (Mr. MUSKIE) is here, and he would also like to cosponsor the amendment.

I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, I am delighted to associate myself with the Senator's amendment. I would like to do so in behalf of myself and the following Senators: Messrs. STEVENSON, WILLIAMS, JACKSON, JAVITS, RIBICOFF, MCGOVERN, PACKWOOD, HUMPHREY, PELL, and SCHWEIKER.

Mr. FONG. Mr. President, I ask unanimous consent that those names be added as cosponsors.

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

Mr. MUSKIE. Mr. President, how much time does the Senator from Hawaii have?

The PRESIDING OFFICER (Mr. HELMS). The Senator from Hawaii has 3 minutes remaining.

Mr. FONG. Mr. President, I yield my 3 minutes remaining to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 additional minutes.

Mr. MUSKIE. Mr. President, this amendment to the bill before us, the 1974 foreign assistance appropriation bill (H.R. 11771), would appropriate the full $36.5 million contained in the authorization—an amount which has already been included in the appropriation bill as passed by the House—for resettlement assistance to Soviet Jewish refugees.

Last year, Mr. President, I introduced a bill with Senators RIBICOFF, JAVITS, and SCHWEIKER as principal cosponsors, to authorize $85 million for such assistance. This legislation, which was cosponsored by over 40 Senators, was approved by the Congress and was followed by an appropriation of $50 million.

I have been gratified by the results of this program thus far. After the initial appropriation last year, the Department of State which administers the program carried out a careful investigation into the best means of using the funds appropriated by Congress. After extensive discussions with officials of U.S. voluntary agencies and members of the Israeli Embassy, an officer of the Department's Office of Refugee and Migration Affairs visited Israel, Vienna—the Western European transit center for these migrants—and Geneva to complete discussions with officials of the Israeli Government, the Jewish Agency for Israel—JAI—the Intergovernmental Committee for European Migration—ICEM—and the Refugee, Migration and Red Cross section of the U.S. Mission to the U.N., Geneva. As a result of these discussions, the Department decided to contract with the United Israel Appeal—UIA—a U.S. voluntary agency for the bulk of the operation of the assistance programs.

The first agreement between the State Department and the United Israel Appeal was signed on April 6 of this year in a ceremony I was pleased to attend. That agreement provided a grant of $31 million to be used for the following purposes:

First. En route care and maintenance costs for 30,000 Refugees, January 1 to December 31, 1973—$1,200,000;

Two. Construction or enlargement of transit center in Vienna, Austria—$500,000;

Third. Construction or acquisition of new absorption centers and hostels—$4,000,000;

Fourth. Construction or acquisition of hospital wing—$2,000,000;

Fifth. Construction or acquisition of apartments and/or mobile homes—$15,700,000;

Sixth. University scholarships—$1,100,000;

Seventh. Training and retraining for artisans and technicians—$1,000,000;

Eighth. Maintenance costs for on-the-job trainees—$1,250,000; and

Ninth. Maintenance costs at Ulpanim, absorption centers and hostels—$4,250,000.

This agreement was supplemented on June 27 of this year with another grant of $13 million for these same programs. Mr. President, I ask unanimous consent that the text of these agreements be printed in the RECORD at this point.

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

REFUGEE RESETTLEMENT GRANT AGREEMENT

This agreement, dated April 6, 1973, is between the Government of the United States of America, acting through the Department of State (the "Department"), and the United Israel Appeal, Inc., a voluntary, nonprofit agency organized and existing under the Membership Corporation Law of the State of New York, with principal offices at 515 Park Avenue, New York, New York 10022 (the "Grantee").

ARTICLE I. THE GRANT

Section 1.1. *The Grant.* Pursuant to section 101(b) of the United States Foreign Relations Authorization Act of 1972 and related appropriation legislation, and subject to the terms and conditions of this agreement, the Department hereby grants to the Grantee an amount not exceeding thirty-one million United States dollars ($31,000,000) to furnish assistance for the resettlement in Israel of Jewish or other similar refugees from the Union of Soviet Socialist Republics ("Refugees").

Section 1.2 *Use of Funds.* (a) The proceeds of this grant shall be used for (i) care and maintenance of, and construction or enlargement of a transit center for, Refugees in Vienna, Austria enroute to Israel, (ii) education, training and retraining of Refugees, and (iii) construction and procurement of new housing, a hospital wing, and absorption centers and hostels for Refugees. Grant proceeds shall be allocated to and among the programs specified in section 1.2 (b), below, and described more fully in Article II (the "Programs").

(b) The Programs and the maximum amount of this grant to be allocated to each shall be as follows:

Program	*Amount*
(i) Enroute care and maintenance costs for 30,000 Refugees, Jan. 1 to Dec. 31, 1973	$1,200,000
(ii) Construction or enlargement of transit center in Vienna, Austria	500,000
(iii) Construction or acquisition of new absorption centers and hostels	4,000,000
(iv) Construction or acquisition of hospital wing	2,000,000
(v) Construction or acquisition of apartments and/or mobile homes	15,700,000
(vi) University scholarships	1,100,000
(vii) Training and retraining for artisans and technicians	1,000,000
(viii) Maintenance costs for on-the-job trainees	1,250,000
(ix) Maintenance costs at Ulpanim, absorption centers and hostels	4,250,000
Total	31,000,000

Section 1.3 *Reallocations.* Funds may be adjusted between Programs listed in section 1.2(b) provided (a) prior written approval therefor shall have been received by the Grantee from the Department, (b) each increase in the amount allocated to a Program shall be offset by an equal reduction in the amount allocated to one or more other Programs, and (c) the aggregate of such increases shall not exceed $3,100,000.

ARTICLE II. THE PROGRAMS

Section 2.1 *Enroute Care and Maintenance.* Grantee will provide $40 to the agency or organization administering the transit center in Vienna, Austria for each Refugee received there between January 1 and December 31, 1973, inclusive. Such funds shall be used solely and directly for the care and maintenance of Refugees enroute to Israel and for other operating expenses of the center directly related to the care and maintenance of Refugees.

Section 2.2 *Transit Center.* The Grantee shall construct a new facility or remodel and/or enlarge the present transit center outside Vienna, Austria for use by Refugees enroute to Israel. The Grantee shall contribute not less than $500,000 toward this Program from sources other than this grant. The Program shall begin on or before June 15, 1973 and be completed by June 30, 1975 .

Section 2.3 *Absorption Centers and Hostels.* The Grantee shall acquire or construct new facilities for housing (a) Refugee families newly arrived in Israel, one or more members of which are receiving language or other training for a limited period prior to more permanent settlement and (b) individual Refugees similarly receiving language or other training for a limited period. Such housing is referred to in this agreement as "absorption centers" and "hostels", respectively, and is not intended for permanent occupancy by Refugees or other persons. Formal commitment or expenditure of funds for these purposes by the Grantee after January 1, 1973 shall be considered as a commitment or expenditure for purposes of this grant.

Section 2.4 *Hospital Wing.* The Grantee shall acquire or construct new hospital facilities so located and equipped as to meet the medical requirements of Refugees. Such facilities shall be constructed and equipped in accordance with the most modern standards applied under similar circumstances in Israel. Formal commitment or expenditure of funds by the Grantee for these purposes after January 1, 1973 shall be considered as a commitment or expenditure for purposes of this grant.

Section 2.5 *Permanent Housing.* The Grantee shall acquire or construct new apartment buildings and, if deemed feasible and desirable by it, new mobile homes, to be used for housing in the settlement of Refugees. Such housing shall be designed and constructed in accordance with good architectural and engineering standards and in any case in accordance with standards at least equal to those generally applied in surrounding locations. Formal commitment or expenditure of funds by the Grantee for these purposes after January 1, 1973 shall be considered as a commitment or expenditure for purposes of this grant.

Section 2.6 *Scholarships, Training and Retraining.* The Grantee will make available to appropriate agencies and institutions in Israel the amounts specified in section 1.2(b) (vi) and (vii), above, to provide (a) university education for qualified student Refugees and (b) training and retraining as artisans and technicians for Refugees with appropriate skills and aptitudes. Funds provided by the Grantee pursuant to this section 2.6 shall be used solely and directly for educational and training services and shall not be employed to assist in the maintenance or care of Refugees or for any other purpose. Formal commitment or expenditure of funds by the Grantee for these purposes after November 1, 1972 shall be considered as a commitment or expenditure for purposes of this grant.

Section 2.7 *Maintenance Costs in Israel.* (a) The amount provided for in section 1.2(b) (viii) shall be employed to supplement the incomes of Refugees receiving on-the-job training whose incomes are lower than those of persons similarly employed in Israel on a full-time basis. Such payments shall not be made available to Refugees receiving maintenance costs under section 2.7(b), below, and shall be administered in accordance with the principles and standards of similar programs presently existing in Israel.

(b) The amount provided for in section 1.2(b)(ix) shall be employed for the maintenance and care of Refugees resident at Ulpanim (as the term is generally employed in Israel at the date hereof) and at absorption centers and hostels (as described in section 2.3, above).

(c) Maintenance costs may be made available through one or more agencies or organizations responsible for the administration of the Programs or facilities referred to in this section 2.7, but such amounts shall be employed solely and directly for income supplements for or the care and maintenance of Refugees and shall not be employed in any other manner including, but not by way of limitation, for general administrative or overhead expenses of administering agencies and organizations. Formal commitment or expenditure of funds by the Grantee for purposes specified in section 1.2(b)(viii) and (ix) after November 1, 1972 shall be considered as a commitment or expenditure for purposes of this grant.

ARTICLE III. DISBURSEMENT

Section 3.1 *Disbursements.* (a) Not later than 15 days after the date of this agreement, the Department will deliver to a representative of the Grantee designated in accordance with section 3.2(b)(i), below, at the Department's offices in Geneva, Switzerland its check or checks in the amount of ten million United States dollars ($10,000,000) payable to the "United Israel Appeal, Inc."

(b) Subsequent disbursements will be made in the same manner at the same place as follows:

(i) On May 15, 1973—$10,000,000.

(ii) On June 15, 1973—$11,000,000.

Section 3.2 *Conditions Precedent.* (a) Except as the Department may otherwise agree in writing, each disbursement under section 3.1 shall be subject to fulfillment of the representations, warranties and covenants of the Grantee hereunder as of the disbursement date and to receipt by the Department of a certificate executed as of such date for and on behalf of the Grantee by an officer or other duly authorized representative thereof as follows:

"Pursuant to section 3.2(a) of the Refugee Resettlement Grant Agreement dated April 6, 1973 (the "Agreement") between the United States of America, acting through the Department of State (the "Department"), and the United Israel Appeal, Inc., a voluntary, non-profit agency organized and existing under the Membership Corporation Law of the State of New York (the "Grantee"), the undersigned hereby certifies that he is an officer or other representative of the Grantee duly authorized to execute this certificate, and that to his actual knowledge and belief, based upon a reasonable investigation of the relevant facts and circumstances, there have been fulfilled as of the date hereof all representations, warranties and covenants of the Grantee required by the Agreement to be fulfilled at such date. This certificate is executed for and on behalf of the Grantee with the understanding that the Department will rely

on the statements contained herein for purposes of section 3.2(a) of the Agreement.

"UNITED ISRAEL APPEAL, INC.

"Date ——— By ———————

"(print name and title or office)"

(b) In addition, the disbursement provided for in section 3.1(a) shall be subject to the prior delivery by the Grantee to the Department, in form and substance satisfactory to the Department, of the following:

(i) A statement certified by an officer of the Grantee setting forth the name of its representative authorized to receive disbursements in accordance with section 3.1 together with evidence of such representative's authority and a specimen of his signature certified as to its authenticity; and

(ii) An opinion of counsel satisfactory to the Department that this agreement has been duly authorized or ratified by, and duly executed on behalf of, the Grantee and constitutes the valid and legally binding obligation of the Grantee enforceable in accordance with its terms.

Section 3.3 *Proceeds.* (a) The proceeds of the initial and of each subsequent disbursement shall be maintained by the Grantee in an interest-bearing account established in its name solely for the purpose. Grantee shall have full control of such account and shall draw thereon to make distributions in connection with the Programs, but all interest earned shall be the property of the Department and shall be transferred to the Department immediately upon receipt by the Grantee.

(b) The Grantee may convert the proceeds of this grant at any time into any other currency at the market rate of exchange prevailing at the place and on the date of conversion. The Department will not make any adjustments or additional disbursements in respect to any change in the rates of conversion among national currencies, whether occuring before or after any disbursement date.

ARTICLE IV. REPRESENTATIONS, WARRANTIES AND ADDITIONAL COVENANTS OF GRANTEE

Section 4.1. *Use by Refugees.* In order to qualify for receipt of this grant, the Grantee hereby represents and warrants to the Department that (a) amounts provided for in sections 2.1, 2.6 and 2.7 will be expended solely for the benefit of Refugees, (b) that facilities acquired or constructed pursuant to sections 2.2 and 2.5 will be used initially for the benefit of Refugees only, and (c) that there is a reasonable expectation that buildings and facilities acquired or constructed pursuant to sections 2.2, 2.3, 2.4 and 2.5 will be used primarily for the benefit of Refugees for a substantial number of years.

Section 4.2 *Commissions.* Grantee represents and warrants to the Department that in connection with obtaining this grant and with the implementation of this agreement it has not and will not pay, and to the best of its knowledge there has not been and will not be paid by any other person or entity, any commission, fee or other such payment of any kind whatsoever, except as regular compensation to the Grantee's full time officers and employees or as compensation for bona fide professional, technical or other comparable services at the rate prevailing at the time and place such services were or are rendered.

Section 4.3 *Plaques.* Upon completion of the transit center Program referred to in section 2.2, and upon acquisition or completion of each absorption center and hostel referred to in section 2.3, the hospital facility referred to in section 2.4 and each apartment building referred to in section 2.5, the Grantee shall cause to be affixed adjacent to the principal entrance of the respective building or facility a durable metal plaque or other suitable marker recognizing the contribution made by the American people in connection therewith. Not less than 90 days prior to completion of the transit center Program and of each building and facility constructed pursuant to sections 2.3, 2.4 and 2.5, and immediately upon acquisition of any such building or facility, the Grantee shall submit for the prior approval of the Department the form, wording and proposed location of the plaque or other marker called for in this section 4.3.

Section 4.4 *Location of Facilities and Activities.* (a) Grantee covenants that: (1) each building and facility acquired or constructed pursuant to sections 2.3, 2.4 and 2.5 shall be located in territory subject to the administration of the State of Israel prior to June, 1967; (ii) scholarships and training financed pursuant to section 2.6 shall be solely at universities and training schools located in such territory or in the United States of America, and (iii) maintenance costs shall be provided under section 2.7 solely to Refugees living and working or receiving training in such territory or in the United States of America.

(b) No part of this grant shall be used to acquire or construct buildings or facilities pursuant to sections 2.3, 2.4 or 2.5 without the prior written consent of the Department in respect to the geographic location thereof. Such consent shall not be denied without reasonable cause, and requests for such consent shall be acted upon promptly by the Department.

Section 4.5 *Ownership of Facilities.* The Grantee shall have and retain legal and effective ownership of all buildings and facilities acquired or constructed pursuant to sections 2.3, 2.4 or 2.5, except that such ownership may be transferred with the prior written approval of the Department, (a) without consideration, to a private, non-profit organization or (b) by sale at market price to Refugees, the proceeds of which sale may be used by the Grantee for the acquisition or construction of additional buildings or facilities similar to that sold, subject in each case to all the terms and conditions of this agreement applicable to such Programs in the first instance, and further subject to prior notification to the Department and its right, hereby reserved, to require the refund of such proceeds to the United States Government.

Section 4.6 *Direct Expenditures.* The proceeds of this grant shall be used solely and directly for the Programs as described in this agreement. The Grantee covenants that no part of any distribution made hereunder shall be allocated to or used for the payment of (a) any general, administrative or overhead expense of the Grantee, computed in accordance with accounting principles generally accepted in the United States, nor (b) any such expense, as so computed, of any agency or organization administering Programs unless incurred wholly in connection with such Programs.

Section 4.7 *Reasonable Expenditures.* Each of the Programs funded by this grant shall be planned and administered by the Grantee in accordance with business standards and practices at least equal to those which would be applied to similar projects undertaken in the same geographical area by reputable and experienced commercial organizations. All property, goods and services acquired by the Grantee or any agent of the Grantee with the proceeds of this grant, whether by purchase, lease or otherwise, shall be acquired at prices not greater than those generally prevailing for similar property, goods and services at the time and place so acquired. Scholarship, training and maintenance Programs shall be administered with full regard for the desirability of meeting the needs of the greatest possible number of Refugees; thus, the amount of expenditure made for each Refugee shall be limited to that actually required to fulfill the purposes of such Programs.

ARTICLE V. REPORTS, RECORDS AND INSPECTIONS

Section 5.1 *Reports.* (a) On or before 30 days after the last business day of each calendar month, the Grantee shall deliver to the Department a certified statement listing the name and place of origin of each Refugee for which amounts have been expended under section 2.1 during the preceding reporting period, the dates of arrival at and departure from the Vienna transit center, and such other information as the Department may reasonably request.

(b) Within 30 days from the end of each calendar quarter, the Grantee shall submit to the Department a report showing the status of each Program under this agreement as of the end of such quarter. The quarterly reports shall include, for each Program, a statement of total expenditures during the quarter, the purposes for which expenditures were made, and the amount of grant commitment outstanding. The reports shall also include such additional information as the Department may reasonably request. The first quarterly report shall cover the period April 1 through June 30, 1973, and the final report in respect to each Program shall be filed for the quarter during which such Program is completed.

Section 5.2 *Annual Financial Statement.* Within 120 days after each of the Grantee's fiscal years during which any Program remains incomplete, the Grantee shall submit to the Department three copies of its annual financial statement prepared in accordance with accounting principles generally accepted in the United States and approved by a certified public accountant acceptable to the Department.

Section 5.3 *Records; Inspection.* (a) The Grantee shall maintain at its principal offices in New York City full and complete records and books of accounts in accordance with accounting principles generally accepted in the United States covering financial details applicable to each Program, whether or not actually administered by the Grantee itself. Grantee's records shall include copies of all solicitations made for bids or quotations for commodities and services procured under this grant; negotiated agreements; all quotations or bids received; suppliers' commercial invoices; bills of lading or other evidence of shipment for commodities procured in the United States; and, as applicable, such other pertinent documents related to procurement as sales and service contracts and Grantee's substantiation for procurement at other than the lowest price or for proprietary procurement. Such records and, where necessary, additional records shall be maintained in a manner that will permit verification of the Grantee's compliance with its representations, warranties and obligations contained in this agreement, including in particular, but not by way of limitation, its obligations under section 4.7, above.

(b) The Department and the Comptroller General of the United States, and any of their authorized representatives, shall have the right to examine, audit and copy, at all reasonable times, all such records and books of account referred to in section 5.3(a) and all other documents or reports pertaining to this grant or the Programs. All such books and records shall be maintained and available for inspection for at least six years after the date of the last disbursement by the Department.

(c) Additional records shall be maintained by the Grantee at its principal offices in New York City, and shall be made available for inspection under the terms set forth in section 5.3(b), as follows:

(i) Upon the acquisition or completion of permanent housing pursuant to section 2.5, a listing of the name and place of origin of each head of family (or sole occupant) occupying the quarters, the number of fam-

ily members living with each head of the family, and such other information as the Department may reasonably require, such listing to be maintained and available for inspection for a period of three years following such acquisition or completion.

(ii) In respect to scholarship and training Programs, a listing of the name and place of origin of each person benefitting therefrom, the place and type of education or training, and such other information as the Department shall reasonably require, such listing to be maintained and available for inspection so long as such Programs shall be financed under this grant.

(iii) In respect to maintenance costs under section 2.7, a listing of the name and place of origin of each person receiving or benefitting from such maintenance, the type of training being received, and such other information as the Department shall reasonably require, such listing to be maintained and available for inspection so long as such maintenance is provided under this grant.

ARTICLE VI MISCELLANEOUS

Section 6.1 *Termination of Disbursements.* In addition to its rights under section 3.2, the Department may, at its discretion, decline to make disbursements under this agreement if it shall determine that (a) any disbursement would be in violation of any provision of the laws of the United States or (b) an event has occurred which in the Department's judgment makes it improbable that the purposes of this grant will be attained or that the Grantee will be able to perform its obligations hereunder.

Section 6.2 *Refunds.* (a) If the Department determines that any disbursement made to the Grantee hereunder is in violation of United States law or has been applied by the Grantee other than for Programs in accordance with this agreement, the Department shall so notify the Grantee in writing. The Grantee shall be allowed 30 days from the date of such notice to correct the violation or default, and shall notify the Department in writing of the corrective action taken by it. If corrective action satisfactory to the Department is not taken within the 30 day period, the Grantee shall take appropriate action to minimize all expenditures from such disbursement and shall cancel outstanding obligations financed thereby. After payment of expenditures which cannot be eliminated and obligations which cannot be cancelled, and in any case not more than 90 days after the date of the Department's notice, Grantee shall refund to the Department the unexpended portion of such disbursements determined to have been made in violation of United States law or to have been applied to expenditures in violation of this agreement.

(b) Without limiting any other rights the Department or the Government of the United States may have under this agreement, the Grantee agrees to compensate the Government of the United States for any costs or damages incurred by it as a result of any failure of the Grantee to comply with the provisions of section 5.3.

Section 6.3 *Use of Representatives.* (a) All actions required or permitted to be performed or taken by the Grantee may be performed by one or more duly authorized agents of the Grantee acceptable to the Department. By an agreement originally executed October 25, 1960 between The Jewish Agency for Israel Inc., New York and The Jewish Agency for Israel, Jerusalem ("JAI"), presently in force between the Grantee and The Jewish Agency for Israel, Jerusalem (copies of the original agreement and related subsequent documentation being attached hereto as Exhibit 1), the JAI is designated by the Grantee as its exclusive Operating Agent in all matters concerned with, *inter alia*, "rendering aid and assistance to Jewish men, women and children to immigrate into Israel [and] their absorption, rehabilitation and resettlement therein" (Exhibit 1, Article I, paragraph a). Accordingly, the Department approves the JAI as the agent of the Grantee for purposes of this section 6.3(a).

(b) The designation or employment by the Grantee of one or more agents, including the JAI, in accordance with section 6.3(a), above, shall not relieve the Grantee of any obligation under this agreement and shall not have the effect on substituting such agent in place of the Grantee as a party to this agreement for any purpose.

Section 6.4 *Sovereign Immunity; Non-Liability.* (a) This grant is made as a public and sovereign act by the Government of the United States of America, and no waiver of the sovereign immunity of the Government of the United States is intended by it or shall be claimed against it in connection with any matter arising under or out of this agreement.

(b) Without in any manner limiting or derogating from the provisions of section 6.4(a), above, the Grantee hereby indemnifies and agrees to hold harmless the Government of the United States of America, the departments and agencies thereof, and its officials and agents acting in their official capacities, for any and all liability arising under this agreement or in connection with any matter provided for herein.

Section 6.5 *Officials Not to Benefit.* No member or delegate of the United States Congress, nor any official of or other person employed by the United States Government, shall receive, directly or indirectly, any part of the proceeds of this grant or any benefit derived therefrom.

Section 6.6 *Governing Law.* This agreement shall be governed by and construed in accordance with the law of the State of New York.

Section 6.7 *Entire Agreement.* This agreement constitutes the entire agreement of the parties hereto concerning this grant, and it replaces and renders void any other agreement or understanding, whether written or oral, existing between the parties concerning the subject matter of this agreement or any aspect thereof.

Section 6.8 *Communications.* Except as otherwise provided herein, any document and any notice, request or other communication given, made or delivered by the Department or the Grantee pursuant to this agreement shall be in writing and shall be deemed to have been duly given, made or delivered to the party to which it is addressed when actually delivered by hand, mail, telegram, cable or radiogram as follows:

(a) To the Department in Washington, D.C. Special Assistant to the Secretary for Refugee and Migration Affairs, Room 7430, United States Department of State, Washington, D.C. 20520, The United States of America.

(b) To the Department in Geneva—Counselor, Refugee, Migration and Red Cross Unit, United States Mission to the European Office of the United Nations and Other International Organizations, 80 Rue du Lusanne, Geneva, Switzerland.

(c) To the Grantee—Executive Vice-Chairman, United Israel Appeal, Inc. 515 Park Avenue, New York, New York 10022, The United States of America.

or such other address as either of the parties shall have designated by notice given as herein required.

In witness whereof, The Department and the Grantee, acting through their duly authorized representatives, have caused this agreement to be executed on their behalf and delivered as of the date first written above.

THE UNITED STATES OF AMERICA,
FRANK L. KELLOGG,
Special Assistant to the Secretary for Refugee and Migration Affairs, Department of State.

UNITED ISRAEL APPEAL, INC.,
MELVIN DUBINSKY,
National Chairman and President.
GOTTLIEB HAMMER,
Executive Vice-Chairman.

SUPPLEMENT NO. 1 TO REFUGEE RESETTLEMENT GRANT AGREEMENT

This agreement, dated June 27, 1973, is between the Government of the United States of America, acting through the Department of State (the "Department"), and the United Israel Appeal, Inc., a voluntary, non-profit agency organized and existing under the Membership Corporation Law of the State of New York, with principal offices at 515 Park Avenue, New York, New York 10022 (the "Grantee").

Section 1 *The Supplemental Grant.* (a) The purpose of this agreement is to supplement the grant made by the Department in the Refugee Resettlement Grant Agreement between the Department and the Grantee dated April 6, 1973 (the "Grant Agreement").

(b) Pursuant to section 101(b) of the United States Foreign Relations Authorization Act of 1972 and related appropriation legislation, and subject to the terms and conditions of this Supplement No. 1, the Department hereby grants to the Grantee an amount not exceeding thirteen million United States dollars ($13,000,000) to furnish assistance for the resettlement in Israel of Jewish or other similar refugees from the Union of Soviet Socialist Republics ("Refugees").

Section 2 *Use of Funds.* The Programs and the maximum amount of this supplemental grant to be allocated to each shall be as follows:

Program	*Amount*
Enroute care and maintenance costs for 30,000 Refugees, Jan. 1 to Dec. 31, 1974	$1,200,000
Construction or enlargement of transit center in Vienna, Austria	----
Construction or acquisition of new absorption centers and hostels	3,500,000
Construction or acquisition of hospital wing	----
Construction or acquisition of apartments and/or mobile homes	250,000
University scholarships	1,000,000
Training and retraining for artisans and technicians	500,000
Maintenance costs for on-the-job trainees	500,000
Maintenance costs at Ulpanim, absorption centers and hostels	4,250,000
Advanced level education in the arts and sciences	1,800,000
Total	13,000,000

Section 3 *Reallocations.* Funds provided under this Supplement No. 1 may be adjusted between Programs for which funds are allocated in section 2, above, provided (a) prior written approval therefor shall have been received by the Grantee from the Department, (b) each increase in the amount allocated to a Program shall be offset by an equal reduction in the amount allocated to one or more other Programs, and (c) the aggregate of such increases shall not exceed $1,300,000.

Section 4 *The Programs.* The Programs for which this supplemental grant shall be used shall be the Programs described in Article II of the Grant Agreement except as follows:

(a) Funds provided under section 2(i), above, for enroute care and maintenance shall be provided in accordance with section 2.1 of the Grant Agreement except that funds hereunder are provided in respect to Refugees received at the transit center in Vienna, Austria during the period January 1 to December 31, 1974, inclusive.

(b) No funds are provided hereunder for the Programs described in sections 2.2 and 2.4 of the Grant Agreement.

(c) The last sentence of sections 2.3, 2.5, 2.6 and 2.7(c) of the Grant Agreement shall not apply to funds provided under this supplemental grant.

(d) The Program for which funds are granted in section 2(x), above, shall be deemed included within section 2.6 of the Grant Agreement. The Grantee will submit program plans for expenditure of the amount specified in section 2(x), above, for advance approval by the Department.

(e) In order to insure that the Programs for which funds are provided in section 1.2 (b)(vi) of the Grant Agreement and in sections (vi) and (x), above, have a clear United States identity, the beneficiaries of such funds will be informed in writing of their origin, and, in coordination with the United States Embassy in Tel Aviv and the Department, the Grantee will provide publicity in Israel concerning those Programs.

Section 5 *Disbursements.* (a) The Department shall make disbursement of the funds provided for in this supplemental grant by transfer to the account of the Grantee at a bank designated in writing by the Grantee and acceptable to the Department as follows:

On or about September 17, 1973	$4,000,000
On or about December 17, 1973	4,000,000
On or about March 15, 1974	5,000,000

(b) Each disbursement provided for in section 5(a), above, shall be subject to the conditions precedent contained in section 3.2(a) of the Grant Agreement, except that the certificate required by that section shall be amended to read as indicated in Exhibit 1 hereto.

(c) In addition, the disbursement provided for in section 5(a)(i), above, shall be subject to the prior delivery by the Grantee to the Department of an opinion of counsel, in form and substance satisfactory to the Department, that this agreement has been duly authorized or ratified by, and duly executed on behalf of, the Grantee and constitutes the valid and legally binding obligation of the Grantee enforceable in accordance with its terms. The certification provided for in section 3.2(b)(i) of the Grant Agreement shall not be required in the case of this supplemental grant.

Section 6 *Inspection.* This section 6 shall apply only in the case of contracts and subcontracts the total value of which exceeds $50,000, or the equivalent thereof calculated at official rates of exchange, and to which only private or commercial entities are party. The Grantee undertakes and agrees that all construction and similar contracts and subcontracts entered into after the date hereof by the Grantee, and by all agents, contractors and subcontractors of the Grantee, for the purpose of implementing any provision hereof or of the Grant Agreement shall contain appropriate provisions which:

(a) legally bind such agents, contractors and subcontractors to the record keeping obligations undertaken by the Grantee in section 5.3(a) of the Grant Agreement, except the records of such agents, contractors and subcontractors may be maintained in Israel and in accordance with accounting principles generally accepted in Israel;

(b) accord to the Department, the Comptroller General of the United States and their authorized representatives the legally enforceable right to examine, audit and copy, at all reasonable times, all records, books of account and other documents in the possession of such agents, contractors and subcontractors and pertaining to any Program or other activity funded by this agreement or the Grant Agreement; and

(c) legally bind such agents, contractors and subcontractors, to maintain the documents referred to in section 6(b), above, available for inspection for at least three years after final payment is made under such contract of subcontract.

Section 7 *Application of the Grant Agreement.* All of the terms and conditions of the Grant Agreement shall remain in effect in respect to the funds granted thereunder. In addition, except where otherwise expressly provided herein, all of the terms and conditions contained in the Grant Agreement are incorporated herein by this reference and shall apply to this agreement, the funds granted hereunder and all matters arising in connection herewith to the same extent as if the funds granted hereunder has been made available to the Grantee in the Grant Agreement.

In witness whereof, The Department and the Grantee, acting through their duly authorized representatives, have caused this agreement to be executed on their behalf and delivered as of the date first written above.

UNITED ISRAEL APPEAL, INC.,
GOTTLIEB HAMMER,
Executive Vice-Chairman.

THE UNITED STATES OF AMERICA,
FRANK L. KELLOGG,
Special Assistant to the Secretary for Refugee and Migration Affairs, Department of State.

EXHIBIT 1

CERTIFICATE PURSUANT TO SECTION 5(b) OF SUPPLEMENT NO. 1 TO REFUGEE RESETTLEMENT GRANT AGREEMENT

Pursuant to section 5(b) of Supplement No. 1 to Refugee Resettlement Grant Agreement dated June 20, 1973 (the "Agreement") between the United States of America, acting through the Department of State (the "Department"), and the United Israel Appeal, Inc., a voluntary, non-profit agency organized and existing under the Membership Corporation Law of the State of New York (the "Grantee"), the undersigned hereby certifies that he is an officer or other representative of the Grantee duly authorized to execute this certificate, and that to his actual knowledge and belief, based upon a reasonable investigation of the relevant facts and circumstances, there have been fulfilled as of the date hereof all representations, warranties and covenants of the Grantee required by the Agreement to be fulfilled at such date. This certificate is executed for and on behalf of the Grantee with the understanding that the Department will rely on the statements contained herein for purposes of making distributions under the Agreement.

UNITED ISRAEL APPEAL, INC.

Date———— By————————
(print name and title or office)

Mr. MUSKIE. Mr. President, this year in testimony before the House and Senate, the administration stated that the $50 million already appropriated for resettlement assistance would be sufficient not only for fiscal year 1973 but for fiscal year 1974 as well. I completely disagree with this assessment.

According to State Department figures, 31,652 Russian immigrants settled in Israel in 1972. Over 31,000 more Russian immigrants have come to Israel thus far in 1973. Moreover, in the last 3 months of this year, the rate of immigration has increased substantially.

All of us are aware of the extraordinary economic burden which has been placed on Israel by her defense requirements and by the most recent war in the Middle East. Israel's defense expenditures even before the war ran close to half of her annual budget, and the Israel taxpayer has been supporting this with one of the highest taxation rates in the world. The financial pinch is aggravated by a sharply rising external debt and growing deficit in foreign exchange reserves. For more than a decade, Israel has had the highest per capita foreign currency debt in the world, and this adverse situation has greatly worsened because of the recent war.

In these economic circumstances, the absorption of over 30,000 new Soviet Jewish refugees per year has imposed an extreme financial burden on Israel. The government of Israel has estimated a total annual cost of $252 million for purposes of resettling 35,000 new immigrants from the Soviet Union. Mr. President, I ask unanimous consent that a breakdown of this cost estimate be printed in the RECORD at this point.

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

[In millions of dollars]

ESTIMATED ANNUAL COSTS OF IMMIGRATION AND INITIAL ABSORPTION OF 35,000 PERSONS FROM THE U.S.S.R.

Transportation of immigrants and care en route	$19,000
Initial care and absorption (Equipment, furniture and financial aid	6,000
Maintenance in hostels and absorption centers	17,000
Construction of new hostels	3,300
Housing (Construction of apartment dwellings for 10,000 families at $17,500 per apartment)	175,000
Health (Hospitalization, medical services, health insurance)	7,500
Education (Scholarships in secondary schools, special services for professional persons—on the job training—prekindergartens)	5,700
Higher Education (University scholarships and fellowships)	7,000
Welfare (Homes for aged, training and retraining of artisans and handicapped, old age grants, sheltered workshops)	1,500
Total	242,000

Source: Government of Israel.

Mr. MUSKIE. Mr. President, I believe that this appropriation of $36.5 million, which has already been approved by the House, is a modest contribution in view of Israel's urgent need and in view of our own generous refugee assistance in the past. It is well to remember that since World War II, the United States has contributed more than $2.8 billion to refugee assistance, directly and through intergovernmental organizations. We spent close to $600 million to assist Cuban refugees. From 1947 to 1951, we contributed $237 million to the International Refugee Organization. In the early

1950's, we contributed almost $85 million to aid Korean refugees. And for Arab refugees, we have contributed more than $500 million. We have never forgotten that we were founded and populated by the refugees of an earlier world. Our commitment to this cause is inscribed on the base of the Statue of Liberty.

Moreover, Mr. President, there is the long history of our concern with persecution on account of religion, and in the last half century, particularly with the persecution of Jews. Beginning in the early 1900's, our national leaders have fought for the freedom and dignity of the world's Jewish community. We played a major role in the creation of Israel; we have been its firm defender ever since.

Finally—and beyond humanitarian concerns—there is our clear self-interest in the health and well-being of Israel. War is not the only danger to a healthy Israel. Economic disaster can accomplish what war could not, if we let it. A country the size of Israel, with its heavy defense burdens, cannot afford the several hundred million dollars that will be required for the anticipated influx of Soviet Jews over and above Israel's normal budget for immigrants—and Israel has already spent enormous sums receiving and integrating hundreds of thousands of Jewish refugees from Middle Eastern countries. For all these reasons, therefore, I believe we must be prepared to help Israel cope with the continuing flow of new immigrants from the Soviet Union.

Mr. President, on behalf of myself and cosponsoring Senators STEVENSON, WILLIAMS, JACKSON, JAVITS, RIBICOFF, MCGOVERN, PACKWOOD, HUMPHREY, PELL, and SCHWEIKER, I urge the Senate to adopt this amendment.

Mr. INOUYE. Mr. President, I supported the program when it was first proposed in the U.S. Senate. However, as chairman of the subcommittee faced with this matter, I find it is extremely difficult for me to accept the amendment. I have before me no documentation whatsoever indicating this further need.

Mr. President, I read from page 379 of the Senate committee hearings, my questions of Mr. Kellogg, a special assistant to the Secretary for Refugee and Migration Affairs, and his answers:

Senator INOUYE. How many refugees are involved?

Mr. KELLOGG. The annual flow at the present time is approximately 30,000 refugees from the Soviet Union.

Senator INOUYE. Do I understand that this appropriation we are talking about, $50 million, will cover assistance to both the 30,000 who expect to immigrate to Israel in calendar year 1973, and an additional 30,000 expected in calendar year 1974?

Mr. KELLOGG. That is correct; yes, sir.

Mr. President, I was speaking of the calendar years. Furthermore, in the House hearings, the following proceedings were had, and this is from pages 62 and 63, questions by Representative PASSMAN, the chairman of the House subcommittee:

Mr. PASSMAN. As you know, last year we provided $50 million for assistance to refugees from the Soviet Union, but I know that this year you are not requesting any funds for this purpose. Do you feel that the appropriation made in fiscal year 1973 is sufficient to carry you through the fiscal year 1974?

Mr. KELLOGG. Yes. Our discussions with the United Israel Appeal, the voluntary agency conducting the major part of the programs financed with these funds, resulted in agreements on projects for both fiscal year 1973 and fiscal year 1974.

Mr. PASSMAN. Do you feel that any additional funds will be needed in fiscal year 1974 for this purpose?

Mr. KELLOGG. At this time, we do not anticipate the need for further funds for these programs in fiscal year 1974.

This is the official statement of the Government of the United States as it relates to this assistance program. If I had any other statement whatever before this subcommittee, I would be very much pleased to accept the amendment, but I have none.

Mr. FONG. Mr. President, I now have before me a telecopy message from the State Department, stating what has happened to the money. I shall hand it to the chairman.

Mr. INOUYE. Just for the record, it is a message to Mrs. Dorothy Parker of Senator FONG's office from the State Department Office of Refugee and Migration Affairs. It states:

As of June 30, 1973, the full $50 million for assistance to refugees from the Soviet Union has been obligated. As of October 31, expenditures of these funds totaled $37,232,858.50.

Mr. President, if this information is correct, there is still $13 million left.

Mr. FONG. That has been obligated already.

Mr. INOUYE. But the fiscal year is not over as yet. We are nearly at the end of the fiscal year.

I have no doubt about the veracity of Janet Barker, but I doubt whether this is the way the administration should communicate with Members of the Senate. I cannot take this as an official communication. Perhaps the leader will.

Mr. MANSFIELD. No, I will not. What position does this woman hold?

Mr. INOUYE. It is from the State Department, Office of Refugee and Migration Affairs, Janet Barker.

Mr. MANSFIELD. What is her position?

Mr. INOUYE. I have no idea, sir.

Mr. MANSFIELD. Who appeared before the committee?

Mr. INOUYE. The only witness who has appeared before the committee is Mr. Kellogg, special assistant to the Secretary for Refugee and Migration Affairs.

Mr. MANSFIELD. Has the chairman heard from anyone in addition to Mr. Kellogg?

Mr. INOUYE. Not at all. The State Department has had a copy of the committee report since Friday morning.

Mr. BROOKE. Mr. President, I certainly would concur with my distinguished chairman. This is certainly no way for the State Department to act. I do not think there is anyone on the subcommittee who is not interested in providing sufficient aid to migrants who want to emigrate from the Soviet Union to the State of Israel.

We had a very lengthy discussion of this matter. The chairman read the testimony we had received from Mr. Kellogg, on one occasion before the Senate subcommittee and on another occasion before the House subcommittee. In both instances it was said that they had sufficient money and did not anticipate the need for any further money.

If we had had that testimony before us, we certainly would have given it favorable consideration. I am sure that $36 million would have been voted by the subcommittee. I do not think there is any question about it. But not until this day and in this Chamber has the State Department given us some information or some indication that they had spent the money or that they needed additional funds.

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

Mr. INOUYE. I yield.

Mr. MANSFIELD. This is the most unusual experience I have listened to. I have never heard of a communication addressed to an attaché of a Senator's office or an attaché of a committee, and from a person whom no one has ever heard of and who has not been in contact with the chairman of the subcommittee or the ranking Republican member. It is most unusual because the communication was not addressed to Senator Fong nor was it from somebody who had appeared before the committeee.

I would hope that we would be a little more careful and recognize that we are a body of 100 Senators. We can be addressed by officials in the Government downtown, just as we address government officials downtown. This is a most unusual procedure—most unusual.

Mr. BROOKE. Mr. President, I have stated my dismay at the procedural operations of the State Department on this matter. However——

The PRESIDING OFFICER (Mr. HELMS). All time having expired, the question is on agreeing to the amendment of the Senator from Hawaii.

Mr. FONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that we be allowed 3 minutes on the bill. I think this is an important matter.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. BROOKE. I do not think that the merits of the case should rise and fall on the procedural matter. I would like the distinguished Senator from Hawaii—obviously, we will have a vote on the matter—to give us all the information he has relative to the necessity for the $36 million. That is all the subcommittee wanted in the first instance.

Mr. FONG. I have already given my statement which contains it.

Mr. BROOKE. That statement was put in the RECORD. We did not hear it.

Mr. FONG. No; I read it on the floor. For the clarification of the Senator, I want to say that in calendar 1973, the

Department of State estimated the flow to Israel would be 30,000 refugees.

Through November 30, 1973, 31,700 refugees have been received and resettled in Israel, more than in all 1972, and in all about 1,700 people of various religious affiliations were settled in the United States. It is now hoped that some 35,000 people will be allowed to leave the Soviet Union this year.

Mr. BROOKE. Is the Senator talking about fiscal year 1974 now?

Mr. FONG. We are talking about the calendar year, now.

Mr. BROOKE. Does the Senator have any estimate of the number of refugees that will be leaving the Soviet Union in calendar year 1974?

Mr. FONG. It is expected to be about the same.

Mr. BROOKE. It is expected to be the same?

Mr. FONG. Yes; about the same—about 35,000 people.

Mr. BROOKE. What is the estimated money needed for 1974?

Mr. FONG. Actually, they have need for over $240,000,000 to absorb 35,000 persons from the U.S.S.R., but the House put in $36.5 million, and I have stuck with that figure.

Mr. BROOKE. So the $36.5 million the Senator is asking for in his amendment——

Mr. FONG. Is in the House bill.

Mr. BROOKE. Is based upon the House appropriation?

Mr. FONG. Yes.

Mr. President, I ask unanimous consent that the communication to which I have referred be printed in the RECORD.

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

Received from State Department, via telecopier, Monday, December 17, 1973.

To: Mrs. Dorothy Parker, Senator FONG's office.

From: State Department, Office of Refugee and Migration Affairs, Janet Barker.

As of June 30, 1973, the full $50 million for assistance to refugees from the Soviet Union had been obligated.

As of October 31, expenditures of these funds totaled $37,232,858.50.

Mr. INOUYE. Mr. President, may I have 2 minutes on the bill?

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

Mr. INOUYE. Mr. President, I had intended to assure the Senate that I would give this matter the most serious consideration in conference, with the understanding that the State Department or the administration would forward to the subcommittee and to the full committee the formal communication setting forth in some detail the justification for any appropriation.

To this point, we have no idea as to how much is needed, or whether $36 million is sufficient—maybe that is not enough—or whether $20 million is sufficient. The only thing we have in the record is that they do not need anything. But now we are to have a rollcall, and much as I support this program, the chairman of the subcommittee will vote against the amendment.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the amendment of the Senator from Hawaii (Mr. FONG). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The result was announced—yeas 62, nays 25, as follows:

[No. 589 Leg.]

YEAS—62

Allen	Griffin	Packwood
Baker	Gurney	Pearson
Bayh	Hart	Pell
Beall	Hartke	Percy
Bible	Hathaway	Proxmire
Brock	Helms	Ribicoff
Brooke	Hruska	Roth
Buckley	Humphrey	Schweiker
Byrd, Robert C.	Jackson	Scott, Hugh
Cannon	Javits	Sparkman
Case	Johnston	Stevens
Chiles	Kennedy	Stevenson
Clark	Magnuson	Symington
Cook	Mathias	Taft
Curtis	McGee	Thurmond
Dole	McGovern	Tower
Domenici	Mondale	Tunney
Dominick	Moss	Weicker
Eagleton	Muskie	Williams
Fong	Nelson	Young
Goldwater	Nunn	

NAYS—25

Abourezk	Fannin	McClure
Aiken	Fulbright	McIntyre
Bartlett	Hansen	Metcalf
Biden	Haskell	Randolph
Burdick	Hatfield	Saxbe
Byrd, Harry F., Jr.	Huddleston	Scott, William L.
Eastland	Inouye	Stafford
Ervin	Mansfield	Stennis
	McClellan	

NOT VOTING—13

Bellmon	Cranston	Montoya
Bennett	Gravel	Pastore
Bentsen	Hollings	Talmadge
Church	Hughes	
Cotton	Long	

So Mr. FONG's amendment No. 789 was agreed to.

Mr. FONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN obtained the floor.

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

Mr. McCLELLAN. I yield.

MESSAGE FROM THE HOUSE

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

S. 12714. An act to amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increases, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index; and

S.J. Res. 180. A joint resolution relative to the convening of the second session of the Ninety-third Congress.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 10717) to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress and for other purposes.

ENROLLED BILLS SIGNED

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

H.R. 3180. An act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes; and

S. 1776. An act to amend the Federal Water Control Act, as amended.

The enrolled bills were subsequently signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, December 17, 1973, he presented to the President of the United States the enrolled bill (S. 2178) to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

POSTPONEMENT OF CONSIDERATION OF LEGAL SERVICES CORPORATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that calendar

No. 471, S. 2686, a bill to amend the Economic Opportunity Act of 1964 to provide for the transfer of the Legal Services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes, remain on the calendar, but that it be laid before the Senate and made the pending business on Monday, January 28, 1974.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I think this is a happy solution which will speed up our adjournment. I am glad that this compromise has been worked out so that it will not be necessary to have a cloture vote, and yet the Senate will have an opportunity to return to the consideration of this important matter early next session.

I withdraw my reservation.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. If this unanimous-consent request is granted, will it mean that the bill will be before the Senate without the need for an intervening action to consider the measure?

The PRESIDING OFFICER. That is the situation as it exists now, subject to subsequent developments in the Senate.

Mr. JAVITS. The Senator does not understand that, Mr. President. I will repeat my parliamentary inquiry.

If this unanimous-consent request is agreed to, will not this measure be the pending business on the 28th of January, without the need for a motion to consider it?

The PRESIDING OFFICER. Absolutely, unless there is some subsequent action to the contrary.

Mr. JAVITS. In that case, Mr. President, I wish to state, with the Senator from Montana and the Senator from Michigan, that I believe it is the best that can be done under the circumstances.

Many people, including the Bar Association of the United States, are deeply interested in this legislation. I think it should be made clear that we have done our very best to have it considered now. It cannot be. But at least in the time intervening, roughly a month and a half, we will at least have gotten beyond the first step, and the matter can then be at issue.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

CHANGE OF CONFEREE ON SUPPLEMENTAL APPROPRIATION BILL

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Senator THOMAS F. EAGLETON be appointed a conferee on the supplemental appropriation bill, in lieu of Senator ERNEST HOLLINGS.

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

FOREIGN ASSISTANCE APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 11771) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendment to be offered by the distinguished Senator from Maine (Mr. MUSKIE) there be a time limitation of 30 minutes, the time to be equally divided between the Senator from Maine and the Senator from Hawaii, the manager of the bill.

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

Mr. MANSFIELD. Mr. President, I make the same request with respect to an amendment to be offered by the Senator from New Hampshire, on the same basis.

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

Mr. McCLELLAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 22, after line 16, insert the following:

TITLE VII—RAIL SERVICES ACT OF 1973

DEPARTMENT OF TRANSPORTATION—OFFICE OF THE SECRETARY

Emergency Rail Services Assistance

For necessary expenses of carrying out the provisions of section 213 of the Rail Services Act of 1973, $60,000,000, to remain available until expended: *Provided*, That this appropriation shall become effective only upon enactment into law by the 93rd Congress of S. 2767 or similar legislation.

Salaries and Expenses

For an additional amount for "salaries and expenses," $7,000,000, to remain available until expended; *Provided*, That this appropriation shall become effective only upon enactment into law by the 93rd Congress of S. 2767 or similar legislation.

GOVERNMENT NATIONAL RAILWAY ASSOCIATION

Administrative Expenses

For necessary administrative expenses of carrying out the provisions of titles II and III of the Rail Services Act of 1973, $13,000,000, to remain available until expended; *Provided*, That this appropriation shall become effective only upon enactment into law by the 93rd Congress of S. 2767 or similar legislation.

Mr. McCLELLAN. I yield myself 3 minutes.

Mr. President, on December 14, the President of the United States sent to the Senate a supplemental budget request for $126,350,000 for the Department of Transportation, to initiate proceedings in connection with the National Railway Association and the Rail Services Act, anticipating that it would be passed at this session of Congress. I ask unanimous consent that the letter from the President, together with the accompanying papers, be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, D.C., December 14, 1973.

THE PRESIDENT OF THE SENATE,

SIR: I ask the Congress to consider proposed supplemental appropriations for the fiscal year 1974 in the amount of $126,350,000 in budget authority.

The details of these proposals are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully,

RICHARD NIXON.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., DECEMBER 13, 1973.

The PRESIDENT,
The White House

SIR: I have the honor to submit for your consideration supplemental appropriations for fiscal year 1974 in the following amounts:

[Budget authority in thousands]

Department of Transportation	$100,350
Government National Railway Association	26,000
Total	126,350

The details on these proposed supplemental appropriations are contained in the enclosure to this letter. I have carefully reviewed the proposals for appropriations contained in this document and am satisfied that they are necessary at this time. I recommend, therefore, that these proposals be transmitted to the Congress.

Respectfully,

ROY L. ASH, *Director*.

DEPARTMENT OF TRANSPORTATION—OFFICE OF THE SECRETARY

EMERGENCY RAIL SERVICES ASSISTANCE

For necessary expenses of carrying out the provisions of Section 213 of the Rail Services Act of 1973, $85,000,000, to remain available until expended; *Provided*, That this appropriation shall become effective only upon enactment into law by the 93rd Congress of S. 2767 or similar legislation.

This proposed supplemental appropriation will provide for payments to the trustees of railroads in reorganization so that they may continue to provide essential transportation services.

Salaries and expenses

For an additional amount for "salaries and expenses," $15,350,000, to remain available until expended; *Provided*, That this appropriation shall become effective only upon enactment into law by the 93rd Congress of S. 2767 or similar legislation.

This proposed supplemental appropriation will provide for additional expenses necessary to carry out the Secretary's planning, report preparation, and other functions under this new railroad restructuring legislation.

GOVERNMENT NATIONAL RAILWAY ASSOCIATION

Administrative expenses

For necessary administrative expenses of carrying out the provisions of Titles II and III of the Rail Services Act of 1973, $26,000,000, to remain available until expended; *Provided*, That this appropriation shall become effective only upon enactment into law by the 93rd Congress of S. 2767 or similar legislation.

This proposed supplemental appropriation would provide for the establishment and the administrative expenses of the Association. The Association would engage in the prepa-

ration and implementation of the final Midwest and Northeast rail system plan.

Mr. McCLELLAN. In that request, the President requested $126,350,000. The Committee on Appropriations considered the matter this morning and, instead of $126,350,000, has recommended $80 million, as set forth in the amendment that is now at the desk.

Mr. President, this appropriation is contingent upon the Railway Services Act being agreed to in conference and enacted into law. These appropriations would not take effect unless and until such authorization is enacted.

In November, the House passed what it called the Regional Rail Reorganization Act of 1973, H.R. 9142. Last Tuesday, December 11, the Senate passed the Rail Services Act of 1973, S. 2767. These two bills, in the nature of one bill—one is substituted for the other—are now in conference. They deal with the reorganization of the railroad system and the establishment of a new railroad system in the eastern section of the Nation and the midwestern section of the Nation.

Unless this money is appropriated, assuming the legislative authorization is agreed to, no money will be available to start this new program until Congress returns in the new session and has an opportunity to consider it. So I asked the Appropriations Committee, in view of this request from the President, in view of this being the last opportunity for us to make any appropriation to have the program initiated and to get it started, to consider this matter. The committee did so, with the result that it reduced the amount of $126,250,000 to $80,000,000, which will be adequate to take care of this matter until the end of this fiscal year. The $126,250,000 would have taken care of it, it was anticipated, through fiscal 1975.

I yield to the distinguished Senator from North Dakota (Mr. YOUNG), and then I will yield the remainder of my time to the distinguished Senator from Indiana (Mr. HARTKE), who will manage the rail authorization bill on the floor of the Senate.

Mr. YOUNG. Mr. President, I do not profess to be an authority on this subject, but it is my understanding that unless this money is appropriated, it is entirely possible that the Penn Central and perhaps some other railroads might stop their service before Congress convenes again.

If these important railroads have to shut down, it will directly affect the entire Northeastern part of the United States and will indirectly seriously affect all the other States of the Union. I do not believe we have any alternative but to appropriate this money.

Mr. HARTKE. Mr. President, very briefly, we have two issues involved here.

One deals with emergency money to keep the railroads going during the interim period. There is no question about it; everyone agrees. Even though the Department of Transportation did at first disagree, everyone now agrees that that money will be needed in a sum we will appropriate today, if not more.

The second part deals with going ahead and eliminating the difficulty we have with the railroads by providing a new organization and operating group. Unless this action is taken here, both of those items will be seriously affected. One of them might cause us to reconvene in the middle of the adjournment, in order to keep the Penn Central going. The other is planning, for which we will have to appropriate later.

I hope the Senate will approve the amendment. If there are any questions, I will try to answer them at this time.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I am ready to accept the amendment.

Mr. McCLELLAN. We yield back all time on the amendment.

Mr. INOUYE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I send to the desk an amendment on behalf of myself and Senators BAKER, HATHAWAY, MOSS, PELL, and NELSON.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, between lines 18 and 19, insert the following:

National Association of the Partners of the Alliance, Inc.: For necessary expenses to carry out the provisions of section 252(b), $934,000.

Mr. MUSKIE. Mr. President, my amendment would provide direct funding of $934,000 for one of the most successful and promising of our foreign aid programs—the Partners of the Americas.

Partners of the Americas is a people-to-people aid program within the Western Hemisphere. It is carried out by local partnership organizations in 41 of our States, each of which deals directly with a counterpart city or region in 18 Latin American countries. Local programs provide, on an ongoing basis to their Latin American partners, direct technical assistance through visits of skilled U.S. volunteers, as well as assistance in the form of funds and material supplies for specific projects. Federal funding for Partners—spent for the small administrative staff in Washington, and for a portion of the travel cost of Partners volunteers—is in fact seed money, generating private contributions totaling at least 15 times the Federal contribution.

Unless a direct appropriation for Partners of the Americas is included in this foreign aid appropriations bill, Federal support of the program will be slashed, and the future of the program will be threatened. My amendment would not only insure continued Federal support, but allow Partners to establish new local programs in five States and expand its private fundraising efforts. This valuable people-to-people program deserves that Federal support.

Formally, Partners of the Americas is administered by the National Association of the Partners of the Alliance, Inc.—NAPA—a private, nonprofit corporation. Through its staff of 10, NAPA services the projects of local partnership committees here in the United States and in Latin American nations.

It is these local partnership committees that make the Partners program work. Each committee is composed of private citizens and, in some cases, State and local government officials—including 34 State Governors with active involvement, a majority serving as honorary chairmen. I will ask that a list of the 41 State partnerships, and the Governors, be inserted as exhibit No. 1 after my remarks. The committees work with other local voluntary and service organizations, such as the Lions Clubs and the Jaycees, and with local institutions, especially with local universities, to develop a program of assistance to their partners in Latin America. All committee members and program participants serve as volunteers.

In their ongoing planning processes, partnership committees in the United States engage in free exchanges with the similarly composed Latin American partnership committees. They evaluate what problems need attention, and what resources are available. For instance, a partnership may begin with a visit of agricultural experts to help conquer local crop disease; it might be followed with a cooperative effort to build a school, with local labor and U.S. financial aid; and continue with a program of health personnel training. The function of the NAPA staff—and the seed money they provide—is to coordinate, stimulate, and service those volunteer programs.

The continuing nature of the Partners program encourages a continued program of development to show long-term results. For the past 3 years a team of volunteer veterinarians and experts in animal husbandry from Florida A. & M. University in Tallahassee have conducted a short course in livestock and poultry management for 110 middle-level government agricultural technicians at the University of Cordoba in Monteria, Colombia. NAPA invested $3,500 in travel funds for the veterinary team from Florida A. & M.—and generated at least 13 times that amount in hospitality expenses provided to the team by the university, in translation services, travel costs, and services provided by the Colombian state agricultural agencies on the Atlantic coast.

Often, partnership programs find that the U.S. partner has access to highly technical skills needed to solve a highly technical local Latin American problem. One recent example comes from the partnership between Louisiana and El Salvador. In March 1973, a volunteer team of 16 leading orthopedic surgeons, physical therapists, and prosthetic specialists from Louisiana, conducted a 1-week seminar in El Salvador for 150 Salvadorean surgeons and specialists, joined by colleagues from Costa Rica, Guatemala, and Colombia. They performed demonstration operations and surgical procedures which were carried both on closed circuit and on nationwide television, showing the Salvadoreans how to fit artificial limbs to the patients so that they could be walking within 24 hours after the operation, a process that has normally taken 8 months to 1 year with

techniques previously used in El Salvador. The contacts between the U.S. volunteers and the El Salvadorean doctors and patients are continuing today. And the team of doctors brought along about $3,000 worth of equipment, performed over $33,000 worth of services before and during the seminar, and were given $3,000 in hospitality and transportation expenses by the Salvadoreans. NAPA's total support was $1,200 for partial travel—and resulted in $39,000 in benefits, a cost-benefit ratio of $1 to $33.

Many partnerships find that they can solve less esoteric problems in imaginative ways, using the special resources of the U.S. partner. For instance, the Maine partners have twice sent the training ship *State of Maine* from the Maine Maritime Academy on a good will cruise to Latin America—and carried as cargo 100 tons of contributed educational, medical, and hospital equipment and supplies. The cargo came from eight partner States in the United States, and was delivered to their partner areas in Colombia and northeastern Brazil. The total NAPA investment was $1,800 for travel of one technician from Rio Grande do Norte, Brazil, to Maine and one technician from Maine to Rio Grande do Norte to make necessary arrangements and agreements for the shipment. The total yield in shipment and supplies was worth $408,000, a cost-benefit ratio of $1 to $226.

I might add that the Maine partners program with Rio Grande do Norte, Brazil, includes not only our maritime academy, but also the University of Maine, providing long-range technical assistance, including an agricultural experimental station, to the School of Agriculture in Mossoro, Brazil; Bates College, with artist in residence program; the Portland Symphony Orchestra, whose string quartet performed concerts and conducted workshops in Natal this past year; the Maine public school system, which now uses to teach in the elementary grades a text on the people, language, culture, customs, and economy of Rio Grande do Norte; Maine Diocese, which has sent a social worker and three nurses/teachers to the interior of Rio Grande do Norte; and a high school student exchange program of 40 to 50 students each year.

And partnerships give help on an emergency basis. When tragedy struck Nicaragua in the form of a devastating earthquake last year, the U.S. partners in Wisconsin responded immediately. With the help of NAPA, they collected needed supplies, and raised more than $600,000 in cash. Two years earlier, when a disastrous earthquake hit Peru, its partners in Texas responded similarly. In the case of Nicaragua, the NAPA investment was $16,200, and yielded $2 million in supplies and services, for a cost/benefit ratio of $1 to $123. The Wisconsin partners are still assisting in the reconstruction in Nicaragua, and just last month Governor Lucey inaugurated the first reconstructed school built with funds donated by the people of Wisconsin.

The impressive individual partners case histories add up to make impressive totals as well. In the last fiscal year, 3,444 volunteers traveled to their partner areas to conduct projects in agricultural development, medical health, disaster relief, education, special education and rehabilitation, community development, trade and investment, and sports and cultural exchanges. NAPA sponsored the travel of 370 of those volunteers at a cost of $234,515. The other 3,074 travelers—over 9 out of 10—sponsored their own travel to participate in partners projects, at a cost of $2,280,045.

And the value of projects conducted by the entire partners program during the past fiscal year, in addition to the shipment of 589 tons of equipment to Latin America, was over $6 million—with a total U.S. Government investment of $450,000. I will ask that additional statistics on the partners program be printed in the RECORD as exhibit No. 2.

Mr. President, with this record before us, we must today decide the future direction of Federal support for the partners program. Since 1968, NAPA has been funded by steadily diminishing grants from AID. For calendar year 1973, the grant totaled $450,000, including $400,000 from AID's fiscal year 1973 appropriations and $50,000 unexpended from prior years. AID plans to reduce its grants to $350,000 for 1974 from this appropriation, $250,000 for 1975, and nothing thereafter.

Private fundraising has been only partially successful, but prospects are improving. If the effort to enhance private funding is to succeed then the partners must have breathing room and an enhanced staff for vigorously pursuing private money. In addition, Partners is in a position now to expand its program.

In considering the foreign aid authorization, we approved a line item authorization of $934,000 for the partners program. A full appropriation of this amount would continue the NAPA program of administrative support and travel funds for volunteer technicians, and could allow expanded fundraising and the necessary funds to assist in establishing additional partnerships which have been requested by five States—Montana, Nebraska, South Dakota, South Carolina, and Arizona—and additional areas in California and New York. My amendment would provide that full funding.

Mr. President, I urge the Senate to adopt this amendment to provide a needed Federal boost to a proven people-to-people assistance program.

I ask unanimous consent that there be printed in the RECORD as exhibit No. 1 the lists of State partnerships and Governors, and as exhibit No. 2 statistics on the 1972–73 partner program, and that they be followed by a series of articles concerning the partners, including:

First. "Jaycee/Partners of the Americas Program Brings Action, Impressive Results"—from Future magazine, February 1972, the official publication of the U.S. Jaycees;

Second. "From Maine to Brazil, With Love"—from the Lion, the official publication of the Lions International;

Third. "OAS Expands Efforts to Rehabilitate the Handicapped" from the Americas magazine, the official publication of the Organization of American States—volume 25—June, July, 1973; and

Fourth. "People Getting Together Are Called Partners" from the magazine War on Hunger published by the Agency for International Development, April 1973.

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

EXHIBIT NO. 1

PARTNERS OF THE AMERICAS,
Washington, D.C.

THE PARTNERSHIPS

Alabama—Guatemala.
Arkansas—Santa Cruz, Bolivia.
California—Baja California, Sinaloa, Morelos, Nayarit and Puebla, Mexico.
Colorado—Minas Gerais, Brazil.
Connecticut—Paraiba, Brazil.
Delaware—Panama.
District of Columbia—Brasilia, Brazil.
Florida—Northern Colombia.
Georgia—Pernambuco, Brazil.
Idaho—Mountain Region, Ecuador.
Illinois—Sao Paulo, Brazil.
Indiana—Rio Grande do Sul, Brazil.
Iowa—Yucatan Peninsula, Mexico.
Kansas—Paraguay.
Kentucky—Highlands, Ecuador.
Louisiana—El Salvador.
Maine—Rio Grande do Norte, Brazil.
Maryland—Rio de Janeiro (state), Brazil.
Massachusetts—Antioquia, Colombia.
Michigan—British Honduras (Belize) and Dominican Republic.
Minnesota—Uruguay.
Missouri—Para, Brazil.
New Hampshire—Ceara, Brazil.
New Jersey—Alagoas, Brazil.
New Mexico—Tabasco and Chiapas, Mexico.
New York (Buffalo-Niagara)—Jamaica.
North Carolina—Cochabamba, Bolivia.
Ohio—Parana, Brazil.
Oklahoma—Chihuahua, Coahuila, Colima, Sonora and Tlaxcala, Mexico.
Oregon—Costa Rica.
Pennsylvania—Bahia, Brazil.
Rhode Island—Sergipe, Brazil.
Tennessee—Amazonas, Brazil and Venezuela.
Texas—Peru.
Utah—La Paz and Altiplano, Bolivia.
Vermont—Honduras.
Virginia—Santa Catarina, Brazil.
Washington State—Guayas and Los Rios, Ecuador.
West Virginia—Espirito Santo, Brazil.
Wisconsin—Nicaragua.
Wyoming—Goias, Brazil.

PARTNERS OF THE AMERICA,
Washington, D.C.

GOVERNORS CURRENTLY INVOLVED IN THE PARTNERS PROGRAM

The following states receive active support of their Governors in committee activities. In the majority of these states, the Governor serves as Honorary Chairman.

Arkansas—Gov. Dale Bumpers.
Colorado—Gov. John D. Vanderhoof.
Connecticut—Gov. Thomas J. Meskill.
Delaware—Gov. Sherman W. Tribbitt.
Florida—Lt. Gov. Tom Adams.
Georgia—Gov. Jimmy Carter.
Idaho—Gov. Cecil D. Andrus.
Illinois—Gov. Dan Walker.
Iowa—Gov. Robert D. Ray.
Kansas—Gov. Robert Docking.
Kentucky—Gov. Wendell H. Ford.
Louisiana—Gov. Edwin Edwards.
Maine—Gov. Kenneth M. Curtis.
Maryland—Gov. Marvin Mandel.
Massachusetts—Gov. Francis W. Sargent.
Michigan—Gov. William G. Milliken.
Minnesota—Gov. Wendell R. Anderson.
New Hampshire—Gov. Meldrim Thomson, Jr.
New Jersey—Gov. William T. Cahill.
New Mexico—Gov. Bruce King.
North Carolina—Gov. James E. Holshouser, Jr.

Ohio—Gov. John J. Gilligan.
Oklahoma—Gov. David Hall.
Oregon—Gov. Tom McCall.
Pennsylvania—Gov. Milton J. Shapp.
Rhode Island—Gov. Philip W. Noel.
Tennessee—Gov. Winfield Dunn.
Utah—Gov. Calvin L. Rampton.
Vermont—Gov. Thomas P. Salmon.
Virginia—Gov. Linwood Holton.
Washington—Gov. Daniel J. Evans.
Wisconsin—Gov. Patrick J. Lucey.
Wyoming—Gov. Stanley K. Hathaway.

EXHIBIT NO. 2

PARTNERS OF THE AMERICAS,
Washington, D.C.

STATISTICS ON 1972–1973 PARTNERS PROGRAM

The Partners have just completed their greatest year. The attached pages of statistics show these growth highlights for the 1972–1973 year:

The 43 partnerships conducted 557 projects totalling $6,447,227 in value, exchanging 3,444 people and shipping 589 tons of equipment and supplies to Latin America;

Total project values increased over the previous year by 88%, self-financed travel by 66%, donated equipment by 111%, the number of people exchanged by 44%, and other cash contributions by 108%;

Projects conducted by the partnerships accounted for 96% of the $6.7 million Partners Program this year, while NAPA's administrative expenses accounted for 4%;

Health services and medical training remained the largest single area of project activity for the Partners, accounting for 27% of total project values;

Nine out of ten Partner travelers paid their own travel this year, while the partnerships utilized travel funds available from NAPA to support the technical services provided by 370 key volunteers.

NAPA's contributions to volunteer technician travel increased this year by 32% while its administrative expenses increased by only 4%;

Through cost-sharing with the partnerships, NAPA was able to support travel by 52% more technicians this year than during the previous year, keeping its net cost per traveler ($634) over $100 lower than the average cost incurred by people who paid their own way ($742);

For every AID dollar invested this year in the Partners program, the partnerships and NAPA jointly produced $13 in self-financed travel, donated equipment and supplies, scholarships, hospitality costs, disaster relief and other cash contributions;

Contributions to NAPA from new sources other than AID increased by 1,619% this year to $71,573. Seventeen percent of NAPA's income in FY 1973 came from new sources, as compared to 1% in FY 1972.

PARTNERS OF THE AMERICAS 1972–73 PROJECTS, BY CATEGORY

Project category	Number of States participating	Number of projects conducted	Number of people exchanged	Number of tons equipment, supplies shipped	Value of partners shipments	Other project costs	Total project values	Category percent of total
Agriculture	16	32	55	13	$60,610	$256,240	$316,850	
Community development	15	28	130			234,222	234,222	4
Cultural exchanges [1]	35	101	2,202			1,161,277	1,161,277	18
Disaster relief	1	1	31	180	338,000	857,700	1,195,700	18
Education	37	100	208	110	319,411	682,266	1,001,677	16
Public health	30	92	143	286	1,624,882	114,531	1,739,413	27
Special education, rehabilitation	26	65	128			348,532	348,532	5
Sports	25	29	174			133,386	133,386	2
Trade and investment	13	19	85			63,195	63,195	1
Other projects [2]	34	90	288			252,975	252,975	4
Total	41	557	3,444	589	2,342,903	[3] 4,104,324	6,447,227	100

[1] Includes university and high school student exchanges and tourism.
[2] Includes other technical exchanges, plus visits by partner committee officers, governmental officials.
[3] Includes $2,514,560 in travel costs and $1,589,764 in hospitality, scholarships, and other cash contributions.

PARTNERS OF THE AMERICAS, TRAVEL BREAKDOWN FISCAL YEAR 1973

Category of travelers	Number of States participating	Total travel		Self-financed travel			NAPA-sponsored travel		Percent total NAPA travel dollars
		Number of travelers	Dollar value of travel	Percent of total travelers	Number of travelers	Dollar value	Number of travelers	Dollar value	
Agricultural technicians	16	55	$40,157	40	22	$19,241	33	$20,916	9
Educators	30	208	151,866	78	163	123,344	45	28,522	12
Rehabilitation specialists	24	128	93,456	30	39	37,046	[1] 89	56,410	24
Medical personnel	20	143	104,408	74	106	80,956	37	23,452	10
Community workers	14	130	94,917	89	116	86,043	14	8,874	4
Business, civic leaders	13	85	62,061	80	68	51,286	17	10,775	5
Cultural artists, technicians	20	543	396,459	93	505	372,374	38	24,085	10
Sports coaches, athletes	25	174	127,042	83	145	108,661	[2] 29	18,381	8
Government officials	26	94	68,632	100	94	68,632			
Partner committee officers	30	167	121,932	63	106	83,269	61	38,663	16
College/university students	32	495	361,414	100	495	361,414			
High school students	25	389	284,019	100	389	284,019			
Tourists	22	775	565,849	100	775	565,849			
Other technicians	15	58	42,348	88	51	37,911	7	4,437	2
Total	41	3,444	2,514,560	89	3,074	2,280,045	370	234,515	100

[1] Of these, 45 specialists were supported by sources other than AID.
[2] Of these, 13 coaches were supported by sources other than AID.

[From Future, Official Publication of the U.S. Jaycees, February 1972]

INTERNATIONAL INVOLVEMENT—JAYCEE/PARTNERS OF THE AMERICAS PROGRAM BRINGS ACTION, IMPRESSIVE RESULTS

(By Gary McNaught)

The U.S. Jaycees/Partners of the Americas Program is moving ahead at a constructive pace, and for the first time many Jaycee organizations are contributing to the success of statewide international projects while fostering friendship with other members of Junior Chamber International.

Every state organization of The U.S. Jaycees has a partner for international involvement. Most partners are states or countries located in Latin America with the remainder in Europe, Canada and Asia. For example: Texas-Peru, Maine-Rio Grande do Norte, Brazil, Wisconsin-Nicaragua, Hawaii-Taiwan and South Dakota-Ontario, Canada.

The value of having a partner for development is in the nature of international programming. Unlike domestic projects, international activities take longer and require specialized communication, transportation and development funds. These items are sometimes difficult in acquiring and in some cases, undependable even after authorization is secured. Thus, long-range development is necessary.

Also, because your Jaycees are creating new relationships with people from another country, those relationships cannot be severed by a mere change of Jaycee administration. The Jaycees in your partner country look at your friendship and project commitments as a permanent bond of activity and projects completed are viewed by community citizens of that country as one of the most important developments in their lives.

Most partner projects require long-range planning, together with short-range project successes. Most of this activity is in selected fields: health, education, vocational training, student exchanges, community recreation and sports, agriculture, small business development and special education. The projects require specialized material, equipment, funds and a transfer of technology by Jaycees having professional experience in these fields.

Some exciting projects are underway, or have been completed with the assistance of the Partners of the Americas in Washington, D.C. John Benjamin, former U.S. Jaycees staff officer responsible for International Involvement, is now an Associate Director of the Partners of the Americas. President Ron Au appointed Benjamin as International Consultant and he has spent a large percentage of his time meeting with Jaycee leaders to assist with project planning and implementation.

The following projects are examples of

"what is happening" with The U.S. Jaycees/Partners Program:

The Colorado Jaycees are supporting a rehabilitation program which includes annual, intensive training of visiting Minas Gerais, Brazil teachers of the physically handicapped and mentally retarded.

The Connecticut Jaycees are building a 12-room school house in Paraiba, Brazil. Steve Jacoby, Project Chairman, traveled to Paraiba in September to develop details of the project and to start work in organizing a Jaycee chapter. The school will contain: science laboratories, lecture rooms, dining rooms, kitchen, dormitories for boarding students, library, study rooms, offices and auditorium.

The Coral Gables, Florida Jaycees delivered $150,000 worth of medical equipment, clothes and toys to a hospital and orphanage in Cartagena, Colombia. Also, the Florida Jaycees will be participating in a dental seminar at the University of Cartagena Dental School. They are also involved in shipping to the Cartagena Municipal Orchestra band instruments to replace ones destroyed by a recent fire.

The Indiana Jaycees recently finished collecting needed technical books for Rio Grande do Sul, Brazil libraries. They will also be hosting an Olympic swimmer from Rio Grande do Sul during his studies at the University of Indiana. Jaycees Chic Lantz and Gary Loveless will be departing with the Governor of Indiana for a development trip to Indiana's partner state.

The Minnesota Jaycees are conducting a school-to-school program with their partner country, Uruguay. They are likewise collecting school equipment and a bus to support educational needs in rural areas. The school-to-school program is operating with the cooperation of the Uruguay Jaycees. Recently, the Minnesota Jaycees received a contribution of a fully equipped ambulance which will be shipped to Uruguay.

North Carolina Jaycee Carlos Rios recently returned from a two week development trip to Cochabamba, Bolivia. The North Carolina Jaycees will be building rural schools and supporting many of the medical needs of rural hospitals in the Cochabamba area. Likewise, they are organizing a student exchange program between North Carolina and Cochabamba high school students.

The Jaycees in Rhode Island are active in projects with their partner state of Sergipe, Brazil. Walter Krauss, Jr., International Director, reports project development in the following areas: Rhode Island Jaycees are adopting a foster child in Sergipe, setting up a children's cultural art exchange involving 3,000 to 4,000 children, collecting and shipping children's books for a Sergipe orphanage, collecting materials to build a new water system at a girl's orphanage and conducting international night activities consisting of events that depict a Brazilian festival. Also, they plan to build a new school house and recently collected 30 school desks for this project.

The Virginia Jaycees completed the first phase of a project with Santa Catarina, Brazil. At their fall board meeting 30,000 pounds of agricultural equipment was collected and made ready for shipment to Brusque, Santa Catarina. The equipment included a new Ford 3000 Series Diesel Tractor and related equipment, an Oliver tractor and plow, 10,000 hand tools and 10,000 pounds of seeds. As a follow-up, the Virginia Jaycees will send a team of Jaycee agriculture experts to Santa Catarina to conduct a two week educational seminar on agricultural techniques. Jaycee State Chairman Hobart Whitaker traveled to Santa Catarina in December to develop administrative operation of the cooperative.

The Wisconsin Jaycees are developing projects that will assist the hurricane stricken Rio Coco area in their partner country of Nicaragua. Governor Patrick Lucey called upon Jaycee President Ron Foster to help in the area of medical and relief supplies. The Wisconsin Air National Guard transport goods and materials for the Jaycees. Also, volunteer Jaycee technicians are offering medical services to the people in this stricken area.

At the World Congress in Honolulu, Hawaii last November, the U.S. Jaycees received special recognition from JCI regarding the activities and successes of the Partners program. JCI President Royce Pepin indicated by letter that The U.S. Jaycees/Partners Program would be given special consideration for development and assistance offered by the JCI Secretariat in encouraging JCI participation.

There are many more examples of project activity underway or on the "drawing board" that could be related, many of which offer opportunities for personal involvement by Jaycee members. An important aspect of working with a partner is in the area of continuous visibility of accomplishment. All of the efforts of Jaycee members will be personally appreciated by partner counterparts due to the communication and personal contact in completing projects. To the Jaycees this is important. To the JCI member, it is a way to learn, grow, and offer his community development advantages that in many cases would not be available in this country.

[From the Lion, official publication of Lions International, September 1973]

FROM MAINE TO BRAZIL WITH LOVE

(By Ted J. Rakstis)

When the summer is over, 23-year-old Bernadette Bezerra will say goodbye to the family of Lion Charles Harriman and return to her native Brazil to complete a college education that began two years ago in Portland, Maine. But even though her home in the state of Rio Grande do Norte is nearly 4000 miles from the rocky coast of Maine, Bernadette will be coming back to a land whose future has become interlinked with that of the New England vacation mecca.

Maine and Rio Grande do Norte are partner states matched through Partners of the Americas, a unique volunteer effort that is supported by Lions in Maine, New Jersey and Kansas. From its beginning 10 years ago, Partners has grown to 43 committees operating between 41 states in the United States and 18 Latin American countries.

Partners is an organization of individual citizens that emphasizes private initiative as the basic tool by which the United States and Latin America can work together for economic and social self-help," explains John Benjamin, Partners associate director. "Lions are playing an ever-increasing role in the development of several partnerships."

In Kansas, Lions have provided glasses for a Partners sight conservation project in Paraguay, and New Jersey Lions have helped to send hospital and school equipment to Alagoas, Brazil. But nowhere have Lions been more active than in Maine. Under the Maine-Rio Grande do Norte partnership, students like Bernadette Bezerra and visiting teachers and performing artists bring an infusion of Brazilian culture to Maine. In return, the New Englanders provide badly-needed medical and educational equipment, technical personnel and a sample of their own distinctive life style.

Charles Harriman, Bernadette's "foster father" for the past two years, is a Portland stock broker who has been active in Lionism as a president of the Falmouth club, deputy district governor and now vice-chairman of the Maine Partners program. (The chairman is Ernest Bracy, a former Lion from Readfield.) Says Harriman: "It's not enough for the U.S. Government to send money to developing nations. What we need is more people-to-people contact."

Maine Governor Kenneth Curtis, one of some 30 U.S. governors actively supporting Partners of the Americas, was largely responsible for initiating the Maine program. Rio Grande do Norte was chosen because, like Maine, it is a northeasternmost state in its nation and relies principally upon a fishing and farming economy. Yet, unlike its thriving Yankee partner state, Rio Grande do Norte is far from affluent. Its people earn only about $400 a year, 40 percent are unemployed and the illiteracy rate is high.

Shortly after the Maine Partners were organized in 1968, the Lions of Maine moved to participate on a statewide basis. Harriman was chosen to go to Natal, the capital of Rio Grande do Norte, to establish liaison with Lions leaders there. At that time the governor of Rio Grande do Norte was Msgr. Walfredo Gurgel, a prominent Lion. Harriman spoke to 10 Lions clubs in and around Natal and pledged the full support of Maine Lions.

Plans were developed for Maine to provide supplies and technicians in exchange for Brazilian students and university professors. When Harriman returned home, he began a speaking tour that eventually brought him before 25 Maine Lions clubs and 100 other civic groups. Through his efforts, the Maine Lions raised money toward the purchase of a $2500 electroencephalograph for a hospital in Natal, but this was merely the first step in the Lions' mission.

"The Lions in Brazil are one of the nation's major social action groups," Harriman points out. "They have built schools and medical clinics but have had trouble getting the equipment to furnish them. To help meet their needs, we contacted schools and hospitals in Maine and were able to get about 150 hospital beds and 500 school desks."

The Maine Lions collected other medical supplies—a respirator, sterilizer, x-ray machines and dental chairs. Herbert Olsen and Don Olen, two Falmouth Lions who work for a medical supply house, volunteered to recondition much of the equipment. Simultaneously, other Main Partners joined the Lions in gathering goods for shipment to Brazil.

Partners workers rounded up hand tools, playground equipment, school blackboards, office machines and numerous other items. The home builders of Maine donated a prefabricated house, which later was named *Casa do Maine* and erected in Natal as a community education center. The Maine Truck Owners Association offered to transport equipment to a central shipping point and the Jaycees, who have since adopted Partners.

* * * * *

She has just completed her sophomore year at Westbrook College in Portland and soon will return to Natal to finish studies that she hopes will lead to a job as a reporter for a Brazilian newspaper.

"I have had a great experience in a great country," Bernadette says. "The people in Maine are much like those in my native land—warm and friendly. Though I may be thousands of miles from Portland, I will never forget my home and 'family' here."

Last winter, Bernadette organized a Portuguese language course for a small group of Falmouth Lions and their wives. The class met each week in the home of Tom Randall, a grocer whose family earlier had been the hosts of another Brazilian girl. Last spring (1973), Randall and his wife, Muriel, went to Rio Grande do Norte. As a result of Bernadette's tutoring, Randall was able to deliver his Lions Club talks in Portuguese.

There have been many tearful scenes at the Portland Jetport when the Brazilian youngsters leave for their real homes, and they never forget to write "mom and dad"

in Maine. And when they do return to Rio Grande do Norte, they take with them an insight into modern life that will enable them to become the future leaders of their communities.

As a means of building bridges between nations, it is doubtful that anyone ever has devised a program as effective as Partners of the Americas. Variations of the Maine-Rio Grande do Norte story are being accomplished by other states working with Guatamala, Nicaragua, Bolivia, Ecuador, Mexico, Colombia, Peru and other Latin nations. With the proper planning, the program could become global, and Lions may play a key role in shaping its future.

Henry Steinfeld, a past Lions International Director and an attorney in Portland, has been working to have an expanded version of Partners accepted as a world-wide Lions project. "The efforts of Partners in the United States and Latin America could be just the beginning," Steinfeld believes. "The same thing might be done by the Lions of Europe, Japan and Australia with the emerging countries of Africa and Asia. People who have must help those who have not, and it can be done by Lions involvement on the most meaningful level of all—people to people."

[From Americas magazine, volume 25, June-July 1973]

OAS Expands Efforts To Rehabilitate the Handicapped

At the annual conference in Washington, D.C. of the President's Committee on the Employment of the Handicapped, in May, Secretary General Galo Plaza spoke of the relation of the problems of rehabilitation to the problems of underdevelopment and of current OAS efforts to expand cooperative programs with nongovernmental organizations in rehabilitating the handicapped:

In Latin America the problem of rehabilitation is intimately related to the problems of underdevelopment. The analogy of the vicious circle, which is sometimes used, is an oversimplification. What we have in effect is a tangled web of interrelated variables; extreme poverty, limited effective demand for goods and services, unemployment, malnutrition, disease, birth defects, retardation, learning disabilities, and illiteracy, to name only the factors that come immediately to mind.

Where does one begin to disentangle this web and correct these conditions? Of course there is no single answer, applicable to all countries. The strategy will vary, but perhaps the most critical need throughout the developing world is in the area of training for employment. . . .

I believe that vastly expanded educational and training opportunities of all types for those with mental, physical, or social handicaps are needed if rapid progress is to be made toward the improvement of the well-being of all the peoples of the developing world.

I am not implying that all of the rest of the pieces of the development puzzle will fall into place if this is accomplished. Training for employment must be accompanied by integrated national policies that vigorously promote the opening up of new job opportunities of all types. A viable strategy requires simultaneous action on both fronts—job training and job creation.

The dimensions of the task are enormous. that is why it is so important that governments and private organizations work hand in hand to accomplish it. Neither can do it alone. The People-to-People Program's Committee for the Handicapped provides rehabilitation services all over the world, thereby strengthening interrelationships between men and nations. . . .

I am pleased to recognize the valuable contribution that the Partners Rehabilitation and Education Program is making in seventeen Latin American countries, and in their twenty-five partner states in the United States, by providing treatment, training, and services for the handicapped, and promoting contacts and exchange of information and resources among rehabilitation and special education specialists. No other volunteer program is having a greater impact on the lives of so many people in so many countries at so small a cost. . . .

The Organization of American States was pleased to be able to join the Partners Rehabilitation and Education Program in cosponsoring a research survey on special education and rehabilitation throughout Central America and Panama. The survey was directed by John Jordan, Director of the Partners Rehabilitation program and professor at Michigan State University. It has compiled full data, much of it previously unavailable, on the number of the handicapped in the region and the nature of their disability, and on the number of rehabilitation personnel and their level of training. The findings of the survey are already being used in the planning and development of national and international programs to meet specific rehabilitation problems in Central America and Panama. The survey revealed a need for more specialized training for teachers of the handicapped and administrators of rehabilitation institutions. This joint OAS-Partners survey has already more than $120,000 worth of training opportunities among the six partnerships.

The regional approach that has been followed in this instance might commend itself for application in other parts of Latin America and elsewhere in the world. Pilot projects certainly have their place, but the resources of the individual countries and the international organizations would go further if they are carried out on a regional basis so that people of more than one country may benefit from them.

The Central American survey I have mentioned illustrates another important point: in this field, as in so many others, cooperation between intergovernmental organizations and private agencies can be a fruitful way of stretching resources to provide greater impact and avoid duplication of effort.

The Organization of American States is seeking to expand its cooperative relations with nongovernmental organizations for the carrying out of programs of mutual interest.

People Getting Together Are Called Partners

(By Stephen G. Sonner)

Fires were still burning through the earthquake ruins in Nicaragua's capital city of Managua when Wisconsin Governor Patrick J. Lucey called members of the press to his office in Madison. "On this Christmas Day, I am officially announcing the beginning of an aid mission to Nicaragua," the Governor said.

For the second time in less than two years, Governor Lucey was calling on the people of Wisconsin to help victims of a natural disaster in the Central American republic of Nicaragua, 3,000 miles away. In September 1971, after Hurricane Edith battered and drenched Nicaragua's Atlantic coast, the people of Wisconsin had responded with two planeloads of relief supplies.

The inspiration for these two emergency relief operations in Nicaragua had its origins in a program that began in the Agency for International Development almost 10 years ago. Wisconsin and Nicaragua belong to Partners of the Americas. They represent one of 43 partnerships between states in the United States and states, regions or countries in Latin America.

Partners of the Americas, originally called Partners of the Alliance, was created in 1964 by AID as the people-to-people component of the Alliance for Progress. AID ran Partners of the Americas until 1970, when the program became a private nonprofit organization. Grants from AID continue to support administrative services and volunteer technician travel.

In the weeks since the earthquake in Managua, the Wisconsin Partners, working with the U.S. Jaycees, have received over $275,000 in cash contributions, and have shipped seven planeloads of food and other emergency supplies to victims of the earthquake. Included among the supplies airlifted to Nicaragua was a shipment of 18,000 pounds of canned luncheon meat, ready for immediate consumption and ideal for distribution to earthquake refugees. Oscar Mayer & Company, a meat processing firm with headquarters in Madison, donated the canned meat after a disaster survey team from the Wisconsin Partners of the Americas reported a critical need for food in Nicaragua.

Although emergency relief is provided when needed, most of the work of Partners of the Americas focuses on self-help projects of economics, social and cultural development. Under the partnership arrangement between the United States and Latin America, people on both sides of the border work together on projects in agriculture, public health, community development, education, cultural exchanges and rehabilitation.

The partnership between Utah and Bolivia, for example, has resulted in the building of 40 rural elementary schools in the Bolivian Altiplano, an area that bears a striking resemblance to Utah's high desert. People in Utah, mostly school children and their families, have contributed the funds to construct the schools, with Bolivians providing the land and labor. The Utah-Bolivia committee, which is sponsoring the project, is planning to build 200 schools during the next 10 years.

Ten years ago, people in British Honduras tried unsuccessfully to establish a 4-H program for young people from rural areas. Three years ago, government officials in British Honduras requested assistance from their partner state of Michigan. The result has been a successful coopeartive effort between the Michigan-British Honduras partnership, with 4-H volunteers from Michigan training youth organizers from British Honduras to establish 4-H clubs throughout the country.

"The emphasis is on the 'partnership' concept," says Alan A. Rubin, President of the Partners of the Americas National Association, located in Washington, D.C. "We rely on the Latins to tell us what they want, and then we try to get it for them."

Recently the Panamanian Ministry of Health started a nutrition project in 200 rural villages in Panama. To help get the project going, the AID mission in Panama contacted Brian Bosworth, a former official with AID now living in Delaware, Panama's partner state. Bosworth, in turn, got in touch with the Kent and Sussex Rabbit Association, which agreed to donate 38 pair of selected breeding rabbits to Panama.

Because of their classic ability to reproduce and their high protein value, rabbits offer an ideal source of meat to Panamanian families. Milford Petitt, President of the Kent and Sussex Rabbit Association followed the rabbits to their new home to help the Panamanians learn to raise their new sources of protein.

Another agricultural project has been going on for several years between the partner states of Iowa and Yucatan, Mexico. Working through the Iowa-Yucatan Partners, Iowa agronomists are providing continuing technical assistance to an experimental farm in Yokat, Yucatan. One of the results of this project is a new strain of corn seed adaptable to the arid climate and soil of the Yucatan Peninsula.

In addition, the Iowa-Yucatan Partners of the Americas are developing alternative uses for henequen, a native plant used to make rope and twine. Worldwide demand for henequen has declined because of the increasing

use of synthetic fibers. Bagazo, the residue from henequen processing, may be salvageable as a source of cattle feed, instead of being left to rot. Currently, farmers in Yucatan cannot raise much livestock because of a shortage of feed.

As a result of their hurricane relief efforts in 1971, the Wisconsin Partners of the Americas set up a continuing program in Nicaragua for senior medical students from the University of Wisconsin. Selected medical students, working under the supervision of the Nicaraguan Ministry of Health, are serving for three months in the Rio Coco area of eastern Nicaragua, treating patients under actual field conditions and learning about tropical diseases.

Another university—Florida A & M in Tallahassee—each year sends a team of professors to Florida's partner country of Colombia, where they conduct a short course in agriculture for government technicians at the University of Monteria.

Brazil, largest country in South America, has 18 partnerships with states in the United States. A $900 trailer van that transported hospital equipment from New Jersey to the state of Alagoas, Brazil, has been recycled by the Brazilians into a $93,000 mobile laboratory for the Alagoas Sugar Cane Experiment Station. Today the van is traveling the Brazilian countryside to analyze the sucrose content of sugar cane, enabling farmers to sell their crops by quality rather than by the traditional weight method.

Specialists from the Wyoming Department of Agriculture are helping ranchers in the Brazilian state of Goias control the berne fly, which causes heavy losses among cattle. A professor of entomology from the University of New Hampshire is studying ways to control the sauva ant, a leaf-eating insect that plagues farmers in New Hampshire's partner state of Ceara, Brazil.

Individual projects range from the very small to the very large. In the latter category, rehabilitation specialists from six states worked with their counterparts in six Central American countries to survey the needs of handicapped persons in Central America and Panama. This research survey, sponsored jointly by Partners of the Americas and the Organization of American States, has resulted in more than $100,000 in technical services and training opportunities for handicapped persons in Guatemala, Honduras, British Honduras, El Salvador, Nicaragua and Panama, as well as in the United States. The survey was conducted under the auspices of the Partners Rehabilitation and Education Program (PREP), a cooperative venture between Latin America and the United States to improve the lives of the physically and mentally handicapped.

George Lambert, owner of a company in Louisiana that produces artificial limbs, and himself the wearer of two artificial legs, is conducting a seminar for 150 prosthetic specialists in El Salvador, Louisiana's partner country. Lambert has recruited a team of surgeons who will help fit patients with artificial legs and have them walking within three weeks of an amputation. Until now, this rehabilitation process has taken one year.

In education, 900 students each year participate in exchanges between partner states in the United States and Latin America. Elementary school teachers from Vermont are teaching English to students in Honduras. Each year, Bates College, Lewiston, Maine, plays host to an artist in residence from Rio Grande do Norte, Brazil, Maine's partner state.

The Partners of the Americas program is manned almost entirely by volunteers. "Our investment is in people and in their projects," says Partners President Alan Rubin. Last year Partners of the Americas generated almost $9 in project activity for each dollar spent on the program.

Partners of the Americas receives 90 percent of its support from private source. A grant from AID provides funds for U.S. volunteer technicians to travel to Latin America and supports the work of the National Association of the Partners of the Americas, which assists state partner committees as a servicing and advisory agency.

More than 30 governors, including Governor Lucey of Wisconsin, actively support the partnership program in their states. President Nixon serves as Honorary Chairman of Partners of the Americas.

During 1972, 1,500 volunteer specialists, ranging from agronomists to zoologist, visited Latin American partner states to provide direct project assistance.

"One of the main advantages of our program," says Rubin, "is that it's open to people from all walks of life. All that's needed is someone with a skill to offer, a project idea, and the drive to get it moving."

Last year, for example, the Illinois Federation of Women's Clubs, in cooperation with the Illinois Jaycees, conducted a drug-abuse education program in Sao Paulo, Brazil, the largest industrial city in South America. In an effort to discourage the use of hallucenogenic drugs among high school students, this project demonstrated the effects of various drugs on rats.

"We are trying very hard to build a constituency for foreign assistance this country," says Rubin. "We believe the way to do it is to get people involved, personally, in some kind of foreign assistance, as an important adjunct to government-to-government programs.

"Partners of the Americas offers private citizens a chance to get involved first-hand, and to see the results of their efforts," Rubin explains. "Also there's the people-to-people angle. When someone in Pennsylvania donates seeds to farmers in Brazil, the farmer in Brazil will send him pictures of the plants, and then of the harvest. Patterns of the Americas offers continuity and a specific geographic focus, something the average person doesn't get from most foreign assistance programs."

As U.S. foreign aid programs re-emphasize the people-to-people approach in development programs like Partners of the Americas that involve private citizens in self-help projects can be expected to play an increasingly important part in foreign assistance and hemispheric development.

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

Mr. MUSKIE. I yield.

Mr. MOSS. Mr. President, I am very pleased to join with the Senator from Maine and others in sponsoring this amendment.

I am sorry that when the foreign assistance bill (H.R. 11771) was considered in Appropriations Committee, the committee eliminated the funds for a Federal contribution to the Partners of the Americas program. Apparently, the committee was not fully informed concerning the success of this unique experiment in bringing the people of the United States closer to our neighbors to the South.

President John F. Kennedy was the originator of Partners of the Americas. His idea was to set up a foreign aid program that would bypass the usual bureaucratic entanglements and that instead would be based on direct involvement between the people of the United States and the people of Latin America.

Let me say that this idea worked remarkably well. People in 41 States have helped to initiate a wide range of projects in Central and South American countries, and in turn, a large number of people in these countries have become involved in the projects to carry out their side of the partnership.

The State of Utah and its partner, Bolivia, provide an excellent example of the way the program has been working. Some 50,000 Utah students have become involved in helping the Bolivians build schools. In the past several years, these students have held raffles, run car washes, initiated paper drives, and through these ventures, have raised more than $50,000 to go toward the building of schools in Bolivia.

The Bolivians have responded by providing labor, materials, and land. As a result, the Utah-Bolivia project can now be credited with 58 new schools.

The Utah-Bolivia partnership has also brought improvements to the agricultural program at the College of Campesinos, has provided a number of first aid programs for schools, and has raised money for cultural exchange programs.

Mr. President, if it is necessary for us to make cuts in the funds for foreign assistance, the Partners of the America is not the place where the cuts should be made. I can think of no better investment than the $934,000 Federal grant that goes to the Partners. The return on this particular investment is extremely high, since the Federal money simply provides the groundwork on which contributions by the people of the States and the people of Latin America can be built. It has been estimated that the benefit-cost ratio runs as high as $75 for each dollar that goes into a Partners' project.

At a time when there are serious questions about the basic worth of many of our foreign assistance programs, Partners of America obviously is one that is worth every penny we spend on it. In fact, the worth of this program is probably even greater than any price tag that can be put upon it because it involves cooperation among people at a basic, humane level.

Mr. President, I am pleased to join Senator MUSKIE and others in cosponsoring the amendment to restore Federal funds for this worthwhile and successful program.

Mr. MUSKIE. I thank the Senator.

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

Mr. MUSKIE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I support the amendment offered by the Senator from Maine. It is astonishing and somewhat humiliating to realize what a very small percentage of our total expenditures to help people of other countries is devoted to helping the smaller countries of the Western Hemisphere.

As I understand it, the Senator from Maine is asking for one-fifth of 1 percent of the total amount in this bill. This is a good way to help our neighbors and friends to the south of us. We probably appropriate more than this amount for each of 50 different countries that most of us have never been in. I refer to countries that get over $1 million in aid funding.

I just cannot believe we are going to

reject this request to help neighboring countries in South America and Central America.

Mr. MUSKIE. I appreciate the Senator's remarks.

Mr. AIKEN. I might add that in the State of Vermont private citizens have spent a great deal of time in contributing to the assistance and the development of the country of Honduras.

Mr. MUSKIE. I thank the Senator. Mr. President, one of the shortcomings of our present foreign aid program is the lack of a Latin American policy. This program does not rely upon any major expenditure of Government funds; instead it solicits the contributions of private citizens. At present 34 Governors are actively involved; 41 States are actively represented, not nominally but enthusiastically, with thousands of volunteers. Almost 3,500 volunteers travel in the program and they give of themselves; most pay their own fares to Latin America to build goodwill.

To cut this program is to be pennywise and pound foolish.

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

Mr. MUSKIE. I yield.

Mr. JAVITS. I wish the Senator would add my name as a sponsor of the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senator from New York as well as the Senator from Minnesota (Mr. HUMPHREY) be added as cosponsors.

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

Mr. JAVITS. I feel we should support this amendment because Latin America feels very overlooked right now with our concentration in Europe and the Middle East succeeding our concentration in Asia, as I think they are our closest ally in every way—security, trade, culture, and really the unity of the Americas is the most important single alliance we have. I think this is a very decent way in which to express the fact that we are a member of the American alliance, that we intend to stay there, and that we wish to encourage it.

Mr. MUSKIE. I thank the Senator.

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

Mr. MUSKIE. I yield.

Mr. HUMPHREY. One of the points I know will be made here is that the administration did not come in with very much to support the effort called Partners of the Americas program. That fact does not detract from the program; it merely reflects the fact that the administration did not understand the importance of this direct contact between the peoples of the United States and the peoples of Latin America.

The State of Minnesota has a partnership program working with the Republic of Uruguay which means a great deal to them. As a matter of fact, the effort in itself started at the community hall in Montevideo, Minn. It has taken on tremendous good will and spirit in our State.

I want to support fully what the Senator from Maine is advocating here, because this amendment, I really believe, gets at what I call the spirit of a foreign aid program; namely, making it more people-oriented and involving the peoples of the respective hemispheres in a mutual relationship which is very productive. I am happy to be permitted to join as a cosponsor.

Mr. MUSKIE. I thank the distinguished Senator from Minnesota.

Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor.

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

Mr. MUSKIE. Mr. President, I reserve the remainder of my time.

Mr. INOUYE. Mr. President, I concur with every word spoken in support of the National Association of the Partners of the Alliance. However, as chairman of the subcommittee, I owe it to the Senate to share with its Members some of the information we have received.

From the beginning the Government was to supply only seed money which was to be gradually reduced to nothing by 1976.

Some 500 organizations and major contractors received supportive funds from this bill. All would like to have their funds almost tripled through a line item appropriation but only this one insists on this special treatment.

The Partners did not even bother to come before the committee although hearings were held from March to November.

Mr. MUSKIE. Mr. President, will the Senator yield on that point? Because I asked the same question myself about this program?

Mr. INOUYE. I yield.

Mr. MUSKIE. To put the matter in perspective, I think it has to be understood that the Partners has been operated in the past on grants from AID. It is not a sophisticated program. It has not been exposed to the legislative process. It is made up of volunteers who have been associated with the program over the years, dealing directly with it. This is not one of AID's favorite programs. They do not like a program that goes off on its own with its own initiative. So AID has undertaken to discourage it.

These gentlemen will become more sophisticated legislatively, but they understand now they made a mistake in not making a presentation to the Senator's subcommittee. The Senator is absolutely right in chiding them for not doing so, but I do not think the program or they should be punished for failing to demonstrate legislative sophistication. Their case is not one which has had the support of AID. But every one of those 41 States—and we have heard from some here on the floor—have enthusiasm for this program. They would all say to you, through me, "The case is clear; we wish it had been made more effectively before your subcommittee, but let us make it now and give us the support we need."

Mr. INOUYE. As the distinguished Senator is well aware, in the contract the following language appears:

A.I.D. recognizes that attainment of the objectives outlined above contemplates continuing A.I.D. financial support for a period of three to five years. Various factors (among them: availability of funds, the performance of NAPA in meeting its objectives under this grant and the degree of progress made toward the Grantee becoming self-sufficient) will determine whether and for how long A.I.D. will continue its assistance.

And a very important provision has been the fund-raising activities by NAPA to cover costs.

Mr. MUSKIE. Mr. President, let me make this point. May I say to the distinguished Senator, first of all, that the language he quotes was in an agreement between AID and Partners. AID was not enthusiastic about Partners. So they had no choice but to accept that language or get nothing. But they have, in any case, endeavored to raise funds privately.

I think the distinguished Senator from Vermont (Mr. AIKEN) also has some comment on this.

Mr. AIKEN. Mr. President, the foreign aid program for which we are now appropriating is, I believe, the best one we have had for many years, because for the future it concentrates on multilateral cooperation among the nations. Also it stresses cooperation between people in our own country and private citizens elsewhere who are willing to contribute their own time and money.

The item which the Senator from Maine seeks to restore is an excellent example of cooperation of private citizens. I know many of them who have been into these Latin American countries, contributing their time, their knowledge, and their efforts to help these countries attain better living standards and a better place in world affairs.

If we vote down the amendment offered by the Senator from Maine, we are going voting against one of the principal objectives of the foreign aid legislation which was recently authorized by the Congress.

Mr. MUSKIE. Mr. President, may I offer the Senator—on his time, I understand—some other information that bears on a question that concerns me, and that is on the question of the money that is devoted to the administrative expenses of this program? I think this information should be put into the RECORD and should be useful to the Senate.

The administrative side of the Partners program directly assists volunteers in the 41 States involved in the program. The term means more than staff, office rental, telephone, and postage, as administrative support is usually defined. Administrative support as required by the Partners may be defined as follows:

First. Training of volunteers;

Second. Program workshops. How to do it;

Third. Fundraising—national and State basis;

Fourth. Disaster relief coordination;

Fifth. Assistance to volunteers in development and implementation of projects;

Sixth. Publicity and promotion of the model projects and ideas developed by the partnerships;

Seventh. Shipping liaison—freight;

Eighth. Recruitment of volunteers;

Ninth. Liaison with other international organizations in developing programs of mutual interest in Latin America; and

Tenth. Publication of newsletters and brochures.

The actual staff for the administration in Washington is very small. The tabulation of staff includes only 10 people. Most of the money spent for administration is spent for program-oriented activities. Their meaning is more substantive than the term "administrative expenses" might suggest.

I thought that might be helpful.

Mr. INOUYE. Mr. President, I have the same statistics here:

National Association of the Partners of the Alliance—Budget calendar year 1973

Administration:	
Salaries	$176,900
Consultants	40,200
Travel and transportation	20,400
Fringe benefits	14,880
Equipment (rental and repairs)	6,084
Other direct costs	61,642
Total	320,106
Volunteer travel and transportation total	129,894
Grand total	450,000

Incidentally, Mr. President, the top man of this organization is presently receiving $39,600, which makes him second only to the Director of AID.

Mr. President, I have submitted for the consideration of the Senator, an amendment. Has the Senator studied the amendment?

Mr. MUSKIE. Mr. President, the difficulty with the distinguished Senator's proposal, may I say, in light of the purposes for which the funds are used, is that in effect it would undercut the program. The volunteer programs of 41 States would not operate in a coherent and integrated way with a staff support of 10 people in Washington. If we further cut that 10, what is going to be the administrative glue to hold them together? The administrative people there have no desire to build an administrative empire, and they have not built one.

I have given the Senator an example of the Maine program. This demonstrates that for $1 of public funds expended, there was $226 worth of benefits generated from the private sector. Those ratios are repeated over and over again.

I am fearful that if we were to agree to the proposal of my distinguished colleague we would eliminate the minimal administration that is necessary to have the program work.

Mr. President, I always want to cooperate. However, I cannot be honest with myself and cooperate with that kind of restriction.

Mr. INOUYE. Mr. President, I agree that the amount involved is infinitesimal as compared to the $5 billion in the pending bill. However, in view of the fact that we have not received any formal testimony from the organization, if the Senator could call upon the Administrator or the President and have in my hands, say by tomorrow morning, some information that would indicate the need for this amendment—which, incidentally, is three times the amount that AID proposed—or some justification as to how they propose to do this and present an up-to-date report as to the failure or success of the fundraising efforts, I would be very pleased to take the amendment. However, the House has no provision for this.

Mr. MUSKIE. Mr. President, I think that is a reasonable request. I will do my best to have it fulfilled by tomorrow morning.

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine. (Putting the question.)

The amendment was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 18, line 24, insert the following: Delete "$1,000,000,000" and insert "$1,500,000,000".

Mr. HUMPHREY. Mr. President, I will be very brief on this amendment. I would hope that this amendment could be taken to conference to give some flexibility to the House and Senate if they receive from the administration more detailed information as to how these funds are to be used and the detailed outline of the requirements under this amount of money.

I have talked with the distinguished chairman of the subcommittee, and I am hopeful that he will accept the amendment with the understanding that I have just stated.

The war cost Israel about $6 billion, more than her entire national budget.

Israel's repayment is already $800 million a year, the highest per capita in the world. And Israel, unlike other nations, pays back her loans. However, she is unable to pay any more loans. And until last year, when we provided economic support and assistance, Israel paid cash.

This is a large sum of money. However, I do believe, if the chairman is willing to cooperate on this matter, we can get the information needed for the conference between the House and the Senate upon this item.

Mr. INOUYE. Mr. President, the amendment offered by my distinguished friend, the Senator from Minnesota, would raise the amount by a half billion, advancing it to $1.5 billion. The Senate provision is identical to that of the House. It calls for grants not to exceed $1 billion.

To be very candid with the Members of the Senate, the chairman of the subcommittee must tell the Senate that we are not absoluately certain at this point what the division line should be, whether $1 billion, $800 million, or $2 billion.

It might be of interest to the U.S. Senate to hear the response of the State Department. In a letter I directed to the Secretary of State, I asked the specific question:

How should the amounts provided be allocated as between grants and military credit sales?

That refers to $2.2 billion.

This is the official response to the U.S. Senate:

The ultimate division between grants and credits of the emergency military assistance provided to Israel will of course relate to Israel's economic and financial condition. Attached is a brief summary of Israel's economic and financial status. As that memorandum makes clear, Israel came through the war in reasonably good condition. Its economic infrastructure was not damaged, although its production (especially of export goods) was interrupted. However, it is too early to tell whether it can fully bear (through long-term credits) the high cost of this war. Just as in the question of rearming, there are uncertainties on the economic side that cannot be resolved at this time. Twenty-five percent of Israel's labor force remains mobilized. The cost of this is felt in lost production (particularly for export markets) and in increased military expenditures. While this could be borne for a few weeks without major economic repercussions, if it goes on much longer it will cause economic dislocations that cannot be easily or quickly repaired. One of the important areas that could be affected is the export trade, which is vital to Israel's ability to service external debts. Apart from the effects of mobilization, however, Arab pressure on Western Europe (Israel's principal export market) could have a profound long-term effect on Israel's export trade. A general worldwide inflation in the prices of manufactured goods or an economic slow-down in Israel's major export markets could also have an important adverse effect, particularly if the Arab oil embargo continues for very long. Finally, there is of course a possibility of renewed fighting with its attendant high economic and human costs.

For the reasons stated in the preceding paragraph, we find it impossible to make a definitive judgment at this time on what the ultimate division between grant and credit should be. As Deputy Secretary Rush has testified, it is our intention initially to supply everything under Foreign Military Sales credits and make the judgment as to how much should be converted to grants (by releasing Israel from its contractual liability under Section 4 of the bill) later in the fiscal year when hopefully most of the uncertainties mentioned above will have been resolved. As Deputy Secretary Rush also testified before your Committee, the Executive Branch will consult fully with the Congress as we move toward a decision on this issue.

Therefore, with the understanding that an official communication will be sent to the Secretary of State for his most current assessment of the situation and for some guidance as to where the division line should be drawn, I shall be pleased to accept the amendment, take it to conference, and discuss this matter with our colleagues in the House of Representatives.

Mr. HUMPHREY. I thank the Senator. With that understanding, I will not take time to discuss the amendment further.

Mr. FULBRIGHT. Mr. President, is there a time limitation on this amendment?

The PRESIDING OFFICER. There is not a time limitation.

Mr. HUMPHREY. I withdraw the withdrawal.

Mr. FULBRIGHT. Mr. President, I had thought the amendment by the Sen-

ator from New Hampshire was coming next. I had not anticipated this amendment being offered at this time. But some of the comments I have to make regarding this bill might well be made here.

This amendment has the effect of raising by $500 million, as I understand, the grant authority in the bill.

Mr. INOUYE. Is the Senator talking about the $2.2 billion?

Mr. FULBRIGHT. Yes.

Mr. INOUYE. Under the provision of $2.2 billion contained in the bill, $1 billion would be in grants and the remainder in credit sales.

Mr. FULBRIGHT. The Senator's purpose would be to raise it to $1.5 billion for grants?

Mr. INOUYE. Yes.

Mr. HUMPHREY. Well, Mr. President, the purpose——

Mr. FULBRIGHT. I have the floor, I believe, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, before I proceed with my prepared comments, I wish to note that it is quite interesting that the chairman of the subcommittee of the House committee (Mr. HAMILTON) had this to say with regard to this item—this is from the CONGRESSIONAL RECORD of December 11:

> My major problem with this bill is the gap between a $2.2 billion request and the administration's justification of that large figure.
>
> Consider the following facts which the administration witnesses gave the House Foreign Affairs Committee in testimony:
>
> First, the military balance which existed on October 5, before the war, has already been restored by our resupply effort, which cost about $1 billion.

I believe on this point there is no conflict of views.

> Second, the additional $1.2 billion above the already committed $1 billion was justified on political grounds for "imponderables."
>
> Third, although the tonnage of our resupply effort to Israel and the tonnage of the Soviet resupply effort in Iraq, Syria and Egypt are roughly equal, the heavy equipment losses in the recent war, that is, planes and tanks, were roughly four to one in Israel's favor. . . .
>
> When justification for the additional $1.2 billion could not be made on military grounds alone, testimony was given that having made a $2.2 billion request, it would be detrimental politically to the United States to cut the figure.

And then later on, in the same statement, he added:

> The $2.2 billion request is so large, so poorly justified, so militantly defended by some that it frankly makes it very difficult to vote for the request even if Members, like myself, want to support Israel and assure its deterrent strength.

I wish to say a word myself about this subject of the timing of this item of $2.2 billion.

As the Senate knows, this has not yet been authorized. We have held hearings on this subject in the Committee on Foreign Relations, and we have a meeting set for tomorrow morning to vote on it in the committee; so there has been no delay on it, and I have no reason to believe that the matter will not be decided by tomorrow noon, by the end of the meeting in the morning.

Mr. President, this subject is of very great political significance, far beyond the amount. The coming talks in Geneva, in my view, must succeed if we are to prevent a worldwide recession, a renewal of the Arab-Israel war, and a breakdown of the détente with the Soviet Union.

Approval of this amendment in this bill to give $2.2 billion in military aid to Israel will undermine the talks before they begin. The conference has already been delayed 3 days—from Tuesday until Friday. Whether it will actually take place on Friday, I do not know. I very much hope that it will. I think that the Secretary of State is doing all that he possibly can to bring it about at that time.

This item is ill-timed and ill-advised. It should be set aside for further consideration next session after there has been an opportunity to weigh the progress made in the negotiations. The primary importance of this bill is not the money but the policy involved. And that policy is a short-sighted and imprudent one—promoting the military interests of Israel—when the circumstances require a policy furthering a peaceful settlement. Regardless of all the rhetoric about "restoring a military balance," passage of this bill will be seen by the world as a major policy declaration on the most difficult and dangerous problem confronting our country. This bill contemplates a military solution to a problem requiring diplomacy and negotiations, negotiations which I hope will begin next Friday the 21st of December.

To Israel it is a means to further intransigence. And to the Arabs it will be seen a reaffirmation of the inability of the United States to pursue an even-handed policy. Instead of advancing our national interests in the Middle East, it threatens to set them back.

The United States has three fundamental interests in the Middle East: a secure and peaceful Israel; friendship with the Arab States and a reliable source of oil; and the avoidance of conflict with the Soviet Union. The great strength of our position is the fundamental compatibility of these three basic interests.

All can be advanced by an equitable Arab-Israeli settlement. The time to press for that settlement is now, before hostilities flare anew in the Middle East, as almost certainly they will if there is not early, substantial progress toward peace. The precise terms and exact boundaries of a settlement must await negotiations in the peace conference, but the basic principles of an equitable peace are clear. The peace must be based upon the Security Council Resolution of November 1967, which requires Israeli withdrawal from occupied territories and which emphasizes the "inadmissibility of the acquisition of territories by war." In accordance with that resolution, the peace must also make explicit and detailed provisions to assure the territorial integrity and political independence of Israel and all other Middle East States.

The chances for achieving a stable and equitable peace in the Middle East are greater than at any time since the founding of Israel in 1948. On the other hand, if there is not a settlement, there is every likelihood of still another war, and that more likely within months rather than years. What now seems out of the question is a return to the status quo which prevailed between the wars of 1967 and 1973.

Like the Balkans before 1914, the Middle East has become the potential flash point of world conflict. It threatens the great powers—and the world—with repeated trips to the brink of nuclear confrontation. For this reason alone, the United States and the Soviet Union have not only the right but the responsibility to intercede for a compromise peace. If the two great powers were willing to leave the Arabs and Israel to work out, or fight out, their differences regardless of the outcome, the issue might then be regarded as regional and autonomous.

The Russians are not going to abandon the Arabs, and the United States is most certainly not going to leave Israel to her fate. But leaving Israel to her fate and encouraging her to show a spirit of compromise are quite different matters.

Our moral and political commitment to Israel, as experience has shown, is about as solid and unalterable as any we have in the world. We are not, however, committed to current Israeli policy or to the retention by Israel of occupied lands. Insofar as the retention of these lands threatens endless war from which we cannot remain aloof, we have the right and the responsibility to intercede for a compromise peace based upon the principles of the Security Council resolution of November 1967. And we have a duty to refrain from actions which may stiffen Israeli opposition to implementation of that resolution.

Such a peace is to the advantage of all concerned, not the least to Israel herself. This fourth Arab-Israel war has confronted Israel with the grim specter of endless conflicts, not easy and successful conflicts like the war of 1967, but grinding attrition in which the Arabs would have a steadily increasing advantage deriving from their vastly greater numbers, which are 40 to 1, growing military and technological capacity, and the enormous financial resources of the oil-producing states of the Arabian world.

The Arab States, including those which are now conservative, are likely to be radicalized as their grievances fester. Israel, already a garrison state, faces the prospect of mounting terrorism and recurrent war, of a national existence with no semblance of security. However confident they may be of their own military prowess, the Israelis can hardly relish this prospect.

The Israelis must give up the chimera of absolute military security through the occupation of territory, recognizing that the absolute military security of one nation means absolute insecurity for its neighbors. Israel is going to have to reconcile itself to compromise, and time is no longer on her side. Whatever else the recent war has shown, it has shown that Israel's military supremacy is a di-

minishing asset. As Israel's first Prime Minister, the late David Ben-Gurion, recognized some time ago—

Real peace with our Arab neighbors—mutual trust and friendship—that is the only true security.

Israel has won its long sought political goal: recognition by the Arab world of Israel's right to exist. Guarantees of its security can now be arrived at in the Geneva Conference. Israel has bravely accepted the risks of war. Now she must be willing to accept the risks of peace. Those unknown risks are certainly far less dangerous than the risks of a fifth round of fighting. Israel, therefore, has everything to gain from a peace based on the Security Council Resolution of November 1967, a peace which would allow Israel to become, at long last, an integral, accepted part of the Middle East.

In this critical period a special responsibility falls on those Americans whose efforts have been bent so long and so assiduously to assure the survival of the State of Israel. Israel can no longer hope to base its security on military strength alone. If Israel is to be secure, a guaranteed peace is required, and such a peace will require great concessions by Israel as well as by her adversaries. Israel's American friends can do her no greater service than to commend this necessity to her. There has been no better opportunity for Israel to strike a bargain with her enemies. This is the time for compromise and magnanimity, not for belligerence and intransigence.

The second basis for the outside world's concern for a stable peace in the Middle East—hardly less compelling than the danger of a nuclear war between the United States and the Soviet Union—is the burgeoning energy crisis, which now threatens the economies of much of the industrial world. If it continues the energy crisis will grow to frightening dimensions. The world's economy, especially that of the United States, is uniquely dependent on one commodity—petroleum. We have taken oil for granted so long, we cannot quite imagine the consequences of being without it. The industrial world is now learning the hard way.

With 6 percent of the world's population, the United States consumes one-third of the world's energy. Nearly half the energy we consume comes from oil, and a third from natural gas. Less than two-thirds of the oil we consume comes from domestic production. Because of the Arab oil cutoff, our supplies may be as much as 20 percent short of meeting current requirements.

The impact on Western Europe and Japan, which are far more dependent than we are on Middle East oil, will be nothing short of catastrophic unless a solution is found to the Arab-Israeli conflict. Their economic collapse will inevitably bring down our own economy, just as the depression of the 1930's had its origin beyond our shores. The world's economy is more interdependent than ever before, as is our own economy. Although the domino theory has been shown to be dubious in international politics, it has unusual validity in international economics.

The Arab Middle East possesses at least 300 billion of the 500 billion barrels of proven world oil reserves. With no spare productive capacity of its own, the United States—like other industrial nations—is increasingly dependent on Middle Eastern oil, and consequently in need of good relations with the producing countries. These countries, it is well to remember, have no direct quarrel with the United States and have never done anything to harm the United States prior to the present controversy. Our dependence on their oil is a matter of national interest, no more so perhaps than our emotional bond to Israel, but surely no less so either.

In the long run, it is true, we are going to have to develop alternate sources of energy, if only because the world's supply of fossil fuels is limited. Regardless of long-term needs, however, and regardless of any crash programs we may now undertake, there is no way—absolutely no way—to avoid reliance on Middle East oil for at least the next several years. It is generally agreed by petroleum experts that it is going to take some 3 to 5 years substantially to increase U.S. production of oil fuels and a great deal longer to develop solar, thermal, nuclear and then fusion sources of energy.

The energy crisis clearly is going to be with us for some years to come, but whether it will bring economic collapse or be manageable will depend upon restoring good relations with the major oil-producing states of the Middle East. The key to restoring the good relations we enjoyed before the war is to use our influence to bring about an agreement at Geneva. Passage of this bill with the $2.2 billion item included will lessen the chances of reaching a settlement, thus prolonging the oil boycott, increasing the dangers of a serious recession—and, possibly, bringing on a worldwide depression.

Aside from the danger this item poses to the negotiations, there are other serious objections Congress should not act in unseemly haste on such a vast grant of authority. No justification has been made for $1.2 billion of the amount requested, and ample authority exists to provide Israel with additional arms, if the war breaks out again.

Israel has already been provided with $1 billion in arms, more than restoring the losses she suffered during the fighting. An additional $300 million in credit sales has been authorized in the foreign aid bill, bringing the total military assistance for Israel in this bill to $2.5 billion. There is another $50 million in economic aid in the bill.

The Israeli Defense Minister, Moshe Dayan, was quoted in the press recently as saying:

We in Israel never were as strong as we are now. Never.

Administration witnesses, nevertheless, have tried to justify the additional $1.2 billion on the basis of "imponderables." The total military aid available to Israel should be limited to the $1 billion already provided and it should be on a credit basis, so as to lighten the ultimate burden on the American taxpayer. If the war resumes, Israel could be supplied under the same 120-day authority used for the recent resupply effort during the war. Congress should not give the President a $1.2 billion contingency fund, certainly not without requiring that Israel engage in good-faith negotiations for a settlement based on Resolution 242.

This bill, together with the pending authorization bill, constitute a vast grant of discretionary power to the President, reversing a healthy trend in recent years for Congress to reassert its authority in foreign policy.

Congress is preparing to give the President carte blanche authority to dole out $2.2 billion to one country as he sees fit and without any policy guidelines. The plea, "Don't tie the President's hands," has a familiar ring. Large grants of authority and money to the President should be as objectionable in the case of Israel as with Vietnam. The potential dangers are, in fact, greater.

Mr. President, this bill is vastly more important than the giving away of $2.2 billion of the taxpayers' money. Our national interests as well as those of Israel, the Arabs, and the world are tied to a successful conference in Geneva. We must not do anything to undermine that conference. It is an opportunity which we cannot afford to miss. It offers the best hope for real peace in the region since the founding of Israel. A stalemate will assure a fifth round of fighting, great danger to Israel's existence, and a return to the cold war, if we can avoid involvement in a hot one.

A failure at Geneva will also assure worldwide economic chaos. The prospect of the world's industrial machine and transportation systems sitting idle for lack of oil is not pleasant. But unless progress is made in the negotiations within the next several months, we are in for economic difficulties of a magnitude which, at this point, are unimaginable.

I support the President and Secretary of State Kissinger's basic policy in the Middle East, to seek a settlement based on Resolution 242. That objective is in the interest of all mankind. I want to strengthen Secretary Kissinger's hand in exerting U.S. influence to bring about a compromise agreement. This is why I oppose passage of this bill. The domestic political pressures which have resulted in such hasty action in Congress on the authorization and appropriation bills will now shift to the White House and the Department of State. Whether those pressures can be resisted and the additional $1.2 billion withheld from Israel remains to be seen.

But the real damage will have been done; the signal will have gone out to the world that the United States does not intend to pursue a more evenhanded policy in the Middle East. As the only country in a position to talk to all parties involved, maintenance of U.S. credibility is most important. Our deeds must match our words. This bill speaks not of peace but of war.

The passage of this bill at this critical juncture, may have serious consequences for the peace negotiations. There is too

much at stake for the United States, Israel, and the world to run such a risk.

Mr. President, I hope the Senate will not accept the amendment offered by the Senator from Minnesota.

I wish to offer for the RECORD some estimates which are based upon the best available information we have, prepared by the professional staff of the Committee on Foreign Relations. The first table shows estimated foreign assistance calculated both for fiscal 1973 and 1974. It might interest Senators, because it gives the totals in the categories.

Military assistance has gone up from $5,064,391,000 to $5,181,133,000. Bilateral economic assistance is reduced—partly due to the committee's action, I believe—from $3,119,000,000 to $2,862,000,000.

Then we have the items of contribution to international financial institutions and miscellaneous. This is a grand total of assistance of one kind or another, in fiscal 1973, of $9,004,000,000; for 1974, $9,244,000,000.

I ask unanimous consent that the table be printed in the RECORD.

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

ESTIMATED FOREIGN ASSISTANCE, FISCAL YEAR 1973 AND FISCAL YEAR 1974

[In thousands]

	Fiscal year 1973	Fiscal year 1974
I. Military assistance:		
1. Military assistance grants	$589,100	$642,000
2 Military assistance to South Vietnam and Laos	2,735,000	1,126,000
3. Military assistance to Israel		2,200,000
4. Additional assistance to Cambodia		200,000
5. Excess defense articles	185,000	150,000
6. Ship transfers	121,000	6,500
7. Real property transfers	721,091	244,553
8. Public Law 480 defense grants	157,900	162,080
9. Foreign military credit sales	400,000	325,000
10. Supporting assistance (outside Indochina)	155,300	125,000
Total military assistance	5,064,391	5,181,133
II. Bilateral economic assistance:		
1. Indochina economic aid	444,700	504,000
2. AID development assistance—general	974,300	837,500
3. South Asian relief	101,100	
4. American schools and hospitals abroad	25,532	19,000
5. International organizations	127,472	155,022
6. Contingency fund	23,998	30,000
7. Administrative expenses	61,579	50,100
8. Narcotics control program	20,500	42,500
9. Peace Corps	80,560	77,100
10. Public Law 480 assistance	1,260,100	1,146,800
Total bilateral economic assistance	3,119,841	2,862,022
III. U.S. contributions to international financial institutions:		
1. International Development Association	320,000	320,000
2. Inter-American Development Bank	418,000	693,000
3. Asian Development Bank		100,000
Total U.S. contributions to international financial institutions	738,000	1,113,000
IV. Miscellaneous:		
1. Migration and refugee programs	$8,500	$8,800
2. Assistance for Soviet refugees	50,000	36,500
3. Inter-American Foundation	3,473	13,285
4. Latin American Highway	20,000	30,000
Total miscellaneous	81,973	88,585
Total foreign assistance	9,004,205	9,244,740

Mr. FULBRIGHT. Congress is certainly not being niggardly with military assistance to Israel. The military assistance in this bill, including the military sales credits which I mentioned, came to $2.5 billion.

In addition, the economic assistance to be provided to Israel is an additional $149,365,000, making a total to Israel, for fiscal year 1974, of $2,649,365,000.

In addition, there is an estimated $50 million in guarantees that may be issued under the housing investment guarantee program, if they so desire.

I ask unanimous consent that this table be printed in the RECORD.

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

ESTIMATED ASSISTANCE TO ISRAEL—FISCAL YEAR 1974

[In thousands]

Military Assistance:	
Emergency military assistance	$2,200,000
Military credit sales authorized in the Foreign Assistance Act	300,000
Total military	2,500,000
Economic Assistance: [1]	
Supporting assistance	50,000
Aid for Soviet immigrants	36,500
P.L. 480 food aid	58,865
Aid to Israel educational institutions	4,000
Total economic	149,365
Total assistance	2,649,365

[1] In addition, an estimated $50,000,000 in guaranties may be issued under the housing investment guaranty program.

Mr. FULBRIGHT. Also, we have the estimated private flows to Israel. This is from data supplied to the committee by the Department of State, indicating the worldwide fund raising goal announced after the war this fall—$1.9 billion.

The funds to be raised in the United States, is estimated at $1,237,500,000.

If we put those figures together with the amount in the aid bill, it comes to a very substantial sum, indeed. I do not think that anyone could say with any justification that this country and private citizens and Congress are not very generous to the state of Israel.

I ask unanimous consent that the table be printed in the RECORD.

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

Estimated private flows to Israel as a result of the war [1]

I. Worldwide fund raising goal set after outbreak of the war	$1,900,000,000
1. United Jewish Appeal	(1,250,000,000)
2. Government of Israel bonds	(650,000,000)
II. Funds to be raised in the United States:	
1. United Jewish Appeal	750,000,000
2. Government of Israel bonds [2]	487,500,000
Total to be raised in U.S.	1,237,500,000

[1] Data from Department of State
[2] Estimated at 75% of worldwide total.

Mr. McCLURE. Mr. President, I rise in support of the statement that was just made by the Senator from Arkansas, the chairman of the Committee on Foreign Relations. I commend him for his statement, and I wish to associate myself with his remarks.

I rise, too, in opposition to this amendment for much the same reasons that I expressed in testimony to the Committee on Foreign Relations in regard to the general measure for assistance under the act of $2.2 billion for arms to Israel.

Mr. President, title IV of the measure before the Senate contains the seeds of U.S. military involvement in the Middle East. Having only recently withdrawn American troops from Southeast Asia, I cannot understand the desire of many of my colleagues for laying the groundwork of another military campaign.

Regardless of statements by the administration to the contrary, the existence of Israel will not be secured by this $2.2 billion. Instead, this money sends two dangerous messages—messages which increase the danger of renewed warfare in the Middle East. To Israel, this appropriation says:

Do not withdraw from occupied Arab lands. We will give you what you need to keep military control of these lands and the Arab citizens living there.

To the Arabs, this title IV says:

We will continue to support Israel's occupation of your lands, regardless of the cost to our people.

Mr. President, Arab leaders have declared their willingness to recognize Israel as a sovereign nation, within her pre-1967 borders, within the framework of U.N. Resolution 242.

The future security of Israel depends on her willingness to secure peace with her neighbors. The political situation within Israel, however, makes it extremely difficult for any Israeli leader to even discuss withdrawal from Arab lands occupied during the 1967 war. A refusal by the U.S. Senate to approve this $2.2 billion would give Israeli leaders a face-saver, allowing them to begin serious negotiations, leading to return of captured Arab lands and recognition of Israel as a sovereign nation. Israel, and the rest of the world, knows of our total commitment to protecting Israel's right to existence within secure, guaranteed borders. It is now time to show Israel and the rest of the world that that commitment does not extend to lands obtained by miliary force.

I believe that a review of U.N. Resolution 242 would be of value, so that we can see exactly what the Arabs are asking for. I ask unanimous consent that it be printed in the RECORD.

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

UNITED NATIONS SECURITY COUNCIL RESOLUTION 242, NOVEMBER 22, 1967

The Security Council:

Expressing its continuing concern with the grave situation in the Middle East.

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security.

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) *For achieving a just settlement of the refugee problem;*

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceeed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Mr. McCLURE. Mr. President, I believe that a review of the terms of that resolution which was passed in 1967, and supported by the United States will be of value so that we can see exactly what is being asked for in the present situation.

At this time I would like to read my testimony before the Committee on Foreign Relations on the authorization for the $2.2 billion which is now being considered in the appropriations measure in advance of authorization. I do that only because there were very few people present at the time of the hearing before the Committee on Foreign Relations and because there has been very little time for the rest of the Senate to read the record of that hearing to determine what the facts are and what the arguments may be.

My testimony before the Committee on Foreign Relations was as follows:

Mr. Chairman, I appreciate this opportunity to come before your Committee and to raise some questions about the vast amount of military assistance the bill before you provides for Israel. I feel I arrived here by the back door, for my interests over the years lay more with the growing energy shortage than with foreign policy. But today, the two are bitterly entwined, and I find that I can no more talk about oil without mentioning the Middle East than I could talk about the Mideast and ignore oil.

Many of my colleagues in the Senate—very sincerely and with great justification—fear for the safety of the brave people of Israel. I share that concern, but frequently I worry about the logic of their solution.

In recent weeks, I have talked to dozens of Arab leaders here and in the Middle East. I have exchanged views with many Americans, who, through industry or government, have a very real knowledge of the problems of the Middle East. Each in his own way responds to the incendiary situation there in political terms. I don't criticize that. It is understandable.

But today, you and I should be thinking more about where our responsibility as Senators may lie, and where you as members of this Committee might find the right answer to the troublesome questions the Middle East poses for us.

It seems to me that our first responsibility is to pursue policies which are in the best interests of our own country. Perhaps that is so self-evident that it should not need stating. Yet, I think we often let ourselves get so involved in the problems of others that we tend to forget that our role is to promote the welfare of the people of the United States of America. This is true whether it is Southeast Asia or the Middle East.

For six years, we have officially supported the provisions of U. N. Resolution 242. But "supporting it" and "carrying it out" were two different things. We were frustrated by the fact that many in the Arab nations were unwilling to recognize the existence of Israel. And Israel, for her part, found her security only in military force and defensive position and was equally unwilling to withdraw from occupied Arab territories.

Time and events have a way of changing things. And we find today that Arab leaders no longer call for pushing Israel into the sea. They are willing to recognize that Israel exists—but there is a condition: Israel must withdraw from Arab lands occupied during the 1967 war, a basic premise of the U. N. resolution.

Political boundaries won't create security by themselves. Only a secure peace provides real security. So, it would seem that our efforts here should be bent toward devising those policies which have some hope of achieving a just and stable peace. That's where the bill before you comes in. It sends the wrong signals to both parties.

To Israel it says: "You don't have to make concessions. Right or wrong, the United States is behind you. So, stand your ground. We'll underwrite anything you do."

How will the Arabs see it? To them this bill says, "The U.S. isn't changing one bit. We will continue our policy of siding with Israel in every dispute. It makes no difference what you do or what they do."

Inevitably, this bill will encourage Israel to grow bolder and the Arab boycott to become more stringent.

What we ought to be saying to Israel is this: "The situation has changed. The Arabs will recognize you if you pull back to the pre-67 borders, and we are willing to guarantee that kind of agreement in keeping with the spirit of the U.N. resolution.

Mr. FULBRIGHT. Does the Senator wish to yield for a question or does he wish to complete his remarks?

Mr. McCLURE. I am happy to yield to the Senator.

Mr. FULBRIGHT. The Senator mentioned a guarantee. It is said that some high officials in the Israeli Government have no confidence in a guarantee even if the United States is behind it. I fail to understand why, in view of the actions of this country over the past several years, from the figures I just gave. I fail to understand why they would have no confidence in a guarantee that we would protect them. It is a situation that is beyond my comprehension. I do not quite understand it at all.

Would the Senator try to give his view on that. He has recently been in the Mideast. What is there about that lack of confidence, between the United Nations, the United States and, hopefully, the Soviet Union?

Mr. McCLURE. I would say to the Senator that certainly the fear of Israel is very real for their own security. I understand that. I understand that the events of the last 25 years have told them that in order to remain free they must remain strong. They have found from bitter experience that there is danger to their citizens or their boundaries, but I think the situation impels them and certainly should impel us to recognize there can be no security in the present situation. There is no security in the force of arms and there is no security in the occupation of territory that can begin to match the security of an honorable peace negotiated by the parties.

In direct response as to why they should not expect the United States would honor its guarantee and the guarantee of the United Nations, all I can say is it must grow out of their fear and their experience over the last 25 years, but certainly whatever risks there are involved in that security arrangement are not due to the good will and good faith of the United States, but our ability to enforce such an agreement. It would appear to me that they should be prepared to accept whatever risks there are in that guarantee as they do the risk of the present situation.

Mr. FULBRIGHT. Does not the Senator believe there will be continued despair in Israel if there is no change?

Mr. McCLURE. There could be no guarantee in the present situation except the guarantee of prolonged confrontation and the series of incidents we have seen in the last several years, and the kind of incidents of October 1966.

Mr. FULBRIGHT. Mr. President, I thank the Senator. I think he has made a very perceptive statement on this subject. I hope our colleagues take it seriously.

Mr. McCLURE. I thank the Senator for his comments.

Mr. President, I continue with my statement before the committee:

Israel should now recognize that they have won the legitimate goal—that the Arab nations are now willing to recognize Israel's presence and real guarantees of security can be forged. Israel has bravely confronted the risks of war. She must now just as resolutely accept the risks of peace—if for no other reason than the fact that these risks are now less grave than the risk of prolonged military confrontations.

Now let's take a look at what this bill says to the Soviet Union. It says we are willing to risk the premise of detente in order to support Israel unilaterally.

Such policies inevitably lead to progres-

sive polarization. They can only serve to play into the hands of the Soviet militarists. It doesn't take a great deal of imagination to see where all this is leading us. Today, many Senators—quite sincerely, I'm sure—say we can give Israel anything she wants, but we will not send manpower. That's a fine statement, but next year there will be another war, and the year after that, still another. Then one day Israel will find it cannot hold out forever against Arab attacks to reclaim lost lands, and she will request manpower.

Meanwhile, polarization of the situation will have continued. The energy crisis and their sense of their own national interests will have forced our allies in Europe and Japan to move, one by one, to the side of the Arabs. And we will be left, standing alone with Israel. And for what? To defend her right to occupy captured Arab lands?

Even though today the Arab nations bordering Israel are willing to recognize her right to existence, would that same feeling prevail after more years of bitter warfare—and with the tide of military successes shifting? Would not new Arab leaders arise, who would settle for nothing less than the total destruction of Israel?

There are those who call the oil embargo blackmail. I don't understand why it is somehow less honorable to use a natural resource as a foreign policy tool than to occupy captured enemy territory. How can you argue with an Arab who asks, "Isn't it better to hold oil than to spill blood?"

Not only have we ourselves used threats of trade policy against nations with which we disagree, the Congress debates two such issues even now. But more importantly, whatever their motives may be, it is *our* responsibility to make decisions based upon what is best for America. Our policy should be based on our own self-interest.

How can we answer the kind of logic I heard two weeks ago, "Why should we continue to supply American industry with Arab oil, so that it can make the bombs, bullets, and tanks which will be used to kill Arabs?"

Our role as the leader of the free world—to say nothing of our own honored traditions—demand that we take positions which are moral and just and consistent. We cannot have one set of standards for the Arabs and another for the Israelis. The United States holds the key to peace in the Middle East, and the world knows it. We should help Israel defend her pre-1967 borders against aggression, but we should not do more.

This is not the time to spend $2 billion for military aid for Israel. The hopes of the world for peace in the Middle East are focused on the talks which we hope will begin next week in Geneva. But let's not just hope, let's act affirmatively to enhance the chance for the success of those talks. At best, these negotiations will be difficult and delicate. Why should we now jeopardize them by placing this bomb on the table. If the talks are not productive, or if new blood is shed to mingle with the old on the battlefield, we can then look to the necessities of that situation.

But for now, let us put this idea aside. Instead, let us lead the warring parties toward a resolution of their problems. Let us address our efforts toward the reconciliation of people rather than the building of a hollow fortress.

The knowledge that there exists in this world something called the United Nations has never been a great comfort to me. But just as I have often pointed out its weaknesses, let me also point to one of its occasional strengths. In U.N. Resolution 242, there lies the germ of peace.

It is just as much in Israel's interests as the Arabs to seek the return of occupied lands.

It is just as much in the Arab's interest as Israel's to find a just solution for the Palestinians.

It is just as much in Israel's interests as the Arabs to limit military assistance to that which will defend a nation's borders but not subsidize its expansion.

It is just as much in the Arab's interests as ours to stabilize the distribution of oil throughout the world.

Most important of all, these things are very much in our own best interests. It is incredible that at the very moment when we sit on the threshold of all-out war, the opportunity for peace has never been brighter. For whatever reason, all parties (including USSR) now finds a peaceful settlement of the Middle East situation in their own national interests.

I sincerely hope that this opportunity will not be lost on you and your colleagues, Mr. Chairman. You will find that you are not acting alone. In my two weeks in the Middle East I found no one—not one single person, whether native to that area or foreign—who feels our present actions are right. Someone has to take the first step. It might as well be here.

Mr. President, I will conclude my remarks by asking a series of questions, some of which perhaps will be answered; if not, I will leave them as open questions in the RECORD.

First. I think we might ask ourselves, from what inventory of supplies were the machines and materials of war taken or supplied to Israel in the October war?

Second. Were they taken from our active defense forces, and if so, in what posture does that leave our active defense forces?

Third. Not only the $1 billion of materials that has already been given but the additional $1.2 billion that is asked in this measure must come from existing inventories. Not only does that have an impact on our present defense posture, but it also will cost more in replacement than current values. So we are not really talking about $2.2 billion; if I am correct, we are talking about a bill of $3 billion or more in its ultimate impact upon the taxpayers of the United States.

Fourth. Assuming that this aid succeeds in stabilizing the present situation, what prevents another outbreak tomorrow, and another $2.2 billion drain on the U.S. taxpayers?

Fifth. Why is it, as we consider the delegation of unlimited and arbitrary authority to the Executive, that some of the people who are most critical of that delegation of authority are now here demanding another unlimited and discretionary grant of authority to the President of the United States without any justification to the Congress or without any showing of how that will be done by the administration in granting aid, not only in terms of whether or not the aid shall be granted, but whether it shall be a grant or a loan?

Sixth. We are concerned about the impact of the energy crisis on our balance of payments, and many times in earlier times when the price of oil was much lower than it now is, it was pointed out that we would have as much as $20 billion a year flowing from the United States for the purchase of foreign oil. With the increase in the price of oil that figure is much larger. But as worried as we were about it then, we have perhaps one of two alternatives facing us now. One is that the oil will be denied to us and will be sold somewhere else and the revenues from that oil sale will be used to purchase military equipment and we will be asked to balance those expenditures by military aid, and so we will pay for the oil but we will not get it. Or perhaps, in the alternative, we will be given the opportunity to purchase that oil and will pay for it not once but twice. We will pay for it first when we buy the oil, and we will pay for it the second time when we balance the military expenditures that are financed from the purchase of that oil.

It seems to me those questions are serious; that they demand answers; and from the record that is before us concerning the justification for the request, I suspect the answers are not forthcoming.

For those reasons, I not only oppose the amendment offered by the Senator from Minnesota, but I would respectfully request that the Members of the Senate seriously consider rejecting the entire question of aid at this particular time.

The VICE PRESIDENT. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to reply on behalf of the Senator from Arkansas and the Senator from Idaho that they might take a little time. The Senator from Vermont also wishes to make a recommendation.

Mr. HUMPHREY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Mr President, I yield to the Senator from Minnesota and ask unanimous consent that I do not lose my right to the floor.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, the amendment that the Senator from Minnesota offered was not related to the substantive question of economic and military assistance to Israel, but rather to the issue as to whether or not there should be not more than $1 billion in the form of a grant or $1.5 billion out of the total of $2.2 billion.

The arguments that have been made here today are essentially against the whole proposition of assistance to Israel in the amount of $2.2 billion.

Mr. President, that is an argument that I think will be well met in the debate here and one that we will be able to overcome.

The proposal that the Senator from Minnesota makes is merely to give at this time as we legislate to the President and the Secretary of State, who are engaged in very important negotiations, and hopefully negotiations that will culminate in a settlement in the Middle East, the officers of our Government, some greater leeway and flexibility in terms of grant moneys to deal with Israel's needs economically and militarily.

Might I say for the moment that as I have listened to the argument that this would be tantamount to strengthening the position of resistance on the part of Israel to any peace agreement. I think it gives the Secretary of State, who is doing a fine job—and he has my support in his efforts—additional help in the

negotiations to bring about successful negotiations.

The House acted on the basis of $1 billion. The Senate committee came to the Senate with the same figure. It seemed to me that if we provide $1.5 billion it gives us an opportunity to once again ask the administration for more specific information.

It gives the administration an opportunity to have a more flexible figure with which to deal when they talk to the Israelis about their needs.

It faces up to the simple fact that the state of Israel is heavily indebted, that she cannot afford to go into more debt on loans of any consequence or in much larger amounts than she presently has.

It also faces up to the fact that the Soviet Union has already supplied the Arab States with not only weaponry equal to what they had before the October war, but also with a greater amount of weapons and newer weapons.

I do not want to get into the argument about what is going to happen at the peace conference. I hope that the peace conference in Geneva will be a success. And I feel the urgent necessity to do everything we can to bring it to a successful conclusion.

I am hopeful that there can be an arms embargo in the Middle East, that the Soviet Union, the United States, and other countries will agree that this business of shipping armament to the Middle East is counterproductive and that there has to be an agreement. It cannot be one-sided.

The amendment of the Senator from Minnesota does one thing above all else. It permits the chairman of the subcommittee and the conferees of the Senate when they sit down with the House conferees to ask of the administration more specific information as to what they have in mind in terms of grant assistance.

The amendment says, "not more than $1.5 billion." It does not require $1.5 billion.

It may be $1 billion or $500 million. This merely puts the figure up to $1.5 billion. And out of the conference there will be some adjustment.

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

Mr. HUMPHREY. I yield.

Mr. ABOUREZK. Mr. President, I hear that the roads are getting awfully icy. I wonder if the leadership would agree to put this matter over until tomorrow after the Saxbe nomination.

Mr. HUMPHREY. Mr. President, that is not a matter for me to decide. I am prepared to vote on the amendment now.

The chairman of the subcommittee said that he was prepared to accept the amendment. If the chairman is willing to accept it on that basis, and we do not have too much protest, we can move along.

Mr. President, might we have some action on this particular item of $1.5 billion?

Mr. BROOKE. Mr. President, we discussed this matter in the subcommittee very thoroughly. There was some suggestion that the $2.2 billion would be available for grants. Some wanted $1 billion. Some wanted $1.5 billion.

As I understand it, the amendment of the Senator from Minnesota merely provides that we can spend as high as $1.5 billion for grants.

Mr. HUMPHREY. Not more than.

Mr. BROOKE. It provides that not more than $1.5 billion may be spent for grants. It puts a limit on the amount that we can spend up to $1.5 billion. I would be willing to accept the amendment if it is agreeable to the chairman of the subcommittee.

Mr. JAVITS. Mr. President, I shall take not more than 2 or 3 minutes.

I think it is very important that if Members are going to vote upon this amendment, one thing be made very clear.

I gathered from the arguments made by the Senator from Arkansas and the distinguished Senator from Idaho that they thought it would weaken the hand of the United States if we were to make this provision so as to bring Israel up to some kind of parity with the armed forces in the fields of the Arab States.

That defies the fact that we have been asked for this provision by the President and by the Secretary of State. Quite the contrary, the Secretary of State and the President seek to strengthen the hands of the United States so as to bring about peace at the earlier possible moment.

Mr. President, we deeply feel that we cannot agree with the arguments which they have made. They say that their hands will be strengthened and not weakened and that, therefore, if we want peace, a negotiated peace, their hands should be strengthened.

Finally, we are asked to take the word of the Arab States, nations which have just perpetrated a very cruel and barbaric invasion of Israel and killed off the equivalent of 300,000, if we were to compare the Israeli population to ours. That refers to dead, not wounded. We are asked to take their word that they want Israel to exist as a state. If Israel is not able to handle herself, we would leave them vulnerable.

We are not asked to take the word of Israel that she is willing to negotiate every single subject and to do it now. She is not intransigent or belligerent. She said that she wants a treaty and is ready to negotiate.

Our colleagues do not ask us to take the word of the United States that this is the time for peace. We are asked to turn our backs on this and assume that we will strengthen Israel by our action here.

What do we expect the Israelis to feel if they are left naked at the hands of her neighbors? Do we expect them to have peace or are they really cornered with nothing else to do except to fight?

So, if we really want peace, the Appropriations Committee, the Foreign Affairs Committee of the House, and I hope tomorrow the Foreign Relations Committee have shown us the way to attain it, by keeping this parity and by leaving neither party naked.

The Russians have been more than adequate in resupplying the needs of the Arabs. However, we are asked not to fulfill every aspiration of ours and of the Israelis, but to take the Arab State's word for it.

On the record, Mr. President, it just makes no sense. So I hope very much that the authority will be given, because it is essential to the quest for peace, and that is the basis of it, except that I happen to differ 180 degrees from those who argue that the way to attain peace is to make one of the parties weak. I do not believe that is the way to attain peace in the Middle East, and I hope very much that the Senate will feel the same.

Mr. President, one other thing before I leave the floor. I heard with the greatest interest—let us be realistic about what is going on here, Mr. President: This bill says, on page 18, lines 16 to 18, inclusive, in an amendment of the Appropriations Committee, the following:

Provided, That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation.

That means that the Foreign Relations Committee, in the Senate, because the House has passed its bill, will have the last word on the authorization, even after this measure is passed.

Mr. President, these words could be stricken from the bill on a point of order. But, Mr. President, I have enormous respect for the Committee on Foreign Relations, on which I serve, and enormous respect for the processes of the Senate. Therefore, in view of the intensity of feeling—I do not say that in any emotional sense but with reference to conviction—which our chairman has on this score, I must say I derive great satisfaction from the fact that the chairman, without prompting by anyone, has assured the Senate that, if he has a quorum tomorrow, he certainly will not stand in the way of an authorizing bill being reported out. He may be opposed to it; he may oppose any amendments. That is his privilege. I am deeply gratified by that, and I wish to call that fact to his attention.

Mr. FULBRIGHT. Mr. President, as the Senator says, I have called the meeting and I assure the Senate if we have a quorum there will be a vote, as the Senator says, as to some amendments which we have already considered, but as to amendments which we have not considered, I have no reason to believe there will not be a vote.

Mr. JAVITS. I thank the Senator very much. Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I have discussed this matter with the Senator from Massachusetts (Mr. BROOKE), and we stand ready to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask for its immediate consideration. I have consulted with the manager of the bill, and I believe it is acceptable to him.

The VICE PRESIDENT. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 19, line 14, after "1961" insert a colon and *"Provided further*, That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation".

Mr. INOUYE. Mr. President, we stand ready to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The VICE PRESIDENT. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 4, line 20, strike out $14,300,000 and insert in lieu thereof $36,500,000.

Mr. ABOUREZK. Mr. President, this is an amendment which increases the amount of money appropriated for the United Nations Relief and Works Agency, which is primarily for the benefit of Palestinian refugees, to $36.5 million.

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

Mr. ABOUREZK. I yield.

Mr. INOUYE. As the Senator knows, we have discussed this matter, and the committee stands ready to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. ABOUREZK. I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McINTYRE. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The VICE PRESIDENT. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 22, line —, insert the following new section:

"Section 604. "None of the funds appropriated in this bill shall be used to supply petroleum products for Southeast Asia, when the result of the use of such funds would be to reduce either directly or indirectly the supply of petroleum products available to the United States civilian sector of the economy."

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Mark Schneider of my staff be accorded the privilege of the floor during the consideration of this matter.

The VICE PRESIDENT. Without objection, it is so ordered.

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

Mr. McINTYRE. Mr. President, without relinquishing my right to the floor, I yield to the distinguished majority leader.

MESSAGE FROM THE HOUSE

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

S. 513. An act to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities; and

S. 1038. An act to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 180) relative to the convening of the 2d session of the 93d Congress.

The enrolled joint resolution was subsequently signed by the Vice President.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to convene at 11 a.m. tomorrow.)

EXECUTIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, I am endeavoring at this time to work out an agreement to see if we cannot consider the Saxbe nomination within a period of 1 hour. I do so because I am getting worried about the condition of the roads, and I would like to get Senators home at a reasonable hour. No agreement has yet been reached, but we are working on it.

FOREIGN ASSISTANCE APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 11771) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. McINTYRE. Mr. President, this amendment is a follow-on to the amendment my distinguished colleague (Mr. COTTON) introduced to the Defense Department Appropriation bill on last Thursday. His amendment was adopted by a vote of 60 to 33.

I will not make a long speech on this amendment because I believe my colleagues are aware of its purpose.

In these times of severe energy shortages here at home and on a day when we need only to look outside and see the heavy snow and sleet and below freezing temperatures, it is difficult to understand how we can be endorsing legislation that will provide petroleum products to Southeast Asia.

The storm battering us here in Washington at this moment is moving to the Northeast promising heavy snows and bitter temperatures for that part of the Nation which is, at the same time, suffering the most severe energy shortages.

It is my understanding that as much as $80 million of petroleum products may be provided in the pending legislation for Southeast Asia. Even if the figures is less than that, it is difficult to justify large expenditures for petroleum products, when we are asking our citizens to pay increasing amounts for home heating oil, for gasoline at the filling stations and for the products made of petroleum.

Mr. President, I would like to quote my distinguished senior colleague when he said last Thursday:

I speak as a Senator who steadfastly supported our effort in South Vietnam through those long, weary years when the President of the United States, and I honor him for it, was trying to extricate us, as he expressed it, with honor. But there is a time when we owe something to our own people, and I offer this amendment conscientiously because I do not think we are going to do any good, in the long run, by sending oil over there, to be destroyed by the enemy.

I think these same words fit the amendment I have offered now for myself and my colleague (Mr. COTTON).

Mr. President, I move the adoption of the amendment. It is my understanding that the leadership on the bill is willing to accept the amendment.

Mr. INOUYE. Mr. President, Senator BROOKE and I have discussed this amendment with the Senator from New Hampshire, and we agree to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. KENNEDY. Mr President, I send an amendment to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENNEDY'S amendment is as follows:

On page 22, between lines 16 and 17, insert the following:

SEC. 604. None of the funds made available under this Act for "Military Assistance", "Security Supporting Assistance", and "Foreign Military Credit Sales" may be used to provide assistance to Chile.

Mr. MANSFIELD. Mr. President, will the Senator yield

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Would the Senator

consider a time limitation on this amendment?

Mr. KENNEDY. Ten minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending amendment, to be equally divided between the manager of the bill and the sponsor of the amendment.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, is the Senator speaking of this particular amendment only?

Mr. MANSFIELD. Oh, yes.

Mr. HARRY F. BYRD, JR. No objection.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this amendment is very simple. It would strike from the bill those particular provisions that deal with military grants, foreign military sales, and security supporting assistance to the country of Chile. That will amount to $1 million in grants and $10 million in military sales credits. It will in no way affect the other programs of narcotics assistance, selected developmental aid and education, or United Nations resource funds, which come to about $300,000.

It seems to me, Mr. President, that the whole world has been shocked by the use of military equipment in Chile. It has been used against civilians. It has been used against foreign refugees. This has been military equipment supplied by the United States to the Government of Chile. It seems to me that until that country is prepared to return to the orderly processes of democratic institutions and democratic government, it does not behoove the United States to be extending military aid, assistance, and grants to Chile.

I think there are a number of different, delicate negotiations going on in the international community, with the High Commissioner on Refugees, the International Red Cross, who have been down to Chile trying to insure the protection of human rights and human liberties. Their reports and their stories are distressing to all who have concern for human rights and democratic institutions.

I do not think this is an appropriate time for the United States to be embarking on a military supply system for the country of Chile. I would therefore hope that this amendment, to strike those provisions, would be agreed to.

Mr. INOUYE. Mr. President, this matter has been discussed with the Senator from Massachusetts (Mr. KENNEDY) and we stand ready to accept the amendment.

Mr. KENNEDY. I am very grateful to the Senator from Hawaii.

Mr. President, I would urge that Senators ask themselves how these weapons are to be used.

The military junta in power in Santiago is not threatened by its neighbors. It is not threatened by Peru, or Argentina, or Bolivia. Its weapons are all trained against its own citizens.

In the foreign aid authorization bill, I introduced an amendment cosponsored by several other Members. That amendment was adopted unanimously. Its key portion read:

It is the sense of the Congress that (1) the President should deny Chile any economic or military assistance, other than humanitarian assistance, until he finds that the Government of Chile is protecting the human rights of all individuals, Chilean and foreign. . . .

Although the conference committee rejected portions of the amendment, it did retain language urging the President to request the government of Chile "to protect the human rights of all individuals. . . ." In addition, the final bill contains a provision requiring the denial of aid to any government that maintains political prisoners or which practices torture.

I ask unanimous consent that these provisions be printed in the RECORD.

There being no objection, the provisions are ordered to be printed in the RECORD, as follows:

POLITICAL PRISONERS

SEC. 32. It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

RIGHTS IN CHILE

SEC. 35. It is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile.

Mr. KENNEDY. On both counts, I believe Chile should be denied military aid. We have not received any indication that the President has made any formal requests on the Government of Chile since passage of the foreign aid bill. Nor has the State Department responded to questions I submitted on October 18 concerning the protection of human rights in Chile, questions raised during a hearing of the Subcommittee on Refugees.

What I do know of the attitude of our Government is even more disturbing. Despite an international presence in Chile—despite the extraordinary efforts and initiatives of the United Nations High Commissioner for Refugees—UNHCR—and the International Committee of the Red Cross—ICRC—to protect human rights in Chile—efforts and initiatives which deserve our full support—the Department of State apparently continues to see the issue of human rights as purely an internal affair of Chile. And, inevitably, this affects the measure of support we give to the initiatives of these international humanitarian agencies.

How else can we interpret recent cable traffic suggesting that human rights violations "fall within the Government of Chile's domestic jurisdiction"—and that ICRC initiatives regarding the humane sentencing of political prisoners and the stay of executions should not be given the support of our Government?

I do not feel we should extend military aid to a government which has come to power through a violent, bloody coup, which remains in power without any constitutional authority, and which continues a policy of repression. Only the most overwhelming justification in terms of our national security could justify extending military aid to such a government. That justification does not exist with regard to the present rulers of Chile.

Let me emphasize that support for this amendment does not imply any attitude whatsoever with regard to the previous government. I personally would have objected to several of the policies adopted by that government. But it was a government chosen by the people of Chile in a democratic election and on that basis it had the right to attempt to develop its program within the bounds of the Chilean political process.

The tragedy for Chile and for Latin America is that the process was cut short and the question of peaceful change within the democratic political system left unanswered.

What we seem to have, Mr. President, is an attitude on the part of this administration that constitutes complicity in the denial of human rights which is going on in Chile today. It is complicity both by silence with regard to supporting international humanitarian initiatives and protesting the continued violation of human rights—and complicity by action with regard to our willingness to extend bilateral aid to the junta.

By extending military assistance, we no longer can maintain the pretext of seeking to assist the people of Chile—rather than the government—through wheat loans. We would be openly and blatantly declaring our willingness to be identified with the government-imposed repression of the junta, with its illegitimate accession to power and its unconstitutional preservation in power.

I do not believe the Congress should support an administration policy which has been designed to provide strong evidence of U.S. support for the military junta—from the initial silence when the coup occurred to the extension of commodity credit loans in 2 months which are 20 times the amount extended in 3 years to the Allende government.

I would emphasize that this amendment is not proposed on ideological grounds—unless concern for human rights is defined as such. I do not believe that it is in the interests of this Nation to provide the weapons that are used to maintain a system of repression and to maintain this dictatorship in power.

Let me cite recent news reports which depict the character of the junta:

On November 25, the Swedish Ambassador and for other Embassy officials

were beaten and kicked by uniformed carabineros and plainclothes security men while attempting to prevent the arrest of a Uruguayan woman who had been granted asylum under Swedish diplomatic protection.

Press censorship continues and several newspapers and radio stations have been closed entirely.

Political parties all remain prohibited from any activity and several have been banned entirely.

The Chilean Congress remains closed.

Universities and colleges remain under military rule.

Some 750 prisoners, according to the government, none of whom has had the opportunity for a civil trial, have been transferred to a prison camp deep in a northern desert.

Congressmen and former government ministers remain imprisoned on Dawson's Island—still not formally charged and still prohibited from contact with the outside world and still living under brutal conditions.

Letters I continue to receive from inside Chile contain allegations of torture and deaths of individual prisoners.

Chileans and foreign refugees continue to remain within foreign embassies unable to secure either a guarantee for their safety within Chile or permission to leave the country. They include the former Minister of Agriculture Jacques Choncol, a recognized expert on agriculture in developing countries, who also held a high government post under former President Frei. Although no formal charge has been filed against him, he allegedly is accused of being responsible for a downturn in agricultural performance, charges that would presumably threaten Secretary Butz if they were to be made the criteria between freedom and imprisonment.

I do not believe that the long-run interests of the United States for peaceful and constructive relationships with the nations of Latin America, relations which I consider important and valuable to this Nation, will be fostered by linking ourselves, through the extension of military aid, to the military dictatorship which aborted the political and judicial process, which seized the reins of power through violence and which remains in power today through force and repression.

I urge that this amendment be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

Mr. JAVITS. Mr. President, I should like to address a question to the distinguished manager of the bill which relates to an item dealing with American schools and hospitals abroad. I notice the fact that the figure has been cut almost 50 percent.

The traditional approach to this matter has been that we have generally provided about $20 million. Also, I note that there is a limitation of not more than four institutions in the same country who may be benefited.

I might tell the Senator that this limitation to strike probably goes more strongly to what has happened in Israel to the various institutions there.

I would therefore greatly appreciate it if the chairman would give us the rationale for the cut and the limitation.

Mr. INOUYE. Mr. President, the budget request of the State Department called for $10 million. We decided to go along with that budget estimate. Second, it was suggested by several on the committee that as much as possible of this program should be spread throughout the world and not predominantly in one sector of the world. Right now, as the Senator knows, most of the funds go to the Middle East.

The House provision calls for $19 million with no restrictions on the number of recipients per country. So that this matter will have to be discussed and taken to conference.

Mr. JAVITS. I just have two points to make. One, I agree that funds should not be confined, but I think the limitation by institution, if we are going to have a limitation, might be better accomplished by a percentage of the region.

The other point which I think is very important is that the State Department is not inclined to jump up and down about these various voluntary organizations. It will be remembered that a good deal of this goes to Roberts College, one of the great institutions, and not in Israel. The Senator said the Middle East, so there should be no misconception about that.

However, I am reassured by the Senator's statement. He will be the principal conferee and I shall therefore leave it up to him at the conference. I know his disposition in the matter.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I wonder if the Senator from Hawaii would have a colloquy and answer some questions that I think are relatively important in the whole debate. Before doing so, I want to say that I think an amendment which we just adopted with respect to Chile was extremely shortsighted. In the interest of getting the bill through and into conference, I did not ask for more detailed discussion or make more objection to it.

It seems to me, considering there was a Marxist government in Chile, a government which had proceeded to decimate the economy of the country and expropriate the property of our country without any compensation whatever, that we were not dealing with an ordinary military dictatorship; we were dealing with a group that was trying to put the country back on the road. For us to take punitive action at this time is, I think very shortsighted.

Having said that for the record, I should like to ask a couple of questions. It is my understanding that the bill is some $2.18 billion over the total appropriations for last year. That is reported on page 1 of the committee report. Does it, in fact, include more items than last year? Is that the reason for the difference?

Mr. INOUYE. It is more than last year's amount because it includes an increase of $2.2 billion for military assistance to Israel.

Mr. DOMINICK. I understand that; but that, of course, is contingent upon the authorizing legislation.

Mr. INOUYE. That is correct.

Mr. DOMINICK. On page 7 of the report, the committee refers to the fact that Congress has already passed a kind of general rule that a fair share of our obligations—international obligations—should be "20 to 30 percent of the worldwide total." Going over to the next page, page 8, I find contributions that are 70 percent, 40 percent, 45, percent, 55 percent, and so on, but I do not find any action by the Committee on Appropriations in trying to cut those amounts down to 25 or 30 percent, as represented by Congress before this time. Can the Senator give me any explanation for that?

Mr. INOUYE. This subcommittee has endeavored to retain the fair-share concept. I think we have been successful to some degree, especially on the larger accounts in the banks.

The subcommittee purposely included these tables and statistics so that all Senators and Members of Congress could be made aware that we have not reached the goal as of this moment. I share the Senator's concern.

Mr. DOMINICK. Would there be any prospect of a cutback in those shares we are talking about? If we go along on the ground that there is very little we can do about it because of the nature of the organization, we will never get down to the 25 or 30 percent category.

Mr. INOUYE. I believe these operations or these programs must be taken individually. For example, the Senator will note in the U.N. fund for drug abuse that it was felt by our Ambassador that the country that will benefit the most should be the United States. Some of the other members of the United Nations were not too enthusiastic about this.

So considering the effects of drug abuse in the United States—the effects of narcotics—it was decided that 35 percent appears to be correct.

Mr. DOMINICK. That may be true as to drug abuse, because we are at least better, based on 100 percent, than we were 2 years ago.

Mr. INOUYE. This matter was negotiated about 8 years ago. At that time the United States, as one of the super economic powers decided that it would be in the interest of our Nation and the world to make this proportionate contribution. This is part of the contract, so at this stage there is not much we can do.

Mr. DOMINICK. Is this a contractual obligation?

Mr. INOUYE. It was an agreement reached some 8 years ago, and will be completed in about 2 years.

Mr. DOMINICK. The contractual obligation that I heard about—perhaps this is another one—was the one between the Indus Valley Power and Water Association and the World Bank, not any contractual obligation with our State Department on direct grants, which I understand this to be.

Mr. INOUYE. I am glad the Senator

is bringing up this matter, because it touches upon something that has been of grave concern to most of us on the subcommittee. Most if not all of these percentage participations were reached through agreement by the administration—not this administration but prior administrations. It is subject to appropriations. However, in each case, whether it was 8 years ago or a year ago or 3 months ago, the Appropriations Committee—and, more specifically in this case, the Subcommittee on Foreign Operations—has been presented with what is contended is a fait accompli. The members of the administration negotiating team would appear before us and say, "We have already promised this amount, and our reputation is at stake; our good name is at stake," thereby attempting relegating the Appropriations Committee to a mere rubber stamp.

This subcommittee has tried its best to express its independence in some small way. The Senator will notice that here and there we have indicated our concern, and I have refused to go along with some of the agreements that have been reached by the administration.

Mr. DOMINICK. I am sure that the Senator from Hawaii has done an excellent job here. I just become a little impatient, as I think many other people do, upon continually finding that we have obligations we have to pay out, even though the time for doing so may have passed.

On page 33 of the report is a heading "AID Loans with Potential for Deobligation as of March 31, 1973." Frankly, I do not know what that means, and I wonder whether the Senator from Hawaii could explain it to me.

Mr. INOUYE. As the Senator knows, I have held this position now for slightly less than 2 years. We have suggested—at least, the chairman of this subcommittee has suggested on two occasions—that these longstanding obligations be restudied and be deobligated.

As the chart shows, we have in existence loans that have been in existence for more than 25 months, that do not seem to be moving. We are hoping that the administration will voluntarily take it upon themselves to deobligate themselves over some of these activities which are now lying dormant.

Mr. DOMINICK. Do I correctly understand the Senator to say that in his view there was $422 million which should have been deobligated—the chances are that none of it has been, but that you say it should be?

Mr. INOUYE. Possibly not all of the $422 million; but I would think that those for example, that many which have been in existence and lying dormant for more than 25 months could be deobligated.

Mr. DOMINICK. Which comprises some 26, as I read it.

Mr. INOUYE. Yes.

Mr. DOMINICK. It does not say to what countries.

I understand also from the report, and I do not have the exact page——

Mr. INOUYE. For example, I do not have the specifics here, but several years ago, in 1961, the United States entered into an agreement with Argentina for $10 million in loans, with an interest rate of only one-half of 1 percent. Since then, things have changed; and I insisted that the administration get together with the officials of Argentina to change this. They have refused. Therefore against the will of the committee it was decided to succeed after the loan had lain dormant for more than 10 years, to proceed with this loan of $10 million to Argentina at an interest rate of one-half of 1 percent.

Mr. DOMINICK. I congratulate the Senator for getting that done.

One of the things I take credit for being able to accomplish has been to get a more reasonable interest rate on our so-called economic loans, which were nothing but grants originally and were one-quarter of 1 percent, as I recall. I finally managed to move that up.

I wonder whether the Senator can tell me if I am correct that in addition to the $5,475,068,000 in the Senate bill, there is now $3 billion to $4 billion of aid money which is in the pipeline.

Mr. INOUYE. It depends on what the Senator means by foreign assistance. If he is talking about much of the military assistance we are providing for many countries, which does not appear in this bill, one could argue that the foreign assistance program exceeds $20 billion.

Mr. DOMINICK. Somewhere in here is a statement on the pipeline, which I understood was $3 billion to $4 billion.

Mr. INOUYE. It is $4,424,600 for the Foreign Assistance Act and military credit sales.

Mr. DOMINICK. That is in addition to what is in this bill. So, in fact, what we are saying to the American people is that we are going to give $10 billion, in round figures, or $9 billion, in round figures, of their tax money to other countries because we think the other countries are in tough shape.

Mr. INOUYE. These were sums appropriated prior to this time.

Mr. DOMINICK. I understand that, and it is in the pipeline now.

So, on the basis of the $2 billion, which is what we were doing before, it is my understanding that on the pipeline alone, we could go for 2 years and nobody would know that we had cut off foreign aid.

Mr. INOUYE. The Senator is correct.

Mr. DOMINICK. I yield to the Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, I would simply like to comment also on the amendment which was adopted a few moments ago, without much debate, striking out any appropriation to be made available to provide assistance to Chile.

I rise only because I think we have a tendency in this body to separate countries according to whether we conceive them to be leftwing countries or rightwing countries. I have consistently supported assistance to countries of both the leftwing and the rightwing or opposed them, according to what I believed to be in the interests of the United States.

But I do note that if assistance is proposed, for example, to Yugoslavia, it appears to be all right. If it is proposed to Greece, it is all wrong. If it is proposed to India, it is all right. If it is proposed to Chile, it is all wrong.

I think this is the wrong way to legislate. I do not believe we should legislate on our concept of the ideology which governs the government but on the concept of what is best for the United States in the circumstances.

For that reason, I hope the conferees will consider this amendment carefully. It may be a proper amendment. I am not questioning the merits of it at this point. But I am questioning the way in which we tend to divide governments and make judgments on them according to what we conceive to be their ideology.

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

Mr. HUGH SCOTT. I yield.

Mr. AIKEN. With respect to Chile, does the Senator think it would be a great help in getting favorable settlements for all the American investments that have been made in Chile, rather than have them grab everything that is there and keep it?

Mr. HUGH SCOTT. This move to strike out any possibility of assistance to Chile is an invitation for them to refuse to compensate American companies on their investments. It is an invitation thereby to deprive this country of the revenue we have received from the tax sources, and it is an interference in the internal affairs of the country involved. I do not know a thing about whether the government is good or bad, but if it is a leftwing government, it goes through flying, and if it is a rightwing government, it should be knocked out. I do not think that is the right approach. We should judge this more on the question of what is in the American interest, and I do not think we should judge it on whether or not American interests abroad would make more or less money or simply slap a country in the face on the basis of a brief debate on the floor.

Mr. DOMINICK. I thank the Senator from Vermont and the Senator from Pennsylvania. I am glad to find that the three of us are in agreement on that point. I thank the Senator from Hawaii for having been so kind as to answer my questions.

I must say for the RECORD that even with $2.2 billion in the bill for Israel, which I think properly is necessary, I, for one, cannot understand giving away over $8 billion from our economy for the benefit of other countries.

Mr. AIKEN. Achieving satisfactory settlement in Chile could have a future impact on the life of OPIC.

Mr. HARRY F. BYRD, JR. Mr. President, I compliment the Senator from Hawaii and the Committee on Appropriations for this comprehensive report. I think there is more detailed information in regard to foreign assistance contained in this report than in any other report I can remember.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. MANSFIELD. I agree with the distinguished Senator from Virginia. I think there is a great deal of detail here which never has been available to the country, or which the country has had any knowledge of. I suggest that this report be gone into carefully because it

gives a pretty good idea of personnel costs and utilization, the amount of military aid, and transfer of resources to foreign nations. The details are worthwhile and I, too, compliment the Senator from Hawaii, the distinguished chairman of the subcommittee, and the distinguished Senator from Massachusetts for a very good job. I hope Members read all of this report.

Mr. HARRY F. BYRD, JR. Mr. President, I concur in the statement of the distinguished majority leader.

This bill is for $5.5 billion. It is only a part of the total foreign assistance program of the United States. There are parts of the bill I favor.

I think the appropriation to help Israel under the difficult situation which exists in the Middle East is necessary. We must give full consideration to the problems and to the fact that we must maintain a balance. We must be aware of the tremendous amount that the Soviet Union has done in arming the Arab nations. So that aspect of the bill—some help for Israel—does not give me cause for great concern.

What does give me concern is the rest of the bill, and that is the larger part of the total figure. The bill totals $5.5 billion.

I am most interested in the table which appears on page 6 which shows that if Export-Import Bank funds are included then the total transfer of U.S. resources to foreign nations for fiscal 1974 will be a minimum of $16 billion. I say "minimum" because that figure does not reflect certain items that are included in footnote No. 1 on that page.

I would like to vote for parts of the bill, but obviously I must vote for or against it as an entity. That being the case I shall vote against the total package of $5.5 billion.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. MANSFIELD. I think it is most interesting to read in the first paragraph on page 5:

RECOGNITION OF THE TOTALITY OF UNITED STATES FOREIGN ASSISTANCE

With the end of World War II the United States began a vast program of international assistance which has directly benefited most of the nations of the world at a cost to the American taxpayer in excess of $183,000,000,000, not including interest or the cost of United States forces serving overseas. For fiscal year 1974 the Administration proposes an additional $8.6 billion in foreign assistance.

Where is it going to end? Where is this money coming from?

Mr. HARRY F. BYRD, JR. The question asked by the distinguished majority leader is a question I have been asking also, just as he has, for a long time.

There must be a brake on the amount of funds and money we are spending for foreign assistance and on the resources we are transferring to foreign nations. This report shows that for this 1 year, if one includes the Import-Export Bank, the total will be $16 billion. In fact it will be $18 billion if certain other already appropriated funds are included.

A while ago the Senator from Hawaii, if I heard him correctly, said it is possible if one includes certain items, it would go up to $20 billion.

We must call a halt to this tremendous outpouring of U.S. resources.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. ERVIN. I wish to commend the Senator for his statement. The Senator expresses my views in respect to the bill entirely. I would like to vote for this aid to Israel under existing circumstances but in order to do that I have to swallow several billion dollars of other aid that I think are absolutely unjustified.

I thank the Senator for stating my position in this matter much better than I could state it myself.

Mr. HARRY F. BYRD, JR. I thank the Senator from North Carolina.

Mr. President, when one realizes, as the majority leader just pointed out, that since the end of World War II the international assistance provided by the United States to other nations is in excess of $183 billion, not including interest, I think it should give one pause as to whether we should be passing today a bill as large as this; namely, $5.5 billion.

Like the Senator from North Carolina, I, too, were it handled as a separate item, would support assistance to Israel. I understand an authorization bill covering that matter will be reported by the Committee on Foreign Relations tomorrow and if it is not weighed down with other items I shall vote for it.

Mr. President, I have just one question I would like to ask the Senator from Hawaii. On page 17 of the bill, under contributions to the consolidated special funds of the Asian Development Bank, I notice the committee eliminated the figure that was in the bill of $25 million and inserted $100,000. Could the Senator comment on that,

Mr. INOUYE. Two years ago the administration assured the Asian Development Bank of our contribution of $100 million toward a special fund operation. The chairman of the subcommittee resisted this recommendation for 2 years, simply upon the ground that I felt that in all these years in our participation in the Asian Development Bank, although our contributions were rather substantial, our participation, as far as selling goods and services were concerned, were minimal.

So, after several months of discussions and during all that time in representing my subcommittee, I was insistent that no appropriation would be made unless assurances are given that 100 percent of the $100 million appropriated will be spent to purchase American goods and services; and with that understanding, the subcommittee recommended this figure.

Incidentally, in the total contributions to the Asian Development Bank of this $100 million, our percentage is less than 10 percent. In the case of other banks, for example the Inter-American Development Bank, our contribution was 74 percent. In most of the United Nations' activities our contribution is at least 30 percent. So this is our smallest participation.

Mr. HARRY F. BYRD, JR. This is only one item in the contributions which the United States is making to the international financial institutions.

Mr. INOUYE. Oh, there are several others, yes.

Mr. HARRY F. BYRD, JR. There are a number of others. I wonder if the Senator has handy the total being appropriated to international financial institutions.

Mr. INOUYE. Up to fiscal year 1973 the United States has contributed $12,019,168,000 to the following institutions: International Bank for Reconstruction and Development, International Finance Corporation, International Development Association, Inter-American Development Bank, Asian Development Bank, African Development Bank.

Mr. HARRY F. BYRD, JR. That is for what period of time?

Mr. INOUYE. From the date of the beginning of the institutions. There are differing degrees.

Mr. HARRY F. BYRD, JR. The total is, roughly, $13 billion?

Mr. INOUYE. $12,019,000,000.

Mr. HARRY F. BYRD, JR. May I get the view of the distinguished chairman of it by saying I am not clear in my own mind whether the figure for the Export-Import Bank should be included as a part of foreign assistance.

Mr. INOUYE. We have always felt that it should not be made a part of the Foreign Operations Subcommittee, although, as the Senator is well aware, the activities do involve foreign activities in aiding American business people in exporting their goods and services abroad.

Mr. HARRY F. BYRD, JR. It is an ambiguous position.

Mr. INOUYE. Very much so.

Mr. HARRY F. BYRD, JR. It is foreign assistance in one way and it is assistance to American companies in another, but it does send our resources to foreign nations.

Mr. INOUYE. With the understanding that it is coming back.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield for one moment?

Mr. INOUYE. I yield.

Mr. JAVITS. Mr. President, I think it would be unfair to allow the point to pass without some comment that the committee has made a very humanitarian commitment for the so-called Sahel countries.

In August I had the opportunity of visiting, for this country, the Upper Volta, which is a typical example of that group of countries, and the degree of starvation and desperation in those countries was something simply unbelievable to all of us.

I would like to express what I know would be the appreciation of millions of our own people in providing for them through two provisions in this bill, one for $50 million and one for $25 million. I have every belief, from what I have seen, that it will be administered well, sparingly, and intelligently, with a view to alleviating famine and also toward taking some important steps in providing a better agricultural system and some recovery.

Mr. INOUYE. Mr. President, on behalf of the subcommittee, I thank the Senator for his kind remarks.

Mr. PELL. Mr. President, I have cosponsored amendments to restore cuts in funds for the refugee program, including assistance for Soviet Jewish emigrants, because I believe that the unsettled circumstances of the world today do not justify less but probably more of an American effort in this humanitarian field. Events in Greece, Chile, Indochina, Middle East, the U.S.S.R., all point to continuing need of U.S. assistance to relieve the distress of refugees and other victims of international tensions and domestic policies that violate human rights. I urge, therefore, that the Senate support action to provide funds required to meet as generously as possible the needs of these distressed people.

Mr. GRIFFIN. Mr. President, I shall support this appropriation bill. However, I do wish to point out that the amounts appropriated are far below those considered necessary by the administration. This bill cuts appropriations for grant military assistance 56 percent below the amount requested by the administration. The bill also reduces new money requested for foreign military sales credits by 38 percent.

In voting for this appropriation, therefore, I do so with the expectation that the conferees will adjust funding levels to amounts adequate to do the job that needs to be done. In that connection I call attention to the fact that only 2 weeks ago the Senate passed authorization legislation to provide the funds that are required.

INDOCHINA AID

Mr. KENNEDY. Mr. President, I wish to commend the Appropriations Committee, and the distinguished chairman of its Subcommittee on Foreign Operations, Senator INOUYE, for the provisions in the bill regarding our future assistance to Indochina.

The language in the Appropriations Committee's report fully supports that carried in the foreign assistance authorization, which indicates that humanitarian aid should receive the highest priority in our assistance programs in Indochina. I commend the Appropriations Committee for this very clear-cut language in the report—quoting from page 89:

> The committee is strongly committed to meeting the humanitarian needs of the people in this war-torn area. Therefore, the committee fully intends that a maximum usage of these funds for humanitarian assistance be made available. These needs must be given the highest priority in our assistance program to Indochina.

Mr. President, this is a crucial point to be emphasized again in our consideration of foreign assistance to Indochina. For I believe this emphasis by the Committee on Humanitarian Assistance is also the very clear consensus of most Americans and many in Congress—that our only obligation remaining in Indochina is to the people of the area, especially to those refugees, civilian war casualties, orphans, and others disadvantaged by the war which we funded for so long.

If what the administration now calls its postwar relief and reconstruction program is to be worthy of its name, meeting these humanitarian needs must surely become the central focus of our assistance effort.

Yet, without this congressional mandate written into the language of the foreign assistance legislation, I doubt, Mr. President, that these priorities would have been as clearly reflected in our programs in the field. For despite the administration's greater verbal emphasis on humanitarian concerns and assistance—a fact, that in itself, stands in sharp contrast to previous justifications of our aid to Indochina—the administration's budget presentation to Congress does not fully carry out this stated humanitarian commitment. Too many of the old pacification, war-related aid programs remain in the program, even as the labels changed. And those projects most directly related to humanitarian relief of refugees and civilan war victims have been cut far more than comparable cuts in the commercial import program and other projects.

Hopefully, Senate action today will support the Appropriations Committee's effort to turn around our aid priorities in Indochina—from fueling war and involving ourselves further in the remaining political conflicts in the area, to truly helping heal the wounds of war.

I believe the $400 million appropriated by the committee is fully adequate to meet these humanitarian needs, and represents a wise reduction from the amount originally requested by the administration. In fact, the committee's action coincides with the amounts contained in amendments I introduced last June 22 to the foreign aid authorization bill. In applying the tests of humanitarian and basic support objectives to the administration's proposed allocations for Indochina, I strongly felt then, as I do now, that a number of projects recommended by AID should be totally eliminated and others drastically reduced. Some, because they encouraged and continued our direct involvement in the area—such as public safety and many old pacification projects—and others I cut because conditions of continuing violence prevent their successful implementation—such as some large scale construction and developmental projects.

Again, I commend the Appropriations Committee and fully support its conclusion that—

> In appropriating $400 million for Indochina reconstruction, the committee has made available funds necessary for meeting the basic human needs of the people of Indochina, and for supporting the economies of their countries. It has deferred other programs until a durable peace can be achieved.

In meeting the immediate humanitarian needs of war victims in Indochina, I also hope the administration will view the $107 million specifically earmarked by the committee as a minimum, rather than as the maximum to be spent on direct humanitarian programs. For if this $107 million is combined with the $30.5 million loosely specified for "reconstruction and rehabilitation" purposes, the total still represents less than a quarter of the funds appropriated for Indochina assistance. Surely, to spend any less than a quarter on humanitarian and reconstruction programs, can hardly be considered giving first priority to such programs. Therefore, I hope the administration will abide by the priorities established by the committee, even as I know that the Congress must be vigilant to see that the actual programs in the field reflect them.

Finally, Mr. President, I would again comment that one of the most glaring shortcomings in the adinistration's current approach to Indochina aid is the absence of any new initiatives or new programs to encourage greater international participation in the relief effort. Except for a general reference to the future possibility of multilateral approaches, the administration's budget proposal is silent. Regrettably, the thinking of a wartime bureaucracy, preoccupied with how to maximize American influence and presence, still dominates our policy and programs in Indochina—even under today's new conditions.

If we are ever to begin the transition from direct bilateral involvement to multilateral participation in aid programs to Indochina—if we are ever to end our mast-client relationships with the Governments of South Vietnam, Laos, and Cambodia—then our aid effort must now begin to encourage, and tangibly support, greater international participation.

The record is clear that a number of governments and international organizations are now prepared to contribute to humanitarian programs in Indochina if they are carried out under international auspices. A primary example is the Indochina Operations Group—(IOG)—of the International Red Cross. Another is UNICEF, and other specialized agencies of the United Nations. But the record is also clear that not much word of encouragement or support—and few offers of cooperative funding—have been made by our Government.

To date, we have offered the Red Cross IOG $2 million. But it is also clear that if we offered more, other nations would likely follow, and the constraints on the IOG's current level of operations would be eliminated. And, stated simply, they could do far more with less from us. Therefore, I would hope we would immediately offer greater support to the IOG program, both as a symbol as well as tangible evidence of what can be done for the people of Indochina through international humanitarian programs.

Over the coming year we must see some greater measure of concern within the administration in this area if we are ever to begin the process of transition—ending once and for all our client relationships with the governments of Indochina.

Again, Mr. President, I commend the Appropriations Committee for its fine report on Indochina aid, and for the humanitarian priorities so firmly established in the appropriations bill.

Mr. HATFIELD. Mr. President, it has been my privilege to serve as a member of the Subcommittee on Foreign Operations of the Senate Appropriations

Committee. Let me commend the chairman of the committee, the Senator from Hawaii (Mr. INOUYE) for the very thorough and thoughtful leadership which he has exercised. He has devoted a painstaking inquiry into our foreign operations budget, along with the other members of the subcommittee. Further, he has been totally cooperative toward the minority members of the subcommittee. Partisan viewpoints and loyalties have been transcended as the subcommittee has reached a consensus on appropriations for our foreign assistance programs.

I must acknowledge that I am not a supporter of the overall thrust and priorities of our foreign assistance programs. Our foreign aid programs have been excessively dominated by funds for military and military-related purposes in other nations. Further, our programs of economic assistance have reflected, far too often, goals which are essentially political rather than humanitarian. Its effects frequently have been to support status quo regimes rather than to meet the pressing human needs of the poorest and most destitute members of the human family.

The actions taken by the subcommittee in the bill before us, however, include very important initiatives that are beginning steps to alter some of the deficiencies of our foreign assistance programs, in my judgment. In this regard, I would especially draw the Senate's attention to the subcommittee's reduction in our military assistance program, and to the language of the report justifying this action.

Likewise, I believe that the committee acted wisely concerning the proposed program of "Postwar Reconstruction for Indochina." By reducing the overall amount and stressing the priority of humanitarian assistance, the committee took the proper course of action in view of the fact that peace has yet to become a reality for the people of Indochina. Postwar reconstruction cannot be undertaken in a serious way until such a peace has actually been achieved.

In restoring funds cut by the House for United Nations programs, in increasing assistance to the victims of the Sahel famine, and in restoring in general funds for humanitarian programs, the committee demonstrated wise and compassionate judgments.

Let me draw specific attention to certain actions of the subcommittee and the full committee.

Mr. President, section 32 of the Foreign Assistance Act of 1973 states:

It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

The committee has made reference to this provision in the report, both in the section dealing on assistance to police and prisons in South Vietnam, and in the section dealing with assistance to Haiti.

Our programs of foreign assistance are frequently criticized because, it is alleged, we support corrupt and repressive governments with the funds that we give. Even though we may have the best intentions in mind, if those funds must be given to governments that are not truly committed to meeting the needs of their citizens, but rather to their own political survival, then those funds serve no useful purpose.

It is my conviction that this is the case for many countries that are receiving our assistance.

Haiti is but one illustrative example.

I was pleased with the action taken by my colleagues on the Foreign Operations Subcommittee with regard to assistance to Haiti. The language of the committee report reflects appropriately our concern.

In my judgment, the $8.9 million of economic assistance proposed for Haiti in this bill should be eliminated. I proposed this course of action in the subcommittee. Although there was not consensus on this point, there is deep concern over the merits of our assistance program to Haiti, and the subcommittee has made a firm pledge to investigate further the effects of this assistance program, and the political conditions that exist there.

I ask unanimous consent that the committee's language with respect to Haiti appear in the RECORD at this point.

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

ASSISTANCE TO HAITI

The Committee has taken note of the discussion by Congress concerning our provision of assistance to countries whose governments appear clearly to be in violation of basic political and human rights of their citizens by blatantly imprisoning dissidents for political purposes. This Congressional sentiment resulted in Section 32 of the Foreign Assistance Act of 1973, which reads as follows:

It is the sense of the Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

There is deep concern by the Committee that our foreign assistance, frequently justified in the name of protecting democracy and freedom, is furnished to certain regimes whose actions clearly violate these principles.

Also, the restructuring of the Foreign Assistance Act has stressed that our economic aid should be rendered according to its ability to directly meet the basic human needs of people rather than being used as a political tool for supporting the recipient government. The clear implication is that if a regime seems incapable of addressing itself forthrightly to the fundamental needs of its people, then our assistance to it, regardless of how well intended it may be, cannot be justified. Indeed, in such cases our economic and military aid can be perceived by the people of that particular country and by much of the world as undergirding a repressive and unresponsive government.

The Committee intends, therefore, to evaluate proposed future foreign assistance at least in part on conditions within the prospective recipient countries, including the governments' commitment to basic human rights and its demonstrated dedication to serving the humanitarian needs of its poorest and most deserving people.

As an illustrative case in point, the Committee has considered the $8.9 million in proposed economic assistance to Haiti that would be appropriated by this bill.

Haiti is the poorest country in the Western Hemisphere, with a per capita income of about $70.00 per year. From 80% to 90% of her population is illiterate. About nine out of ten Haitians live in desperate poverty in rural areas, earning $25 to $35 each year and facing a life expectancy of about 33 years. Only a small urbanized elite enjoy any opportunities for education or employment. Yet an estimated 50% of the 200,000 to 300,000 work force living in urban areas are unemployed. Thus, the needs of the 4.8 million Haitian people are painfully obvious.

The question remains, however, as to whether those needs are being adequately addressed by the present regime.

With the death of Francois Duvalier in April of 1971, his 20 year old son, Jean Claude, succeeded him as "President for Life." While there is some evidence to indicate that the grim visible terror of Francois Duvalier's regime may have subsided, it seems that autocratic rule characterized by an unflinching willingness to suppress people has not.

The Human Rights Commission of the Organization of American States has issued statements and findings concerning the repression of human rights in Haiti.

In March of this year, Amnesty International, recognized as an international source on political prisoners, wrote to President Duvalier stating that:

"Haiti's prisons are still filled with people who have spent many years in detention without ever being charged or brought to trial. Amnesty Internataional remains seriously concerned at the continued repression of dissent in Haiti and the denial of human and legal rights."

When the Duvalier government announced last year that it had "amnestied" 130 prisoners, it was revealed that many of those named were not in prison at all, but were living abroad. Many hundreds of Haitians continue to suffer as political prisoners, to say nothing of those who have fled their homeland to escape persecution.

The Inter-American Press Association, at the end of 1972, made the following observation in their report:

"There is no freedom of the press (in Haiti). . . . The press continues to be unconditionally subjected to the whim of duvalierian dictatorship."

In addition, there are serious questions as to whether the Haitian government has demonstrated capability and dedication in acting to meet the pressing social and humanitarian needs within their country.

The current national budget of Haiti is $33.3 million. The government intends to spend a full $8 million on the Ministry of Internal Security and National Defense, 25% of her budget. That leaves only 13% ($4.3 million) for the Ministry of Health, 12% ($3.9 million) for National Education, and 8% ($2.6 million) for agriculture, despite the fact that agriculture accounts for 80% of the nation's economic activity and is the only source of livelihood for the nearly 90% of Haitians who are rural peasants.

Further, a memorial for Francois Duvalier is being built at the reported cost of $1 million, and the stadium at Port-au-Prince has recently been expanded at the approximate cost of $1.5 million, part of a $5 million governmental investment this year to host World Cup soccer elimination games.

In recent years, the Haitian government has been aggressive in attempting to attract outside business investment. The principal types of investments, however, have been for luxious tourist facilities and for assembly factories which take advantage of extremely low Haitian wages. Such factories, however, have created only about 1,000 new jobs per year on the average, which hardly makes a dent in the estimated 100,000 or more unemployed in the urban areas, or in the estimated 12,000 who leave the country each year

in search of work. Moreover, while the parent American company having a product assembled in Haiti will pay the Haitian contractor approximately $1.70 per hour for each employee, the salary actually received by the workers averages about $.16 to $.20 per hour. It should be noted that the prospect of such investment ever "trickling down" to relieve the plight of the urban unemployed, or to have any effect on the abject suffering of Haiti's millions of destitute rural poor is remote if not impossible.

United States foreign assistance was suspended in 1963, and has been only gradually resumed since, until the past two years. The Committee notes that the proposed level of assistance to Haiti in AID's illustrative budget has almost tripled since FY 1972, to the current level of $8.9 million, not including an additional $2.1 million under P.L. 480. AID projects a continued increase in such assistance during the next two years. Further, the Committee notes with some concern that in August and October of this year weapons and ammunition worth about $275,000 were sold by our government to Haiti under the Foreign Military Sales program. (Also, last year and the year before licences were granted for the private purchase of military equipment from United States sources.)

These amounts of assistance are relatively small. Yet, they represent a decision to begin a significant program of assistance to the Haitian government. Even now, the projected flow of U.S. resources to Haiti in FY 1974—$11.0 million—is equal to one third of Haiti's national budget.

For the reasons stated, the Committee questions the decision to resume and expand assistance to Haiti. It is Committee's opinion that despite the desperate need of the Haitian people, the conditions may not exist within the Haitian government which would enable our resources to be put to beneficial use. A primary effect of such aid, in the Committee's judgment, could be to make a regime whose violation of human rights seems to be flagrant and whose dedication to meeting the humanitarian needs of its people is dubious, dependent upon and undergirded by United States resources.

For these reasons, the Committee intends to hold a special hearing immediately next year to examine our assistance program to Haiti.

We will be investigating and closely watching developments within that country to determine whether our program of assistance is justifiable.

The Committee realizes that similar cases may be made against our giving of aid to other countries. The Committee intends to give critical examination to our assistance programs, particularly in those cases where governments are cahracterized by a denial of human rights and seem insufficiently committed to meeting the basic humanitarian needs of their citizens.

Regardless of how critical the need, the United States cannot do for the peoples of other countries what their own governments seem unwilling to do. Our foreign assistance must never subsidize the corruption, lack of commitment, unresponsiveness, or tyranny by other governments toward their own people. The Committee believes these perspectives are responsive to the intent of the Foreign Assistance Act of 1973.

Mr. HATFIELD. Mr. President, I would draw the special attention of my colleagues to the last paragraph of this section of the report, and particularly the sentence—

Our foreign assistance must never subsidize the corruption, lack of commitment, unresponsiveness, or tyranny by other governments toward their own people.

Mr. President, this is also the intent of section 32 of the Foreign Assistance Act of 1973.

As a member of the Foreign Operations Subcommittee of the Appropriations Committee, I believe that we should take the initiative in determining the conditions within countries which are receiving our assistance, particularly with respect to their treatment of those in opposition to their government. There is no reason for our Government to ever subsidize tyranny abroad.

With this in mind, I requested that the Congressional Reference Service of the Library of Congress survey, from the resources available to it, the conditions of political and religious liberty in several countries that are recipients of our foreign assistance. These reports are most illuminating, and I recommend them to my colleagues. Further, since under the terms of the Foreign Assistance Act, the President is to terminate any military or economic aid to a government which imprisons its citizens for political purposes, I also recommend these reports to the administration as it conducts its review of our foreign assistance programs with this provision of law in mind.

I ask unanimous consent that these reports, prepared by the Congressional Reference Service of the Library of Congress, regarding political and religious liberty in several countries receiving our foreign assistance, be printed in the RECORD at this point.

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

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: ARGENTINA*

AID SUMMARY [1]

Total Official U.S. Development Assistance FY 1946–1972—$197.6 million.

Total Official U.S. Development Assistance FY 1972—$0.

Total U.S. Military Programs FY 1953–1972—$162.4 million.

Total U.S. Military Programs FY 1972—$20.3 million.

Proposed total of all U.S. Resources Transferred FY 1974—$24,854 million.

The following paper is a summary account of the status of political and religious liberties in Argentina and is not intended to serve as a comprehensive analysis.

For the majority of the past 18 years, since the ouster of General Juan Peron in 1955, Argentina has been under the rule of the military, the major source of power in the nation. There have been only intermittent periods of government led by elected civilian presidents. General Peron, originally a member of a military group which took over the Government in 1943, was elected to office in 1946 and established a "highly authoritarian and nationalistic dictatorship," [2] accompanied by the suppression of Argentine civil rights.[3] In the interim years before General Peron again came to power in 1973, Argentine political life has been characterized by a continual conflict between the military and the large following of Juan Peron, which he directed from exile in Spain, and which, despite repeated exclusions from participation in the political process, remained the principal political opposition in the nation.

The military government that ruled after the fall of Peron withdrew after 3 years in favor of elections in 1958. The military intervened again to oust the elected government of President Arturo Frondizi in 1962, substantial electoral gains by the Peronistas being a major factor. Following election in 1963, Argentinians enjoyed a brief period of political freedom under the elected government of Arturo Illia, but his term was interrupted by a military coup in 1966 [again major electoral gains by the Peronistas servin gas a key factor], bringing to power Lt. Gen. Juan Ongania and the institutionalization of authoritarian military rule in Argentina. Ruling by decree and repeated imposition of states of seige which suspended all constitutional guarantees, Gen. Ongania concentrated executive and legislative power in his hands. The national and provincial legislatures were dissolved, all political parties and political activity was outlawed, the supreme court justices, the elected provincial governors, and all other elected officials were dismissed and replaced by loyal Ongania backers responsible to the Executive. Police controls were tightened and the judiciary put under heavy pressure to uphold Government policies; strict press censorship was imposed prohibiting any criticism of the Government and its leaders. The universities were temporarily closed, many professors were ousted, and student political activity prohibited.[4]

General Ongania's increasingly repressive policies, which provoked widespread unrest particularly within the labor movement [5] and among the students, and generated increased terrorist activity, led to demands by elements of the military that he restore constitutional government and democracy. His refusal brought about another military coup in June 1970, placing Brig. Gen. Roberto Marcelo Levingston in power with a promise to "return to democratic normalcy." [6] Political parties remained outlawed, however, and elections were not scheduled [the Levingston government announced that four or five years were necessary to stabilize the country in preparation for elections].

Argentina's continuing political and economic crisis led to Gen. Levingston's replacement in March 1971, in another move by the military, by Gen. Alejandro Lanusse, who pledged "the full reestablishment of democratic institutions in a climate of liberty, progress and justice." [7] The Lanusse government instituted the Gran Acuerdo Nacional [Great National Agreement] designed to open dialog among the nation's major political forces to effect an accord on a means to political stability. All political parties were legalized and the first general elections since 1966 were scheduled for March 1973. Lanusse's agreement contemplated a conciliation between the military and the Peronistas, including Gen. Juan Perono Peron returned briefly from exile in November 1972 and refused his party's presidential nomination. [He was legally barred from running as a presidential candidate because he returned later than the Argentine residency deadline set by the military for all potential candidates.] The Peronista coalition presidential candidate, Dr. Hector J. Campora [candidate of Peron's Justicialista Movement and numerous smaller parties] was elected from a field of nine candidates. Immediate actions by his government and the newly elected National Congress included the declaration of a general pardon of all political prisoners and the repeal of legislation considered repressive. In July 1973, obviously according to a pre-arranged plan, Dr. Campora resigned his office in favor of an interim president, staging the way for Juan Peron, who returned to Argentina in June so he could run as a candidate in the special election of September 1973. Peron won the election with 62 percent of the vote in a field of four candidates, and was inaugurated on October 12.

President Peron's platform called for peace, unity and national reconciliation, although

thus far his government has not announced a general program. Although it is too soon to determine the course of the Peron government, according to analysts, many Argentines view Peron as the only real hope of averting political and economic chaos, although he left Argentina in severe political and economic difficulties in 1955.[8] There is speculation among analysts that Peron will reestablish a highly personalistic government.[9] Indications cited by some observers include a reported crackdown by top Peron government officials in the form of unofficial purges of what has been termed "Marxist elements" in the nation through increased police action and unofficially sanctioned violence,[10] and the imposition of some restrictions on the press.

As concerns political prisoners in Argentina, as previously stated, the elected government of Dr. Hector Campora, in May 1973, promulgated a law of general amnesty with the resultant release of all political prisoners [some 1200]. Further, the law negated all convictions for crimes committed for reasons connected with political, social, labor, or student activities, and abolished the special "anti-subversive" courts previously established by the military government.

Prior to that time, frequent political arrests were made by the military governments under an anti-Communist, anti-subversion law [Law 17401], and other arbitrary detentions carried out at the discretion of the Executive power during the intermittently declared states of siege. Political prisoners were placed under military jurisdiction; trials and convictions took place under a special tribunal created by the military government. In its 1972–73 report, Amnesty International cited "many allegations of torture of prisoners during the interrogation period," which the organization had on several occasions brought to the attention of the military governments. Government officials maintained that there were no political prisoners in Argentina.[11]

Under the Ongania government, the influence of the Argentine press was greatly reduced. At that time, restrictions were imposed banning publications which criticized public officials, an act that largely eliminated media.[12] Although press freedom was largely political reporting in the press and other restored under Ongania's successor, General Levingston,[13] a new press law incorporated in the penal code in 1972, imposed during the Lanusse government, prohibited the media from publication of communiques or news emanating from groups considered terrorist or "subversive," and established sentences for violations.[14] The 1972 annual report of the Inter-American Press Association's Freedom of the Press Committee stated that, "in general terms, the press has been able to inform and comment with absolute freedom," although there were isolated instances of temporary censorship and closing of publications by Executive authority.[15]

The Peronist interim government, which assumed control after Dr. Campora's resignation, instituted a new press decree forbidding foreign news agencies from supplying Argentine newspapers with national news, thereby increasing reliance on the Government news agency by all but the largest papers which could afford to employ correspondents around the nation. The law imposed certain other restrictions on the media as to percentage of content of subjects—50 percent of the news printed must be about Argentina, with second preference to other Latin American countries, and finally world news.[16]

In Argentina, all religious creeds enjoy freedom of worship, although by constitutional provision the President must be of the Catholic faith, and protestant services may not be broadcast.[17]

FOOTNOTES

* This report was written by Virginia Hagen, Analyst in Latin American Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973, p. 35.

[2] The Europa Year Book 1973: A World Survey. Vol. II. London, Europa Publications Ltd., 1973, p. 29.

[3] Kantor, Harry. Patterns of Politics and Political Systems of Latin America. Chicago, Rand McNally & Company [1969] p. 588.

[4] The Europa Year Book 1973, op. cit., p. 29; Political Handbook and Atlas of the World, 1970. New York, published for the Council on Foreign Relations by Simon and Schuster, 1970, p. 12 and its 1971 Supplement: The World This Year, p. 5–6; Worldmark Encyclopedia of the Nations, Vol. 3: Americas. New York, Harper and Row, 1971, p. 6; The American University, Foreign Area Studies Division. Area Handbook for Argentina. Washington, U.S. Govt. Print. Off. [1969] p. 44, 187–210.

[5] Despite attempts by succeeding military governments alternately to win labor support and emasculate the political power of Argentina's labor movement, it remains one of the best organized and most militant in Latin America. [Reed, Irving B., Jaime Suchlicki and Dodd L. Harvey. The Latin American Scene of the Seventies: A Basic Fact Book. Miami, University of Miami Center for Advanced International Studies, 1972, p. 2.] It has maintained an active and powerful role in the political processes of the nation since its original strengthening as a power base by Peron. During the repeated periods of military rule, especially under President Ongania, government decrees placed strict controls on labor, prohibiting political activity of any kind, limiting strikes, and providing for government supervision. Labor, however, continued to function as the primary base of opposition to military rule, and the last two military governments (that of Gen. Levingston and Gen. Lanusse) sought conciliation with the labor movement in an effort to stabilize the nation.

[6] Fernandez, Julio A. Crisis in Argentina. Current History, v. 64, no. 378, February 1973: 51.

[7] Ibid.

[8] U.S. News and World Report, October 8, 1973: 70.

[9] Cox, Robert. Argentina: Unification Through Cultism. New York Times, September 30, 1973: 14.

[10] Rosenbaum, Mort. Peron's Return Fails to Ease Tensions. Washington Post, November 11, 1973: 2.

[11] Amnesty International. Annual Report 1972–73. London, Amnesty International Publications, September 1973, p. 44–45, 72–73.

[12] Political Handbook and Atlas of the World, op. cit., p. 13.

[13] The World This Year, 1971, op. cit., p. 6.

[14] The Inter-American Press Association. Freedom of the Press Committee. Report to the XXVIII Annual Meeting, Santiago, Chile, October 1972.

[15] Ibid.

[16] Kandell, Jonathan. Argentina Cubs Local News by Foreign Press Services. New York Times, August 22, 1973: 7.

[17] Worldmark Encyclopedia of the Nations, op. cit., p. 4.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: BOLIVIA*

The following paper is a summary account of the status of political and religious liberties in Bolivia and is not intended to serve as a comprehensive analysis.

AID SUMMARY [1]

Total Official U.S. Development Assistance FY 1946–1972—$547.2 million.

Total Official U.S. Development Assistance FY 1972—$60 million.

Total U.S. Military Programs FY 1953—72—$31.7 million.

Total U.S. Military Programs FY 1972—$4.8 million.

Proposed total of all U.S. Resources transferred FY 1974—$42,624 million.

On August 22, 1971, a military coup led by Colonel Hugo Banzer Suarez, with the support of Bolivia's rightist party, the *Falange Socialista Boliviana*, and segments of the left-oriented *Movimiento Nacionalista Revolucionario*, overthrew the leftist-oriented military government of General Juan Jose Torres (in power since October 1970). According to political leaders of both parties, the overthrow of the Government was necessary "to keep the country from falling into the hands of Communism." [2]

The Banzer government has allowed political activity by most of Bolivia's political parties, although several parties, Communist and extreme leftwing, are proscribed. (All political party activity had been suspended under the government of General Alfredo Ovando Candia, 1969–1970, and the suspension had continued under President Torres.) No elections have been held since 1966, and the National Congress has not met since September 1969, when it was suspended.

The Banzer government declared a state of sieze in November 1972 in response to increasing labor unrest, which resulted from new economic measures including a 66 percent devaluation of the Bolivian peso earlier ordered by President Banzer, and to a protest strike in La Paz, which the Government termed an outbreak of "open conspiracy against the government." [3] Under the state of siege, which remained in effect through April 1973, large political gatherings were prohibited, constitutional guarantees relating to individual rights were suspended, and entry of homes and detention without warrant was permitted. The files of the U.S. Catholic Conference indicate that during the state of siege, opposition political activists from the political and governmental, educational and intellectual, press, labor, and liberal church sectors of society suffered persecution and arrest. It has been further alleged by the same source that army search parties and unofficial "death squads" seized and assassinated citizens considered to be "subversive", without hindrance by the Bolivian Government.[4] It is reported that instances of mass arrest and political assassinations of members of leftwing groups and other individual accused of complicity with guerrillas have increased as a result of political tensions in early 1973.[5] In November 1971, the death penalty was reinstituted. It is estimated that 5,000 people have left the country as a result of political persecution, and that the Government has deported 350 political prisoners.[6]

Bolivia's eight autonomous universities were closed for a five-month period beginning in September 1972, after which academic authorities and professors were dismissed, some student leaders were arrested, and activities of academic and teachers' organizations were halted. When the universities reopened in February 1973, Government supervisors had been placed in all educational institutions and the universities had been reorganized, according to the Bolivian Government, in order to realign them "in the reality of the country, in harmony with the objectives of the present national state.[7]

After coming to power, President Banzer broke up the Bolivian trade unions. More recently, it is reported that he has allowed the revival of these unions under new leadership which is closer to the common laborer.[8]

Since President Banzer came to power in 1971, an estimated 2,000 political prisoners have passed through Bolivian prisons and detention camps. Amnesty International reports that although the majority of those detained in the first months of the Banzer Government have been released,[9] and several amnesties were decreed in the latter part of

Footnotes at end of article.

1972 and the beginning of 1973, more than 300 "prisoners of conscience" remain as of September 1973, and others have died as a result of torture in prison. In December 1972, a general amnesty decreed by the Government was cancelled owing to an alleged plot against President Banzer.[10] In May 1973, the Minister of the Interior announced that 81 political prisoners had been turned over to Ordinary Justice for trial, but judicial action has not yet been taken.[11] It is reported that no political prisoners have been brought to trial in Bolivia since August 1971. The Bolivian Government maintains that "no non-violent political prisoners remain in detention" at this time.[12]

The Banzer government has been criticized by prominent organizations which allege that it practices repressive and authoritarian methods. An organization within the Bolivian Catholic Church, the Bolivian Committee for Justice and Peace, has appealed to the President for amnesty for imprisoned political dissidents and an end to extralegal practices such as arrest on mere suspicion without trial, political assassination, and torture, and has sought support from human rights organization abroad.[13]

On July 20, 1973, the Division for Justice and Peace of the United States Catholic Conference issued a "Statement of Solidarity on Human Rights in Bolivia" to the President of the Bolivian Justice and Peace Commission in La Paz citing "the systematic, long-standing and violent repression of human rights" in Bolivia, the "documented atrocities" that have occurred in Bolivia during the past two years, and the "reign of terror . . . directed . . . quite indiscriminately against anyone engaged in social action program." [14]

Concerning freedom of the press in Bolivia, it is reported that some politically and/or socially activist religious publications and media programs have been subject to censorship.[15] According to the 1972 annual report of the Inter-American Press Association:

"In Bolivia newspapers that support the government, and independent newspapers, are published freely. Due to political upheavals suffered by Bolivia during the last few years, there are journalists in prison in that country, although no information is available on the real reason for which they have been deprived of their liberty. Numerous other journalists are in exile. . . ." [16]

Religious freedom is not restricted in Bolivia except in the case of previously discussed political activity by religious leaders.

FOOTNOTES

* This report was written by Virginia Hagen, Analyst in Latin American Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945—June 30, 1972. Washington, May 1973. p. 39.

[2] Rebellion Erupts Against Leftist Bolivian Government. New York Times, August 20, 1971: 3.

[3] Bolivia Declares a State of Siege in Protest Strike. New York Times, November 24, 1972: 1, Bolivian Crisis. Washington Post, November 1, 1972.

[4] Files of the U.S. Catholic Conference, Latin America Bureau, Washington, D.C.

[5] Amnesty International. Annual Report 1972–73. London, Amnesty International Publications, September 1973, p. 44, 46.

[6] Report of the Bolivian Committee for Justice and Peace, May 1973. (The Committee is made up of liberal and conservative elements of the Bolivian Catholic Church)

[7] Deadline Data, 1972, p. 75.

[8] Neilson, James. Rightist Bolivian Government Moves to Center. Washington Post, July 1, 1973: H3.

[9] Amnesty International. Special Publicity Appeal for Bolivian Prisoners, August 1973.

[10] Amnesty International, Annual Report . . . , p. 45, 46.

[11] Amnesty International, Special Publicity Appeal . . .

[12] Amnesty International, Annual Report, p. 46.

[13] Bolivian Committee for Justice and Peace.

[14] United States Catholic Conference. Division for Justice and Peace, Washington, D.C. Statement of Solidarity on Human Rights in Bolivia, July 20, 1973.

[15] Files of the United States Catholic Conference, Latin America Bureau, Washington, D.C.

[16] Inter-American Press Association. Freedom of the Press Committee. Report to the XXVIII Annual Meeting, Santiago, Chile, October 1972.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: BRAZIL*

AID SUMMARY [1]

Total Official U.S. Development Assistance FY 1946–72—$2,377.3 million.

Total Official U.S. Development Assistance FY 1972—$21.0 million.

Total U.S. Military Programs FY 1953–1972—$413.6 million.

Total U.S. Military Programs FY 1972—$20.8 million.

Proposed total of all U.S. Resources Transferred FY 1974—$76,916 million.

The following paper is a summary account of the status of political and religious liberties in Brazil, and is not intended to serve as an in-depth or comprehensive analysis.

Governing through three successive presidents, the Brazilian military have been in power since a coup d'etat on March 31–April 1, 1964 toppled the leftist-oriented government of Joao Goulart. In their desire to achieve the Brazilian "economic miracle," and in implementing their conservative political model, the governments of Presidents Castelo Branco, Costa e Silva, and Garrastazu Medici, all from the senior ranks of the armed forces, have concentrated great power in the executive branch of government and have taken strong measures in the name of national security. Some of these measures, undertaken in the quest for the stability the military feel is necessary to accomplish the economic and political goals, have led to worldwide censure and criticism by prominent organizations that have charged that the Brazilian governments have been authoritative and repressive.

In the first week after the coup, the Government arrested over 7,000 people in order to secure firm control of the country. During the Castelo Administration, the political party system was reorganized so that only two parties were permitted to function: the Government-sponsored National Renovating Alliance (ARENA) and the legal opposition, the Brazilian Democratic Movement (MDB). Decree laws were passed which gave military courts jurisdiction over crimes related to national security and a new constitution empowered the President to issue decree laws and declare states of siege without prior approval of Congress. Under the National Security Act, Decree 314 of March 14, 1967, various violations of the law, such as those governing the press, were considered political crimes, as were strikes. [2]

Opposition protests, which began to develop during the Castelo government, became more widespread under the Costa e Silva Administration and the military countered. Bloody clashes, which occurred in March-April 1968 between students and soldiers, led to official protests from national church leaders. Clergy at the Brazilian National Conference of Catholic Bishops in July 1968 warned of further violence if the situation continued.[3] Many liberal and conservative churchmen were brought into confrontation with the authorities as the military arrested many members of the clergy on charges of aiding the Communist conspiracy; the Archbishop of Belo Horizonte charged that the Church was being persecuted.[4]

During Costa's rule, right and left wing terrorist groups became active and in Rio de Janeiro and Sao Paulo right wing vigilantes, known as the Death Squad, for the most part comprised of off-duty policemen, began an assassination campaign against alleged criminals. Various incidents including the killing of a U.S. Army captain in Sao Paulo, soldier-student clashes, Congress' refusal to void the congressional immunity of a severe critic of the military, a Supreme Court order releasing student leaders arrested for attempting to hold a national convention of the outlawed National Union of Students, and pressure on Costa e Silva by hardline military elements to respond to such challenges to their authority,[5] led to the promulgation of Institutional Act No. 5, which was signed on December 13, 1968.

Under Institutional Act No. 5, Congress was suspended and many citizens, including some opposition politicians and three state governors, were arrested on charges of subversion. It is estimated that in the period from the promulgation of the Act until October 1969, 521 persons lost their political rights, included among them were many Members of Congress and members of state legislatures; a number of state legislatures were suspended. In January 1969, three justices of the Supreme Court were removed and the Chief Justice resigned in protest.[6] In February 1969, the Government banned student and faculty protests and in April it ordered the retirement of 68 prominent professors, many of whom were not politically active and some of whom were well-known conservatives.[7]

The Costa e Silva Administration continued to act against dissidents through a series of decrees and institutional acts such as Decree Law 898 of September 1969 which reintroduced the death penalty for political crimes.[8]

Just prior to the time when it was speculated that Costa e Silva was going to announce the reconvening of Congress, the President suffered a stroke on August 31, 1969. Bypassing civilian Vice President Pedro Aleixo, the three armed forces ministers took over the Government for 60 days. After capitulating to the demands of revolutionaries who kidnapped U.S. Ambassador Elbrick by releasing 15 political prisoners in early September, the ruling triumvirate promulgated institutional acts which set the death penalty for psychological, subversive, or revolutionary warfare, established banishment as a penalty, and canceled municipal elections scheduled in nine states.[9]

When it was determined that Costa e Silva's incapacitation was permanent, the military High Command nominated General Emilio Garrastazu Medici to serve out the remainder of the term and to serve the full term ending in March 1974. On October 25, 1969, Medici was elected by the reconvened Congress and Admiral Augusto Rademaker, Minister of the Navy, was elected Vice President. Medici expressed his hopes to restore democracy before the end of his Administration.[10] The new constitution, promulgated on October 17, 1969, was a codification of many of the powers that the military had assumed since the declaration of Institutional Act No. 5. The constitution restricts the powers of Congress and no longer provides for congressional immunity from criminal prosecution.[11]

President Medici, basically, has followed the policies of the previous governments, overseeing Brazil's substantial economic growth and concentrating more power in the executive. He signed a decree in November

1971 which gave the President the power to promulgate secret decrees relating to any subject dealing with national security. The following month, he signed a new human rights law which stated that the meetings of Brazil's major human rights body, the Council for the Defense of the Rights of Man, as well as the decisions taken at its meetings, will be secret.[13]

Allegations of torture of political prisoners increased after the military's cession to the demands of leftist revolutionaries for the release of their colleagues in return for Ambassador Elbrick in September 1969. The National Conference of Brazilian Bishops that month expressed concern over the conflicts in Brazilian society and condemned "jailings and prison tortures."[13] A dossier containing broad charges of murder and torture by Brazilian authorities was endorsed by 61 prominent European Roman Catholics and presented to the Pontifical Commission of Justice and Peace at the Vatican in December 1969. A report from the Papal Nuncio in Brazil sent to the Pope charged that suspected terrorists and political prisoners have been subjected to electric shocks and other forms of torture. The Brazilian Government generally was regarded as the object of Pope Paul's mention of torture in his Easter Week message in March 1970.[14] In 1970, the International Commission of Jurists condemned torture in Brazil.[15]

The Organization of American States' Inter-American Commission on Human Rights, passed a resolution in May 1972 stating that "the evidence collected . . . leads to the persuasive assumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty."[16]

The Brazilian Government, thus far, has refused to permit onsite investigations by the OAS or any other body.

After a three-year study of allegations of torture of political prisoners, Amnesty International released a report in September 1972 which charged that over 1,000 Brazilians had been tortured and stated that Amnesty had the names of over 400 Brazilians who were directly responsible, as well as the names of the Brazilian law enforcement bodies involved.[17]

In a report critical of the Brazilian economic "miracle," issued in May 1973, 14 Brazilian bishops and archbishops charged that the Government had used repressive measures in order to guarantee its economic system.[18]

The Brazilian Government's response to allegations of torture generally has been quiet in nature. Its response on May 8, 1970, however, was direct.[19] The Government contended that charges of torture are "prompted by international agents of subversion and harbored by a morbid and sensationalist sector of the foreign press." It further stated—

"There is no torture in our prisons, nor do we have people confined merely because of their political beliefs. In Brazil, no one is deprived of liberty simply for diverging from the democratic orientation defended by the Government."

The statement continued that those in prison "are terrorists, detained while undergoing regular trial for crimes they committed assaulting defenseless persons, holding up banks and individuals, and kidnapping diplomats to negotiate exchange of prisoners."

As proof that prisoners are not tortured, the Government cited the fact that "following the exchange of the diplomats for the delinquents, none of the latter, who had been expressly indicated by the terrorists, were found to bear any signs of violence or torture whatsoever."

In December 1970, then Minister of Education Jarbas Passarinho made the first official acknowledgement that excesses were being engaged in by law enforcement agencies in Brazil when he publicly denounced torture and blamed overzealous police officers who went beyond official policy.[20] In August 1973, the Brazilian Embassy in Washington reiterated that torture of political prisoners is not the policy of the Government nor is it condoned when it might occur.[21]

Press censorship under the military government has become more severe since August 1972. Prohibited from publication are news items concerning censorship, tensions between the Church and the Government, and discussions of democracy in Brazil.[22] In its annual report for 1972, the Committee on the Freedom of the Press of the Inter-American Press Association described recent Brazilian censorship regulations as "the strictest since the military seized power in 1964." The report attributed Government attempts to squash rumors of President Medici's successor as one of the prime reasons for tighter control even though it seemed as if everyone knew that General Ernesto Geisel was the front runner.[23] Several newspapers have attempted to fight censorship through the Brazilian courts but the military's final word is that the Government is empowered to declare censorship under Institutional Act No. 5.[24]

Religious freedom in Brazil is not restricted but there is tension between national church leaders and the military government. Sectors of the Catholic Church have become the only effective vehicles of dissent and have expressed openly their charges of torture and repression as discussed above.

In June 1973, the military hierarchy made its selection for the next President of Brazil, General Ernesto Geisel, head of Petrobras, the Government oil monopoly, and brother-in-law of the Minister of War. He will be elected on January 15 at an electoral college. He has proven himself an able administrator but at this point it is mere speculation to discuss the direction his government will take.

FOOTNOTES

*This report was written by Barry Sklar, Analyst in Latin American Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 40.

[2] International Documentation on the Church (IDOC). Report on Allegations of Torture in Brazil—Amnesty International No. 48, November 1972, p. 10. (Hereafter cited as IDOC)

[3] Congressional Research Service (CRS), Library of Congress. Repression of Civil Liberties and Human Rights in Brazil since the Revolution of 1964. CRS multilith prepared by Rieck B. Hannifin, June 26, 1970, p. 27 (Hereafter cited as CRS)

[4] Ibid., p. 28.

[5] Schneider, Ronald. The Political System of Brazil. New York, Columbia University Press, 1971, p. 273.

[6] CRS, p. 33.

[7] Goodsell, James. Ouster of Professors Saps Brazilian Talent. Christian Science Monitor, May 9, 1969.

[8] IDOC, p. 10. The death sentence had been abolished in 1822 when Brazil became an independent nation. Thus far the death penalty has not been carried out.

[9] CRS, p. 45.

[10] Deadline Data.

[11] CRS, p. 46.

[12] IDOC, p. 12.

[13] National Catholic News Service. Brazilian Bishops Support Torture Investigations, March 12, 1970.

[14] CRS, p. 49.

[15] Washington Post, July 23, 1970.

[16] OAS. Inter-American Commission on Human Rights. Resolutions on Case 1684 (Brazil), approved at the 3rd meeting of the 28th session, May 3, 1972.

[17] IDOC.

[18] Washington Post, May 27, 1973.

[19] Embassy of Brazil. News from Brazil.

[20] New York Times, December 4, 1970.

[21] Conversation with Embassy staff, August 1973.

[22] New York Times, February 17, 1973.

[23] Inter-American Press Association. Committee on the Freedom of the Press. Report to the General Assembly of the IAPA, Santiago, Chile, October 1972, p. 9.

[24] Inter-American Press Association News, June–July 1973.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: THE KHMER REPUBLIC (CAMBODIA) *

AID SUMMARY [1]

Total U.S. Official Development Assistance, FY 1955–1972: $388.4 million.

Total U.S. Official Development Assistance, FY 1972: $57.6 million.

Total U.S. Military Programs, FY 1955–1972: $475.0 million.

Total U.S. Military Programs, FY 1972: $186.9 million.

Proposed total of all U.S. Resources Transferred FY 1974 at least $287,648 million.

The following paper is merely a summary account of the status of political and religious liberties in the Khmer Republic and is not intended to serve as an in-depth or comprehensive analysis.

The Khmer Republic has been in existence since the overthrow of Prince Sihanouk in March 1970; a republic was officially proclaimed in October 1970. Since that time, the Cambodian Government has been at war with Cambodian Communist insurgents and North Vietnamese forces, who have occupied large portions of the country.

The Khmer Republic has had several forms of government since 1970. The leadership originally consisted of Lon Nol as Prime Minister, Sirik Matak as Deputy Prime Minister, Cheng Heng as Chief of State, and In Tam as First Vice President. In 1971 the Lon Nol government came under criticism from student groups and the National Assembly; the Assembly particularly wanted the right to consider acts by the Government.[2] Lon Nol acted in September and October 1971 by firing In Tam and Douc Rasy, editor of the Government magazine Realites Cambodgiennes; Rasy had been critical of the Government. Lon Nol allowed the National Assembly session to expire on October 18 rather than extend its term; and the Government decreed that the Assembly would henceforth act only as a constituent assembly to write a new constitution. The Government also announced that it would govern by decree under a "state of emergency."[3]

In February and March 1972, in a period of demonstrations by Buddhists and students, Lon Nol made several changes in the Government which extended his own powers. He took over the post of Chief of State from Cheng Heng and dismissed Sirik Matak (against whom many of the demonstrations were directed). He also dissolved the constituent assembly[4] and selected a committee to draft a new constitution. Submitted to a referendum on April 30, 1972, 90 percent of the voters approved it, according to official figures.[5]

The new constitution provides for a President and Vice President elected by direct universal suffrage every five years. A two-chambered Parliament, the National Assembly, elected by direct universal suffrage and the Senate, chosen through indirect elections and appointments, votes on Government bills, the budget, and declarations of war and of national emergencies. A Supreme Court determines the constitutionality

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Footnotes at end of article.

of bills presented to Parliament. The constitution provides for freedom of conscience, worship (Buddhism is made the state religion),* expression, and association. It guarantees the right of every citizen to criticize the Government, providing this is done without recourse to violence and in law-abiding manner. Habeas corpus is guaranteed.[7]

In the June 1972 presidential election, Lon Nol won with 55 percent of the vote, defeating In Tam and Keo An, an academic. Less than one million people voted. Both In Tam and Keo An charged election irregularities; In Tam alleged that the names of as many as 100,000 of his supporters had been removed from the registration lists. The Government denied the charges. During the campaign, Government agencies and the armed forces actively supported Lon Nol, who received most of the votes of the military (estimated at somewhere near 200,000 men).[8] In Tam and Keo An were allowed to campaign openly, but they were denied air time on the Government-owned radio and television stations.[9]

In elections for Parliament held in September 1972, the Democratic and Republican parties, led respectively by In Tam and Sirik Matak, boycotted the vote, charging that it was rigged in favor of Lon Nol's Social Republicans. Supporters of the Government charged, in turn, that the opposition withdrew because it knew it could not win.[10] As a result, Lon Nol supporters won nearly all the seats with 96.19 percent of the vote.[11]

In April 1973, Lon Nol opened up his government to include some of his rivals. A four-man council, composed of Lon Nol, Cheng Heng, In Tam, and Sirik Matak was established as a basic decisionmaking body. In Tam also became Premier.

Until March 1973, groups such as students and teachers were allowed to protest and demonstrate against Government policies, and there were significant protests during the October 1971-March 1973 period. The most prominent were the student strikes in March 1972 against Sirik Matak, strikes of Government workers in mid-1972 for higher wages, and a strike of 20,000 teachers in February-March 1973 over economic issues.[12]

Throughout this period, too, the press was allowed to criticize the Government,[13] although after the June 1972 election, the Government closed down four Phnom Penh newspapers, which had supported the opposition.[14]

Following the March 18, 1973 attack on the Presidential palace by a single plane flown by a dissident pilot, Lon Nol declared a state of national emergency, suspended the publication of all newspapers and periodicals except those published by the Government, ordered an end to the teachers' strike, and arrested numerous persons (press estimates range from 100 to 500), charging them with being pro-Sihanouk subversives.[15] Among those arrested were 16 members of the former royal family, Keo An, and Sirik Matak (who was put under house arrest briefly before becoming a member of the four-man council), and reportedly some teachers, newspaper editors, and students.[16] According to the U.S. Department of State Cambodia Desk, some of the prisoners were released in April, when the four-man council was established. The remainder were set free in June on In Tam's orders.[17]

FOOTNOTES

* This report was written by Larry Niksch, Analyst in Asian Affairs.

[1] U.S. Agency for International Development, U.S. Overseas Loans and Grants and Assistant from International Organizations: Obligations and Loan Authorizations July 1, 1945–June 30, 1972. p. 69.

[2] Poole, Peter A. Cambodia: the Cost of Survival. Asian Survey, v. 12, February 1972; 151. Lon Nol's Cambodian Regime Wrestles With Rising Dissent. Washington Star, September 24, 1971.

[3] Far Eastern Economic Review 1972 Yearbook: 120–121. Lon Nol Calls Democracy "Sterile Game". Washington Post, October 21, 1972. Kamm, Henry. A Cambodia Chief Sees a Vote Soon. New York Times, October 28, 1971.

[4] Lon Nol Assumes Complete Control of Government. Washington Post, February 11, 1972.

[5] The Far East and Australasia. London, Europa Publications Ltd. [1973], p. 475.

[6] An estimated 90 percent of the population are Buddhists. There is no evidence of religious conflict or restrictions on religious groups in the Khmer Republic.

[7] The Far East and Australasia, p. 475.

[8] Southerland, Daniel. Presidential Victory No Surprise. Christian Science Monitor, June 7, 1972. Bradsher, Henry S. A Cloudy Cambodia. Washington Star, June 6, 1972.

[9] Baczynskyj, Boris. Cambodia: Actively Neutral. Far Eastern Economic Review, v. 76, June 3, 1972: 11.

[10] Poole, Peter A. Cambodia: Will Vietnam Truce Halt Drift to Civil War? Asian Survey, v. 13, January 1973: 80. Lippman, Thomas W. National Election Arouses Little Interest in Cambodia. Washington Post, September 3, 1972.

[11] Leslie, Jacques. Hope Yields to Disillusion in Cambodia. Los Angeles Times, September 24, 1972.

[12] For accounts of these, see Poole, Peter A. Cambodia: Will Vietnam Truce Halt Drift to Civil War? Asian Survey, v. 13, January 1973: 79, and the following newspaper articles: Jay, Peter A. Cambodia Bearing Up Well. Washington Post, November 1, 1971. Onos, Peter. Erratic Politics, War, Corruption Erode Support for Lon Nol Regime. Washington Post, March 31, 1972. Whitney, Craig R. Cambodia Seems Adrift After 2 Years as Republic. New York Times, June 6, 1972. Kirk, Donald. Mounting Discontent in Cambodia Focusing for 1st Time on Lon Nol. Chicago Tribune, March 18, 1973. Southerland, Daniel. Cambodian Mood: Discontent Grows. Christian Science Monitor, March 10, 1973.

[13] For accounts of press criticism, see Baczynskyj, Boris. Lon Nol's Private War. Far Eastern Economic Review, v. 77, July 1, 1972: 24. Bradsher, Henry S. Cambodia Morale Dips to Low Ebb. Washington Star-News, September 24, 1972. Leslie Jacques. Hope Yields to Disillusion in Cambodia. Kirk, Donald, Mounting Discontent in Cambodia Focusing for 1st Time on Lon Nol, Chicago Tribune, March 18, 1973. Southerland, Daniel. Cambodian Mood: Discontent Grows. Christian Science Monitor, March 10, 1973.

[14] Cambodia Closes Opposition Daily. Washington Post, June 14, 1972. Baczynskyj, Boris. Lon Nol's Private War. Far Eastern Economic Review, v. 77, July 1, 1972: 23.

[15] Cambodia Jails More Suspects. New York Times, March 21, 1973. Greenway, H. D. Arrests Quell Dissent in Cambodia. Washington Post, March 26, 1973. Arbuckle, Tammy. Lon Nol Opens Regime, Bows to U.S. Pressure. Washington Star-News, April 25, 1973. Kamm, Henry. Cambodia Seizes Many as "Subversives." New York Times, March 20, 1973. Backer, Elizabeth. The Mosquito Catchers. Far Eastern Economic Review, v. 80, April 9, 1973: 12.

[16] Greenway, H. D. Arrests Quell Dissent in Cambodia. Washington Post, March 26, 1973. Cambodia Jails More Suspects. New York Times, March 21, 1973. Kamm, Henry. Cambodia Regime Seizes Opportunity to Tighten Its Grip and Curb Its Foes. New York Times, March 27, 1973. Backer, Elizabeth. The Mosquito Catchers. Far Eastern Economic Review, v. 80, April 9, 1973: 12.

[17] Information provided in telephone conversation with the State Department. Cambodia Desk Officer, October 25, 1973.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: CHAD

AID SUMMARY[1]

Total Official U.S. Development Assistance FY 1961–FY 1972 equals $10.2 million.

Total Official U.S. Development Assistance FY 1972 equals $500,000.

Proposed Total of all U.S. Resources Transferred FY 1974 equals $608,000.

1. Election/political parties

Political parties were banned in 1962, except for the Parti Progressiste Tchadien, the current party in power. An opposition political organization, the National Liberation Front (Frolinat), has been engaged in a civil war with the Government since 1966.

2. Martial law

Because of the civil war with Frolinat and a rebellion in the north by the anti-Government Toubou people, a de facto state of emergency exists in Chad, although formal martial law has not been declared.

3. Freedom of the press

The 1968 press law guaranteed freedom of the press so long as nothing was published which would jeopardize the security of the State, the moral health of the people, or public safety as interpreted by the Government.[2] There is one daily news summary published by the Agence Tchadienne de Presse and one weekly newsletter published by the Chadian Chamber of Commerce,[3] both apparently subjected to close Government scrutiny.[4] Since the literacy rate in Chad is between 5 and 10%, the Government-owned radio is more important as a news source than the press.

4. Religious freedom

Of Chad's 3.8 million people, approximately 52% are Muslim, 43% are animist, 3% are Protestant, and 2% are Roman Catholic. Muslims claim that the predominantly Christian Government of President Tombalbaya discriminates against them by denying Muslims a role in the Government, by not allowing religious education, and by depriving them of economic development.[5]

5. Minorities

There are some 35 identifiable cultural, tribal, racial, or linguistic groups in Chad, who may be classified further according to their occupational mobility (nomadic, semi-sedentary, sedentary), or their geographical location (arid Saharan north, semi-arid Sahel grasslands in the south-central, southern savanna grasslands).[6] Generally, the southern, sedentary, Bantu people predominate in government, military, business, and education, while the northern, nomadic, Arabized Nilotic-Sudanic peoples are the least involved in affairs of state. The southern Sara, a mixed Bantu people, comprise about 25% of the population and are the "majority" in a land of minorities.[7] The Arabs of the central region comprise about 15% of the total but for the most part are not involved in Government. The most prominent of the smaller minorities, although not the smallest, are the Toubou (4%), a nomadic Berber-Tuareg people of the far north who reject any Government control and who have been involved in a continuing war with the Government of Chad.

6. Organized movements

A Government-controlled association of trade unions was formed in 1965.[8]

7. Political prisoners

Many political leaders were arrested and imprisoned during the 1962–1965 period because they opposed President Tombalbaya's attempts to centralize all authority.[9] In 1971, many of the political prisoners were released,[10] although leaders of the Frolinat rebellion are still detained. It has been re-

ported that after an attempted coup in 1972, political leaders who had opposed Government policies were arrested and detained.[11]

8. Legal procedures

Among the significant legal anomalies in Chad are: (1) the internal conflict between the Arabized north and the Sara-dominated Government which has disrupted normal legal proceedings; (2) the corruption, bribery, nepotism, fraud, and incompetence which reportedly plagued Chad's early years and which is now being reformed;[12] (3) the creation of a legal system which would accommodate the tribal, customary, and religious law followed by many of Chad's people;[13] and (4) the institution of extreme measures to rectify certain legal problems, such as the death penalty for tax evaders.[14]

FOOTNOTES

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973, p. 90.

[2] American University. Foreign Area Studies. Area Handbook for Chad. Washington, U.S. Gov't. Print. Off., 1972. p. 97. (DA Pam 550–159).

[3] Ibid.

[4] Decraene, Philippe. Chad Rebellion: Talking to the Toubous. Le Monde (weekly), January 6, 1971 : 8.

[5] Pledge, Robert. France at War in Africa. Africa Report, v. 15, June 1970: 17.

[6] Area Handbook for Chad, p. 47.

[7] Most recent available figures are 1964; see the Area Handbook for Chad, p. 44.

[8] Africa South of the Sahara. London, Europa Publications Ltd., 1973, p. 248 (hereafter cited as Europa).

[9] Watriss, Wendy V. A Tug-of-War in Chad. Christian Science Monitor, September 10, 1970: 10.

[10] Europa, p. 249. Potemkin, Y. Chad: Difficult Years. New Times, no. 22, May, 1972: 30. (New Times is a Soviet weekly on world affairs)

[11] Europa, p. 249.

[12] Watriss, op. cit. Potemkin, op. cit. The reform movement has been attributed to French influence following the 1969–1970 French assistance to the Chad Government in the civil war.

[13] Potemkin, op. cit., p. 31.

[14] Chad Tax Evaders Risk Death Penalty, New York Times, February 8, 1970: 40.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: REPUBLIC OF CHINA (TAIWAN) *

AID SUMMARY [1]

Total U.S. Official Development Assistance, FY 1949-FY 1972—$1,757.8 million.

Total U.S. Official Development Assistance, FY 1972—$0.0 million.

Total U.S. Military Programs, FY 1949-FY 1972—$3,163.8 million.

Total U.S. Military Programs, FY 1972—$88.2 million.

Proposed Total of All U.S. Resources Transferred FY 1974—$69,076 million.

The following paper is a summary account of the status of political and religious liberties in the Republic of China and is not intended to serve as a comprehensive analysis.

The Republic of China's Constitution of 1947 provides for a National Assembly elected by universal suffrage, which in turn elects the President of the Republic. The President governs through five yuan (branches): executive, legislative, judicial, examination, and control. Members of the legislative and control yuan are directly elected by universal suffrage; the others are appointed by the President with the consent of the legislative yuan. President Chiang Kai-shek was reelected unopposed for a fifth successive presidential term of six years in March 1972. Chiang Kai-shek's ruling Kuomintang Party (KMT) maintains effective control of all branches of the Government.[2] Neither of the two official minority parties, the Youth Party and the Democratic Socialist Party, exercises any important influence within the Government; and neither minor party has had Cabinet representation since 1951.[3] Under martial law, which has prevailed in Taiwan since 1949, the establishment of new political parties is prohibited.

In an apparent effort to broaden the Government's domestic support after Taiwan was expelled from the United Nations in 1971, the Chiang Administration called for new elections which would encourage Taiwan-born representation in the Government.[4] The constitution was revised in early 1972 to make possible the election of additional members of the legislative yuan and the National Assembly, and elections were held on December 23, 1972. Thirty-six members of the 461-seat Legislative Yuan and 53 members of the 1,428-seat National Assembly were elected for three- and six-year terms respectively. Of the 89 persons elected, all but ten were natives of Taiwan,[5] and their average age was considerably lower than that of the incumbent officeholders. The incumbent members of both bodies will continue to serve indefinite terms. The KMT won 80 percent of the national-level positions and 80 percent of the seats in the Taiwan Provincial Assembly; all of its candidates in the 20 mayoral and county executive races were elected.[6]

During the election campaign, candidates were prohibited from direct criticism of the Government or of its anti-Communist policy. Candidates were allowed to speak only at Government-sponsored forums for limited time periods. Campaign speeches were monitored by the Government, which also reviewed any pamphlets issued by the candidates.[7] A number of candidates received warnings from the Election Inspection Office, which operated under the Ministry of Justice, but no one was disqualified. Two independent candidates who were extremely critical of the Government won their contests.[8]

In recent months, independent members of the national legislature, who are known as the "no-party" group because they are unable to adopt a party label under the martial law restrictions, have voiced criticism of the mainlander-dominated bureaucracy and the life-tenure of the mainlander representation in the legislature.[9]

In May 1972, the 85-year old Chiang Kai-shek, whose health is poor, appointed his elder son Chiang Ching-kuo Premier, with the power to head the Executive Yuan. Immediately upon taking office on June 1, 1972, Premier Chiang initiated reforms to reduce Government corruption and bureaucratic favoritism. The KMT opposition believes that Premier Chiang Ching-kuo's reform program will not change KMT control of the Government. Some political analysts have stated that the new Premier has improved the efficiency of Taiwan's government and has made possible the major personnel changes within the Government branches which show consideration for youth, the Taiwan-born, and women.[10]

Taiwan's high literacy rate (85 percent) makes the dissemination of information very important. The Government established the Government Information Office within the Executive Yuan to handle and coordinate information activities on a national scale. Government-owned press services, radio and television stations, movie studios and theaters, and publishing houses play the major role on the national scene, but independent information enterprises also exist.[11] News media are not directly censored, but some publishers occasionally have been ordered to close or suspend operations.[12]

Under Taiwan's martial law, civilians charged with political crimes are tried by the military system. Substantial information about political cases is usually impossible to obtain.[13] Amnesty International reports that in September 1973, there were more than 100 cases of political imprisonment on Taiwan.[14] Among them reportedly are journalists and members of the Taiwan independence movement.[15]

Freedom of religious belief is guaranteed by the constitution and proclaimed by the Government.[16] There is no evidence of religious conflict or of special governmental policies toward particular religious groups.

FOOTNOTES

*This report was written by Marjorie Niehaus, Analyst in International Relations.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973, p. 70.

[2] Harner, Stephen W. Chiang's Son Seeks Improved Image With Reforms in Taiwan. Washington Post, September 5, 1973.

[3] Jacobs, J. Bruce. Taiwan 1972: Political Season. Asian Survey, v. 13, January 1973: 105.

[4] Nationalists Win in Taiwan Voting. New York Times, December 24, 1972.

[5] Harner, Stephen W., op. cit.

[6] Taiwan: Beating the System. Far Eastern Economic Review, v. 79, January 8, 1973: 13.

[7] Taiwan Warns Candidates on "Mudslinging". New York Times, December 20, 1972.

[8] Nationalists Win in Taiwan Voting.

[9] Harner, Stephen W., op. cit.

[10] Jacobs, J. Bruce, op. cit.

[11] Foreign Area Studies, The American University. Area Handbook for Republic of China. Washington, D.C., U.S. Government Printing Office [1969] p. 220.

[12] Stebbins, Richard P., ed. Political Handbook and Atlas of the World. New York, Simon and Shuster [1970] p. 66.

[13] Taiwan: Abroad-Minded Bench. Far Eastern Economic Review, v. 76, April 29, 1972: 15.

[14] Amnesty International Annual Report: 1973. London, Amnesty International, 1973: 53.

[15] Taiwan: Abroad-Minded Bench.

[16] Foreign Area Studies, op. cit., p. 144.

THE STATUS OF RELIGIOUS AND POLITICAL LIBERTIES IN AID-RECIPIENT COUNTRIES: ETHIOPIA *

AID SUMMARY [1]

Total U.S. Official Development Assistance FY 1962–1972: $217.2 million.

Total U.S. Official Development Assistance FY 1972: $33.0 million.

Total U.S. Military Assistance FY 1962–1972: $132.5 million.

Total U.S. Military Assistance FY 1962: $10.9 million.

Proposed Total of all U.S. Resources Transferred FY 1974: $35,062 million.

The following paper is a summary account of the status of political and religious liberties in Ethiopia and is not intended to serve as an in-depth or comprehensive analysis.

The Government of Ethiopia is a centralized, unitary monarchy.[2] Virtually all powers of government are vested in the Emperor, currently Haile Selassie, by constitutional authority. The Council of Ministers directs day-to-day operations but defers all major decisions to the Emperor; and the bicameral Parliament's actual powers are limited to examining and amending Government bills. The formal and actual political systems have been described by one observer as a dual system of government, the traditional system carried on behind a facade of modern institutions.[3] Even after the stronger delineation of ministerial responsibility in 1966 and the

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Footnotes at end of article.

accession of men with Western educations to most administrative positions, at least in the capital, traditional influences both on the individual and on the system remain so strong that primary political decision-making continues to operate through personal connections at the court more than through any formal structure.

Ethiopia held the first election in its 2,500 year history in 1957; and elections for the lower house of Parliament, the Chamber of Deputies, were held in 1961, 1965, and 1969. Despite considerable effort on the part of the Government to encourage voting, only about 30 percent of the eligible voters had registered by 1969.[4] However, although voter interest was low, candidate interest was very high with an average of eight contestants for each of the 250 seats. As no political parties are allowed, candidates for office are nearly all self-chosen and individually supported; and no efforts to form parties are known to have been made by deputies or senators.[5]

There are two opposition groups with separatist aims which operate clandestinely: the Eritrean Liberation Front (ELF), whose avowed intention is to separate Eritrea Province from the Empire, and the West Somali Front, whose secessionist aims are directed toward securing portions of eastern Hararge Province inhabited by Somali ethnic groups. Both dissident organizations have engaged, in varying degrees, in open military conflict with Ethiopian security forces, although the ELF represents a greater security problem.[6]

The ethnic and religious diversity of Ethiopia is a source of political friction as attempts by the dominant Amhara-Tigre to enforce the use of their language to unify the nation and discourage ethnic cultural identity among the various groups has created some ethnic resentment. However, in the 1970s, the chief opposition to the Government is channeled through three main sources: the two previously mentioned ethnic minorities, a growing number of dissatisfied young intellectuals and students, and members of the prominent elite who stand to the right of the regime and the military.

Student protests first erupted into violence at Haile Selassie University during the late 1960s with demands for an end to the American military presence in Ethiopia and for changes in the academic and political systems.[7] The Government's retaliation included the dismissal of many students and the sentencing of riot leaders to jail terms of up to 7½ years. A large number of these were pardoned or reinstated by the Emperor, however. The students' and intellectuals' criticism was muted both by Government pressure and by their own awareness of their numerical and political weakness in Ethiopian society.[8] The Government has not acceded to all student demands, but it has taken some steps toward a number of reforms in which students are interested.[9]

The original court system and legal codes of Ethiopia date from antiquity; but modern codes, based on Western models are now used. Protection of rule by law is provided by a Bill of Rights in the Constitution and an established judiciary. All judges are appointed and can be removed by the Emperor. Special tribunals deal with matters of personal status for Muslims with an appeal court in the capital city. There is also a separate judicial system in Eritrea.[10] However, on the lowest local level, justice is actually in the hands of traditional leaders: landowners in Amhara regions, religious judges in Muslim areas, and tribal elders or village chiefs elsewhere in the empire.[11]

To counter threats to internal security, the Government maintains several active intelligence services supported by a number of laws that assist in the control of dissidents. The Public Security Proclamation of 1942 and later amendments provide for "the arrest and detention of persons indulging in activities of a nature calculated to disturb public security." It empowers the commissioner of police to order the arrest without a warrant and the detainment of any person who, in his opinion, constitutes a danger to public security if left at large. Arrests under this proclamation generally involve persons engaged in political activities, espionage, propaganda and suspected subversive actions.[12]

Article 41 of the revised Constitution of 1955 states that "freedom of speech and the press is guaranteed throughout the Empire in accordance with the law."[13] This constitutional guarantee, however, did not supersede the proclamation of 1942, which placed all printing presses under the jurisdiction of the Ministry of the Pen. The proclamation, still in effect, makes it mandatory that persons wishing to establish printing presses must first obtain the permission of the Ministry of the Pen and that all printed matter must bear the name of the press on which it is printed. The constitutional provision is interpreted as applying equally to the press, radio and television.[14] The Government views the modern mass media as an educational device; and six daily newspapers are published in Addis Ababa or Asmara. Most are owned, operated and subsidized by the Government.[15] The Penal Code prohibits publication by press, radio or television of matters that insult, abuse, defame, or slander the Emperor, the imperial family or the court and its members. False rumors or stories that would alarm the public, foment dissension, arouse hatred, or stir up violence may not be published. The actions, deliberations, or decisions by governmental authorities often are suppressed from publication on the grounds that they might disturb public order. However, in Ethiopia, informal dissemination of information remains the most important channel because of the population's low rate of literacy, somewhat mitigating the effects of censorship.[16]

Article 126 of the Constitution states that the Ethiopian Orthodox Church, founded in the fourth century, is the established Church of the Empire and is, as such, supported by the state.[17] Today the Ethiopian Orthodox Church is a major oasis for the ethnic and cultural identity among the politically and culturally dominant Amhara-Tigre, and its adherents number eleven to fourteen million. Islam is practiced by about five to ten million; and despite a long history of conflict between Christians and Muslims in Ethiopia, the two groups live more or less peaceably today. The ruling group has come to recognize that Ethiopia can never be wholly Christian and that there is a need for some sort of accommodation with Islam. Article 40 of the 1955 Constitution recognizes the right of all religions to exist in Ethiopia, provided "that such rites be not utilized for political purposes or be not prejudicial to public order or morality." The effects of the attempt to unify the country by impressing on it the stamp of the Amhara-Tigre culture, particularly the use of the Amharic language, have been the gradual taking over of the Muslim schools and the decline in the teaching of Arabic.

This attempt has caused some resentment, particularly in the province of Harar. Groups practicing their own tribal religions are estimated at four-five million. A decree issued in 1944 by Hailie Selassie regulates missionary activity and states that missionaries should not direct their activities toward converting Ethiopians from their own form of Christianity but should concentrate on non-Christian elements of the population." In addition, the missionaries are not allowed to do anything that might promote the use of local languages and thus possibly encourage the development of nationalist sentiment. The largest non-Ethiopian Christian denomination is Roman Catholic with 130,000 members, and there are 227,000 Protestants of various denominations. Recently, the New York Times reported that the adherents of a pentacostal movement, the Full Gospel Believers, which has been opposed by the Ethiopian Orthodox Church and the police, suffered the closing last year of more than 50 churches.[18] According to the report, in August 1972 some 480 members were arrested on charges of belonging to an illegal organization.

The Orthodox Church and the police claimed that the sect was false, immoral and harmful to the nation. Currently the pentacostal movement has gone underground in the wage of mass arrests, although a Government spokesman insisted that the movement was no longer illegal.

FOOTNOTES

*This report was written by Susan M. Mowle, Analyst in International Relations.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance for International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973: 93.

[2] American University. Foreign Area Studies. Area Handbook for Ethiopia. Washington, D.C. U.S. Govt. Print. Off. (1971) p. vii. (Hereafter cited as Area Handbook for Ethiopia).

[3] Hess, Robert. Ethiopia: The Modernization of Autocracy. Ithaca. Cornell University Press. 1970. p. 125.

[4] Area Handbook for Ethiopia, p. 296.

[5] Ibid.

[6] Africa South of the Sahara: 1973. London. Europa Publications Ltd. 1973: 329.

[7] Area Handbook for Ethiopia, p. 302–304.

[8] Ibid.

[9] Ibid., p. 475.

[10] Worldmark Encyclopedia of the Nations: Africa. New York. Worldmark Press, 1971: 79.

[11] Hess, op. cit., p. 130.

[12] Area Handbook for Ethiopia, p. 476–477.

[13] Area Handbook for Ethiopia, p. 322.

[14] Ibid.

[15] Hess, op. cit., p. 100–105.

[16] Ibid.

[17] This discussion of religion in Ethiopia is derived from the Area Handbook for Ethiopia, p. 229–256, and Hess, op. cit., p. 108–112.

[18] Johnson, Thomas. Ethiopian Fundamentalists, Under Fire, Pray in Secret. New York Times, June 7, 1973.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: GREECE

The following paper is merely a summary account of the status of political and religious liberties in Greece, and is not intended to serve as an in-depth or comprehensive analysis.

AID SUMMARY [1]

Total U.S. Official Development Assistance FY 1962–1972: $154.6 million.

Total U.S. Official Development Assistance FY 1972: —.

Total U.S. Military Assistance FY 1962–1972: $895.2 million.

Proposed total of all U.S. resources transferred FY 1974: $66,820 million.

Acting several weeks ahead of a scheduled election, a Greek military junta executed a coup d'etat on April 21, 1967, apparently in the belief that an anticipated victory by former Prime Minister George Papandreou, leader of the moderate Center Union would be a personal defeat for the King and would open the doors to Communist influence. (Papandreou had clashed with the King over the control of the army.)

Since the time of the coup d'etat, the Greek Government has held two referenda: one in September 1968, on the draft constitution, and the other on July 29, 1973, over the proposed amendments to that constitution. However, according to newspaper accounts, the two referenda have not been considered an adequate testing of Greek

public opinion; the first referendum was held under martial law, and the second, under partial martial law, and charges of widespread pressure on the voters and rigging of the results have been made.[2]

The new constitution, adopted through the referenda, provides (in an article not yet in effect) that political parties may be founded freely but must be based on national and democratic principles and may be dissolved if their activities are inconsistent with the existing form of government and social system or with the interests of the nation.

Up to the present the Greek Government since the coup d'etat has discouraged political activity. The Communist-front party (EDA) has been officially disbanded and other parties have been inactive. However, recently the Government has promised fair parliamentary elections in 1974. Parliament is to consist of 200 members, 180 of them elected in general elections, and 20 of them appointed by the President. A constitutional court, whose membership is to be designated by the Cabinet, will screen prospective political candidates.

Martial law which was imposed in Greece when the military junta took power in April 1967, has been gradually relaxed. First abandoned in the countryside in January 1972, it was subsequently lifted in the urban center of Salonica in January 1973 and in the Athens-Piraeus area in August 1973. In theory, the elimination of martial law involves the abolition of special military courts. Provisions of martial law have been incorporated into comparable provisions in ordinary legislation.

In May 1969, several decrees were published concerning the status of workers and trade unions, containing restriction of the right to strike.

On April 9, 1969, the Government announced the enactment of three articles of the constitution concerning human rights and fundamental freedoms: Article 13, concerning the inviolability of the home, Article 18, on the freedom of assembly, and Article 19, concerning freedom of association. Up to the present the laws required for the implementation of these articles have not been promulgated.

When the junta seized power, more than 6,000 people were arrested, including most political leaders, known Communists, and suspected Communist sympathizers. Recently there has been a decline in the number of political prisoners detained in detention camps, jails, or in "administrative exile" in remote villages. The exact number of political prisoners has always been difficult to determine; as many were released, others were arrested, and were often held incommunicado or detained without charge for great lengths of time before being brought to trial.

At the time of the announcement of a general amnesty in August 1973, the number of political prisoners detained by the junta was estimated at approximately 350. According to the announcement, the amnesty covers "political crimes" involving all those convicted since the 1967 coup for violating the penal code, martial law, and laws on sedition and the press. It does not cover "disciplinary offenses" by members of the armed services and civil servants. Nor does it include Greeks living abroad, deprived of their citizenship, or black-listed by the Government. News reports dated August 23rd and 24th announced the completion of the release of most of the 350 remaining prisoners.

The treatment of political prisoners has been a source of major attention to those concerned with human rights. Rumors concerning police brutality and torture began to spread shortly after the coup. Although allegations of torture have been staunchly denied by the junta and are difficult to substantiate, individual journalists and international organizations began their own investigations into these charges. The European Commission of Human Rights, after examining over 200 complaints of torture, concluded that the Greek leaders had "officially" tolerated the torture and ill-treatment of prisoners.[3] An observation on the treatment of prisoners in Greece was made in a staff study issued by the Senate Foreign Relations Committee early in 1971:

"The general feeling among Western observers is that there is less torture today than there was before, and perhaps even none at all now, although there were reports during the time of our visit that some of the students recently arrested who were still being held incommunicado were being tortured. Most observers believe it likely, nevertheless, that prisoners are still being mishandled and even brutally treated in police stations." [4]

An agreement existed between the Greek Government and the International Red Cross, from November 1969 to November 1970, whereby the latter was allowed to check on the condition and treatment of prisoners. Although the Red Cross did not make its findings public, reporting them only to the Greek Government, it is generally thought that the agreement benefited the prisoners. (The agreement was not renewed on the ground that it impinged on the sovereignty of the Greek Government.)

Complete religious freedom is recognized by the Constitution of 1968, but proselytizing from, and interference with, the Greek Orthodox Church is forbidden.[5]

Censorship of the press was formally abolished at the end of 1969, but new laws promulgated in 1970 and 1971 restricted freedom of the press and imposed penalties for infringement of these laws. They provide for State supervision of the press and the compulsory registration of persons of all grades working for the press. Removal of a name from the official register implies withdrawal of the right to work as a journalist in Greece. Newspapers wishing to employ journalists are required to apply to the Ministry of Information for staff who are selected from the register of approved journalists. Those guilty of violation of the press laws are liable to prosecution, and publications can likewise be seized, confiscated or suspended. Offenses listed in the press laws include breach of professional secrecy, inaccurate or concealed news, exploitation of news for personal belief, omission to publish "certain information," lack of faith and devotion to the country and the "national ideals," and "attempting to overthrow the existing form of state or social order." [6]

One measure which has raised the hopes of political circles in Athens for a genuine liberalization of the regime was the recent announcement on August 31 of the appointment of Spyros Markenzinis, a former politician and economist as Prime Minister in October. He will be charged with setting up an all-civilian cabinet and preparing for next year's elections.

FOOTNOTES

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance for International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. P. 15.

[2] New York Times, July 31, 1973. Washington Post, July 28 and 31, 1973.

[3] Council of Europe. European Commission of Human Rights, The Greek Case. Report of the Commission. Strasbourg, France, April 1969. Vols. I & II.

[4] U.S. Congress. Senate. Committee on Foreign Relations. Greece: February 1971. Staff report. 92nd Congress, 1st session. Washington, U.S. Govt. Print. Off., 1971. P. 6.

[5] Paxton, John. The Statesman's Year-Book, 1972–1973. London. Macmillan, 1972. P. 1002.

[6] The Europa Year Book 1973: A World Survey, Vol. I. London, Europa Publications, 1973. P. 886.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: INDONESIA*

AID SUMMARY [1]

Total Official U.S. Development Assistance, FY 1972: $245.6 million.

Total Official U.S. Development Assistance, FY 1949–1972: $1,482.7 million.

Total U.S. Military Program, FY 1972: $22.9 million.

Total U.S. Military Programs, FY 1949–1972: $140.6 million.

Proposed Total of all U.S. Resources Transferred, FY 1974: $251,228 million.

The following paper is a summary account of the status of political and religious liberties in Indonesia and is not intended to serve as a comprehensive analysis.

Since the attempted Communist coup in 1965 which resulted in the ouster of President Sukarno and the March 1967 accession to power of President Suharto, political developments in Indonesia can be viewed in light of the articulated goals of the Suharto Government. According to Foreign Minister Adam Malik, the two major goals are to restore Indonesia's economic position and to stabilize Indonesia's internal situation.[2]

The Constitution of 1945, described by a U.S. congressional observer as "ambiguous and unprecise," [3] provides for a Republic with a President as chief executive officer. Parliament, to which the President is not directly responsible, enjoys limited legislative powers which, however, have been increasing under President Suharto. The two legislative bodies are a House of Representatives (DPR) and a People's Consultative Assembly (MPR), which consists of the DPR and additional regional and functional representatives. Prior to 1971, all of these persons had been appointed by Presidents Sukarno and Suharto. In July of that year, Indonesia held its first national election in 16 years to choose members of the DPR and the local councils. The election was portrayed by the Government as a "controlled first step" in which political stability might be attained.[4]

Ten political parties ran candidates in the 1971 elections, which were overwhelmingly dominated by the Government-sponsored Sekber Golkar—a collection of functional or occupational groups. The other parties, organized chiefly along racial and religious lines, alleged that the Golkar campaign had involved force and intimidation, in that civil servants not joining Golkar had suffered loss of jobs or privileges, persons had been forced at gunpoint to join Golkar, and opposition leaders had been arrested and charged with complicity in the 1965 events.[5] Golkar won 236 seats in the DPR, and the other parties won a total of 124. The President, in addition, appointed 100 members to the DPR, including 75 members of the armed forces.

* * * * *

Members of Parliament have been instructed to operate on the principle of *mufaswarah* (consensus), and in that spirit they re-elected President Suharto to another 5-year term in March 1973. These moves are seen as part of the President's plan to simplify and restructure Indonesian politics. Observers report, however, that factionalism operates even within the new consolidations, and various elements within Golkar itself may be attempting to build ties with constituencies (such as students) outside Golkar.[6] That some Muslims are dissatisfied with their decreased power status was indicated by criticism in the newspaper Abadi, which pointed out that armed forces appointees and Golkar

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Footnotes at end of article.

members make up 93% of the MPR and asserted that the amalgamation of parties was ordered "to purge those individuals of independent mind who are still left among that seven percent." [7] There are, however, no reports of Government persecution or discrimination against Muslims, who make up about 90 percent of the population, or against other religious groups. In the 1971 election, the government attracted the support of numerous Muslim groups.[8] Freedom of religion is guaranteed by the constitution.

Critical articles such as are found in Abadi and in other publications, including sardonic commentaries on the stringent security precautions taken in March 1973 when the Parliament convened, indicate that freedom of the press is existent in some measure. Self-censorship is exercised, however, and certain subjects are considered taboo: the office of the presidency and the first family, pursuance by armed forces of civilian business activities, and high-level corruption in government or military circles. Despite these restrictions, the quality of the press reportedly is improving.[9] A new press law promulgated in 1973 requires all foreign news agencies to deal through an official Indonesian agency. Press circulation is kept down by the inability to obtain newsprint.

Beginning in 1965 and continuing into 1973, large numbers of individuals have been arrested on the grounds of involvement, or suspicion of involvement, or alleged association with the abortive coup attempt by the now-outlawed Indonesian Communist Party (PKI). Most of the prisoners taken since 1965 have not been formally charged or tried and are held in some 300 prisons and camps throughout Java and Sumatra. Ten thousand prisoners, including many prominent artists and intellectuals, reportedly are held on the island of Buru in an agricultural labor colony.[10]

Estimates of total numbers of political prisoners vary widely, and the government itself does not claim to have definitive figures.[11] In 1970, Amnesty International estimated a total of 116,000.[12] In March 1973, a documented report by that organization set the figure at over 55,000 of whom only 300 had been tried.[13] More recently, that figure was said to be an underestimate in view of the "large numbers" who are theoretically free but remain in camps or perform compulsory labor, and in view of the "sharp" rise in arrests during the security crackdown preceding the President's re-election in March.[14] The hardships faced by the prisoners are shared by their families, who are socially ostracized and often are unable to find employment. To obtain a job, housing and education, it is necessary to obtain a certificate of "non-involvement" in the 1965 coup. According to some observers, there is no indication that non-Communist dissenters and the political opposition are branded as Communists "to any significant degree." [15]

Given the continued anti-Communist vigilance which still characterizes the Government, it is difficult to assess the actual extent of significant Communist activities. Since 1968, when army units destroyed a number of Communist bases which had been reestablished following the massacres resulting from the 1965 coup attempt, there have been no "major" Communist operations. Isolated instances of sabotage and subversion occur, but official statements on the security picture are contradictory. Some minimize the Communist threat while others exaggerate it, in order to justify various stringent measures and political restriction imposed by the government.[16]

The military traditionally have been involved in Indonesia's economy and appear to be in rather close alliance with the Chinese *cukongs* or businessmen who have a large *share* (in proportion to the 3% Chinese population) of the nation's entrepreneurial skills and capital. Thus, both these groups play an important role in the modernization of the economy.[17] The relatively advantageous position of the Chinese businessmen, however, has caused a good deal of resentment and anti-Chinese feeling among indigenous Indonesians (of Malay stock). The resentment is based on the fact, confirmed by a parliamentary study mission, that regional credit bodies give preferential treatment to the Chinese. The Indonesian Importers' and Exporters' Association reported that 40% of the economy is in Chinese hands.[18] In addition, it appears that Chinese businessmen tend to choose foreign companies rather than local ones for partnership purposes. This preference tends in turn to strengthen their economic position, since Government policy is geared toward maximum encouragement of foreign investment in Indonesia. Anti-Chinese feelings were high among the population in the course of two major rice shortages within the past year, and this erupted into violence in Bandung in August 1973. The Indonesian press commented that the riot there must be seen as symptomatic of tensions generated when economic progress has not directly benefitted the Indonesian masses.[19] President Suharto has been encouraging Chinese businessmen to sell 50–60% of their business interests to the Government, which would then resell to indigenous businessmen and provide 75% of the required capital at 1% interest. Even on such generous terms, not many Indonesians have been able to raise the required sums for purchase.

Attempts to increase foreign investment and to boost local businesses have had minimal impact on the large numbers of extremely poor peasants who have traditionally migrated to the cities to seek economic relief. In the past 3 years, Jakarta's military governor has declared his city "closed" to further such migration. By introducing such measures as issuing identity cards and work permits, outlawing peasant immigrant occupations such as pedicab driving and street vending, carrying out police sweeps, burning and razing squatters' settlements, the annual inflow has been reduced to 16,000 per year (from an average of 200,000 per year). At the same time, employment for 30–40% of the city's poor population has been eliminated.[20]

FOOTNOTES

* This report was written by Dagnija Sterste, Analysts in Foreign Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations Obligations and Loan Authorizations July 1, 1945–June 30, 1972. Washington, May 1973, p. 73.

[2] Hayward, Henry S. Suharto Now Strong in His Own Right. Christian Science Monitor, August 8, 1973: 5.

[3] U.S. Congress. Senate. Committee on Foreign Relations. Indonesia; Sick Man on the Mend. Report of the Committee on Foreign Relations, United States Senate, by Senator Joseph S. Clark, on a Study Mission to Indonesia. (Committee print). Washington, U.S. Govt. Print. Off., 1968. p. 3.

[4] Sterba, James P. Someone is Doing Something Right. New York Times, July 18, 1971: E5.

[5] Sterba, James B. In a Jaba Villiage, Political Unease. New York Times, June 6, 1971: 6. See also Hindley, Donald. Indonesia 1971: Pantjasila Democracy and the Second Parliamentary Elections. Asian Survey, v. 12, January 1972: 56–58.

[6] Singh, Pakir. The Friendliest Parliament, Far Eastern Economic Review, v. 79, February 19, 1973: 26.

[7] Goldstone, Anthony. Suharto Wins Easily in Indonesia. Guardian, April 11, 1973: 15.

[8] Hindley, Indonesia 1971 . . ., p. 60.

[9] Hayward, Henry S. Indonesia's Maturing Press. Christian Science Monitor, August 3, 1973: 4.

[10] Living conditions on Buru are described in Moraes, Dom. The Prisoners of Buru. The Asia Magazine, v. 12, March 5, 1972: 6–7, 10–11, 14–15, 17.

[11] Attorney General Sugih Arto said: "It is not always compulsory to report such security arrests." Emler, Ronald. 55,000 Skeletons in Indonesia's Cupboard. The London Times, May 14, 1973: 12. The Government has, however, intermittently released figures on prisoners and on numbers released or scheduled to be released. In November 1971, officials said that 50,000 persons had been released during the year, leaving 35,000 imprisoned. Sterba, James P. Jakarta Opening Political Prisons. New York Times, November 10, 1971: 8. In August 1970, however, there had been reported to be only 45,000 prisoners. Soeharjono II. Indonesian Prisoner Release. Washington Post, February 20, 1972: N1. Amnesty International takes the official figures into account in its computations.

[12] Amnesty International, British Section. The Face of Persecution 1970. London, n.d. p. 14.

[13] Amnesty International, Dutch Section and International Secretariat. Indonesia Special. London, March 1973. p. 6.

[14] Amnesty International. Annual Report 1972–73. London, September 1973. pp. 56–57.

[15] Davis, Saville R. Army Rule Considered "Relaxed" in Indonesia. Christian Science Monitor, June 11, 1973: 4.

[16] Roeder, O. G. Shadows Across the Land. Far Eastern Economic Review, v. 79, January 8, 1973: 22. PKI efforts to reconstitute itself and areas where incidents have occurred are outlined in Capizzi, Elaine. Indonesia: New Wave of Revolt. Guardian, July 19, 1972: 12.

[17] The army's role in modernization is discussed in Crouch, Harold. Military Politics Under Indonesia's New Order. Pacific affairs, v. 45, Summer 1972: 206–219.

[18] Singh, Pakir. A Candle Glows. Far Eastern Economic Review, v. 79, January 22, 1973: 22–23.

[19] Division of Wealth, Far Eastern Economic Review, v. 81, August 20, 1973: 15, 17.

[20] Sin City Is a Pressure Cooker. The Economist, v. 247, May 26, 1973: 47–48; Critchfield, Richard. Indonesia: The Poor Amid Riches. Christian Science Monitor, September 12, 1973: 11.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: KENYA

AID SUMMARY

Total Official U.S. Development Assistance FY 1954–FY 1972 = $83.8 million.

Total Official U.S. Development Assistance FY 1972 = $4.4 million.[1]

No military assistance from the United States.

Proposed total of all U.S. resources transferred FY 1974, $12.856 million.

1. ELECTIONS/POLITICAL PARTIES

The President and the National Assembly are elected in free, open elections, although all candidates from the Kenyan African National Party (KANU), Kenya's only legal political party. In 1961, KANU and the Kenyan African Democratic Union (KADU) formed a coalition to press for independence from Britain. KANU's membership was predominantly Kikuyu tribesmen while KADU had been non-Kikuyu and therfore formed an opposition to Kikuyu dominance. In 1966, the Kenyan People's Union (KPU) was formed by Luo tribesmen to oppose the Kikuyu-controlled KANU. KPU was banned in 1969 after the assassination of Tom Mboya (a leader of KANU despite his Luo origins), and a series of incidents in which the Luos demonstrated their displeasure with President Kenyatta and KANU.[2]

2. MARTIAL LAW

There have been four instances of what might be called martial law in Kenya. The British supressed the Mau Mau uprising in the early 1950s. The British assisted the newly independent Government of Kenya in stopping an army mutiny in 1964. The Kenyan army and national police force fought the "Shifta" bandits (Somali irredentists) in the north-east region in the 1960s. The army and police instituted curfews and martial law in the western Luo area after the 1969 disturbances. In each case, the restrictions were localized.

3. FREEDOM OF THE PRESS

Within certain limitations, Kenya has a free and independent press. One illustration of a limitation was the "treasonous" reporting of a University of Nairobi student newspaper editor who was expelled in 1972 because she quoted Mao Tse-tung in an article on student unrest.[3]

4. RELIGIOUS FREEDOM

There is no recent evidence of persecution or discrimination based solely on religious beliefs in Kenya. There were incidents, during the British colonial period, of suppression of religious-oriented or cult groups because of their propensity for violence. Suppression of the Mau Mau or the banning of the Dini ya Masambwa in 1945 after a clash with police during an anti-Christian missionary demonstration are some examples.[4]

5. MINORITIES

Kenya's people may be divided into four groups: Cushitic, Bantu, Nilotic, and non-Africans such as Arabs (remnants of centuries-old trading colonies) and recent arrivals such as Asians and Europeans. Of the three African groups, the Cushitic tribes are located in the north and are for the most part uninvolved in Kenyan affairs. The Bantu Kikuyu dominate Kenyan political life with their Bantu allies the Kamba. The Nilotic Luo are the most prominent of the minorities challenging the Kikuyu preeminence and have apparently suffered some discrimination for the opposition.[5] Press reports allege that there has been discrimination against the Asian community. Of the total 140,000 Asians in Kenya, about 40,000 are not citizens and are being given "quit-notices" to leave the country as part of the "Kenyanization" program to keep the ownership of Kenya's land and business property in the hands of citizens.[6]

6. ORGANIZED MOVEMENTS

Most of Kenya's labor unions are associated with the Government-controlled Central Organization for Trade Unions, although independent unions continue to operate legally.[7] The Central Organization, despite its Government affiliation, is predominantly Luo and maintains an independent vitality.[8] Kenya's students are politically active and have opposed Government actions, particularly after the political disturbances of 1969.[9] In January 1973, the Government banned the University of Nairobi student government because of disturbances following an election contest between pro-Government Kikuyu and non-Kikuyu leftists.[10]

7. POLITICAL PRISONERS

In 1969, Oginga Odinga, a Luo and former Vice President of Kenya, and about 20 of his followers were arrested and detained without trial for inciting the political riots that followed Mboya's death. Odinga's political party, the KPU, was banned at the same time. Of those detained, Odinga was held the longest, finally being released on March 27, 1971.[11]

8. LEGAL PROCEDURES

The arrest and detention of political dissidents in 1969 was extra-legal since the accused were never brought to trial. There have been other examples of extra-legal, although less serious actions, which have caused public concern in Kenya, such as the Government move to bar "hippie" tourists or Kenyatta's threat to ban the wearing of miniskirts.[12]

FOOTNOTES

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations, Obligations and Loan Authorizations July 1, 1945–June 30, 1972. Washington, May 1973. 99 p.

[2] For a discussion of the Kenyan elections and the disruptions of 1969, see: Hakes, Jay E. Election Year Politics in Kenya. Current History, v. 58, March 1970: 154–177, and Miller, Norman N. Assassination and Political Unity: Kenya. American University's Field Staff Reports, East Africa Series, v. VIII, no 5 (Kenya), 1969.

[3] Hunter, Frederic. Kenya Throttles Dissent. Christian Science Monitor, November 4, 1972: 15.

[4] American University Foreign Area Studies. Area Handbook for Kenya, Washington, U.S. Govt. Print. Off., 1967. 275–278 p. (DA Pam No. 550–56).

[5] Hakes, op. cit., 155–157 p. Hakes describes what he calls the "ethnic issue" and the resentment of some tribes over Kikuyu control.

[6] After independence in 1963, all residents of Kenya were given two years in which to apply for citizenship. Many Asians retained their British passports. Hunter, Frederic. Kenya's Asians Get Notice to Close Shop. Christian Science Monitor, January 13, 1973: 1. Nervous Asians Remember They are Living on Borrowed Time. The Times (London), December 20, 1972: 6. Kenya Tells 400 Asians to Close Businesses and Leave. New York Times, January 11, 1973: 3.

[7] Africa South of the Sahara, London, Europa Publications Ltd., 1972:415–16.

[8] Hunter, Frederic. Tribal Maneuvering for Power in Kenya. Christian Science Monitor, August 5, 1972: 16.

[9] Hunter, Frederic. Kenya Throttles Dissent.

[10] Hoagland, Jim. Kenya's Crucial Issue: Who Will Succeed Kenyatta? Washington Post, January 9, 1973. A 12.

[11] Hoagland, Jim. Kenyatta Frees Opponent. Washington Post, March 28, 1971: A 25.

[12] Kenya Plans to Bar Hippies. Chicago Tribune, May 18, 1972, section 1; 13. Clothes Crackdown. Washington Post, June 11, 1972: K 18.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: THE REPUBLIC OF KOREA*

AID SUMMARY [1]

Total official U.S. development assistance fiscal year 1972, $252.2 million; fiscal years 1946–72, $5,368.9 million.

Total U.S. military programs, fiscal year 1972, $561.4 million; fiscal years 1946–72, $5,743.5 million.

Proposed total of all U.S. resources transferred, fiscal year 1974, $498.449 million.

This paper is a summary account of political and religious liberties in the Republic of Korea and is not intended to serve as a comprehensive analysis.

The actions of the Park Chung Hee government since 1971 have greatly restricted political and civil liberties in South Korea. Until late 1971, political opposition was active and generally tolerated by the Government. In the national elections of April 1971, Kim Dae Jung of the opposition New Democratic party received 46 percent of the vote for president. Also, the ruling party lost its two-thirds majority control of the National Assembly, which had previously enabled it to modify the constitution over the protests of opposition legislators.

Citing concern over the rapidly changing international situation, internal unrest, and a vulnerable economy,[2] President Park declared a state of national emergency in December 1971, and the legislature adopted a National Emergency Measures Law which gave Park the power to rule by decree in emergency situations.[3] The following October, President Park declared martial law and then proposed changes to the constitution which further centralized power indefinitely in the office of the president. These changes were approved by a national referendum which was held in November 1972 without allowing public debate. Martial law was lifted in December 1972; the National Conference for Unification, which was established and elected under the provisions of the new Constitution, met and reelected President Park.

Opposition political parties are still allowed to exist, but the activities of their members are closely watched.[4] In August 1973 Kim Dae Jung, the 1971 opposition presidential candidate, was kidnaped while in self-imposed exile in Japan. He appeared a few days later at his home in Seoul where he was held in house arrest through October. An investigation of the kidnaping conducted by the Japanese indicated that members of the Korean Embassy in Tokyo, and possibly members are closely watched.[4] In August 1973 volved in the incident.[5] It is reported that the Korean National Police and the Korean CIA are frequently used by the Government to keep visible public dissent at a minimum. Numerous student demonstrators, outspoken politicians, clergymen, and scholars who have criticized Government policies have been arrested.[6]

The structure of the National Assembly under the new Constitution hampers the chances of the opposition parties' being an effectvie legislative force. The President appoints one-third of the Assembly, and in the past, the ruling party has been able to fill half the body through elections. The fact that the President is now elected by the National Conference for Unification, rather than by universal direct suffrage, appears to make the election of an opposition presidential candidate less likely than ever.

Although political activities of all organized groups in Korea are tightly controlled, labor unions are active in Korean society, and there has been relatively little conflict between them and the Government. Students and intellectuals are closely watched by Korean internal security forces—the student uprising in 1960 brought the downfall of the Rhee government. President Park has closed universities and high schools on several occasions because of student disruptions, and many students and several professors have been charged with violating national security laws. In early October 1973, Seoul college students staged a demonstration, for the first time since 1971, calling for reforms to guarantee basic liberties for Korean citizens and demanding a true accounting of the abduction of Kim Dae Jung.[7] During October, and especially in November, there were more instances of students boycotting classes, staging sit-ins, and conducting demonstration marches. The students demanded a restoration of democracy and denounced the "one-man dictatorship."[8]

In late November journalists of the major newspapers conducted a strike in protest of Government press controls and on December 2, the National Assembly adopted a resolution calling for democratic reforms to eliminate corruption, to establish a "free and disciplined society," to find a solution to the student unrest, and to form a democratic and productive Parliament.[9] The Park government responded to the demonstration with the use of police, tear gas, and court trials. However, on December 3, Park replaced 10 of the 20 members of his cabinet, including Lee Hu Rak, the head of the Korean CIA. Journalists and other analysts are linking the cabinet shuffle to the student

Footnotes at end of article.

demonstrations, the controversy with Japan over the kidnaping incident, and pressures by the North Korean Government that Lee Hu Rak be replaced as the South Korean representative before North-South negotiations resume.[10]

There is apparently no religious persecution per se in South Korea. As long as religious leaders and laymen refrain from promoting political or social disruption, they are allowed to practice their religion without interference. Many Christian denominations and Asian religions thrive in South Korea. However, Reverend Park Hyong Kyu, a well-known Korean pastor, was recently arrested, apparently because of his efforts to reorganize and improve the conditions of the Seoul slum dwellers and his public appeals for a renewal of democracy in Korea.[11]

Korea has a very homogeneous ethnic makeup, and there is no significant persecution of minorities.

Press censorship has been practiced in South Korea for many years. The Korean Central Intelligence Agency (CIA) reportedly provides guidelines to newspaper and magazine editors for the treatment of political subjects. Those who violate these guidelines reportedly may be jailed or beaten, the offensive copies typically are confiscated and destroyed, and the publication may be discontinued. Foreign publications entering Korea are also censored, and occasionally articles are cut out of newspapers or magazines before they are distributed.[12]

President Park is using the legal system to assist in a national program of austerity, to attempt to control the consumption of natural resources, and to instill discipline and a sense of national pride. Laws have recently been promulgated that limit the costs of weddings and funerals, restrict the collection and use of firewood and food grain, and make punishable by 29 days' imprisonment the throwing of cigarettes or chewing gum onto the streets, cutting into waiting lines, wearing long "hippie-style" hair, and spreading rumors.[13]

FOOTNOTES

*This report was written by Robert Shuey, Analyst in Asian Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations, Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 74.

[2] Washington Post, December 6, 1971. Washington Star-News, January 23, 1972.

[3] U.S. Congress. Senate. Committee on Foreign Relations. Korea and the Philippines, November 1972. (Committee Print). 92d Congress, 2d Session. Washington, U.S. Govt. Print. Off., 1972. p. 11.

[4] Ibid., p. 7.

[5] Christian Science Monitor, November 13, 1973.

[6] U.S. Congress. Senate, Committee on Foreign Relations. Korea and the Philippines. p. 7.

[7] Christian Science Monitor, October 3, 1973.

[8] New York Times, November 29, 1973.

[9] New York Times, December 4, 1973.

[10] Ibid. Washington Post, December 3 and 4, 1973.

[11] Washington Post, July 23, 1973.

[12] U.S. Congress. Senate. Committee on Foreign Relations. Korea and the Philippines, p. 7.

[13] Washington Post, March 31 and July 23, 1973. New York Times, August 14, 1973.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: LAOS*

AID SUMMARY [1]

Total U.S. Official Development Assistance, FY 1955–FY 1972, $792.6 million.

Total U.S. Official Development Assistance, FY 1972, $52.2 million.

Total U.S. Military Programs, FY 1955–FY 1972, $963.4 million.

Total U.S. Military Programs, FY 1972, $219.3 million.

Proposed Total of all U.S. Resources Transferred FY 1974, $375.807 million.

The following paper is a summary account of the status of political and religious liberties in Laos and is not intended to serve as a comprehensive analysis.

According to the Constitution of 1947 and its subsequent amendments, Laos is a constitutional monarchy with the King as head of State, a Prime Minister who is appointed by the King as head of government (assisted by the Council of Ministers), a bicameral legislature made up of a National Assembly, elected by universal suffrage, an appointed 12-member King's Council, and an independent judiciary.

Shortly after Laos's acquisition of full independence from French rule in 1953, civil warfare erupted between the opposing forces of the Royal Lao Government and the Communist-dominated Lao Patriotic Front (Nao Lao Hak Sat—NLHS). Two major international conferences (Geneva Conferences of 1954 and 1962) have attempted to restore domestic peace to the country. The result of the 1962 Geneva Conference was a 13-nation guarantee of Laotian neutrality and the formation of a coalition Provisional Government of National Union. The new Government was headed by neutralist Prince Souvanna Phouma, with rightist General Phoumi Nosavan and Prince Souphanouvong, head of the NLHS, as deputy prime ministers.

Fighting broke out anew between the neutralists and the Pathet Lao (military forces of the NLHS which also have been known since 1965 as the Lao People's Liberation Army). In 1964 a one-day, rightist-backed military coup resulted in the ouster of Souvanna Phouma, but he was immediately restored with the aid of other rightist elements. Subsequently, the NLHS claimed that Souvanna's prime ministership was illegal. The domestic political situation was further complicated by an unsuccessful rightwing attempt at the takeover of the Government in 1965, which resulted in the flight of the main rightwing leaders into exile.[2]

From the mid-1960s until early 1973, the increased tempo of warfare in neighboring Vietnam brought increased use of Laotian territory by North Vietnam and the United States. North Vietnam introduced larger numbers of its troops into Laos and furnished supplies to the NLHS forces. The United States provided massive materiel and air support to the Royal Lao Government forces and also carried out intensive bombing of the Plain of Jars in northern Laos and the Ho Chi Minh trail network in southern Laos to interdict the flow of North Vietnamese materiel and manpower into South Vietnam.

On February 21, 1973, a cease-fire agreement was signed by the Royal Lao Government and the NHLS. The Pathet Lao controls 80 percent of the country's 9,100 square miles; but two-thirds of the Laotian population of three million, including refugees, are living in Royal Government areas.[3]

On September 14, 1973, the Pathet Lao and the government of Souvanna Phouma formally signed protocols to create a new Government of National Union which is to be headed by neutralist Premier Souvanna Phouma. The terms of the protocol include withdrawal of all foreign troops within 60 days of the formation of coalition. Both the Pathet Lao and the Royal Government are to hold five ministries each. Two other portfolios will go to qualified non-political persons. Each minister will have a deputy from the opposition, and the Government must act on important matters only in unanimity. A National Consultative Council composed of 16 Pathet Lao, 16 Royal Government members, and 10 non-aligned members will enjoy equal status with the Government and advise it on policy.[4] The Council will prepare for eventual national elections, the date of which has not been set.[5]

A two-party joint commission, whose decisions must also be unanimous, will oversee day-to-day functioning of the peace pact, the exchange of prisoners, the removal of foreign troops, and the neutralization of both Vientiane, the administrative capital, and Luang Prabang, the royal capital.[6] The security of Vientiane is to be provided by 1,000 Pathet Lao policemen and 1,000 Government policemen, together with one battalion—400 to 500 men—of regular forces from each side. In Luang Prabang there are to be 500 policemen plus two companies of troops—about 300 men—from each side.[7]

At this writing the formation of the new Lao coalition Government has been stalled because of disagreement over details in the September protocol.[8]

Efforts to politicize the masses by the Royal Government and by the NLHS have been hindered through the years by the high rate of illiteracy (75 percent), traditional tensions between the hill tribes and the dominant lowland Lao, inadequate trnsportation and communication systems, mountainous topography, and the generally underdeveloped socioeconomic infrastructure. Consequently, the politics of mass participation, as the term is commonly understood in the West, has yet to take root. There are no well-defined political parties in Laos. Instead, politicians identify themselves with the country's traditionally accepted and politically important families and economic interests.[9]

The Laotian Constitution recognizes as fundamental principles the rights of the people to equality before the law, legal protection of their means of livelihood, freedom of conscience, and other domestic liberties as defined by law.[10] Many Laotians, however, have little knowledge of the rights and duties of citizenship. Few people in the countryside and the hills are acquainted with regions of the country other than the one in which they live.[11]

Theravada Buddhism, the official religion of Laos, is the belief of approximately half the population. Hill tribes subscribe to a variety of animistic and ancestor worship cults. The Laotian Communists do not object to Buddhism's being extolled as the state religion.[12]

The news media are under strong Government influence; broadcasting is Government-controlled. Lao newspapers, most of which are Government-controlled or operated by persons associated wtih the Government, are of limited circulation and scope. There is no television in Laos.[13]

FOOTNOTES

*This report was written by Marjorie Niehaus, Analyst in International Relations.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 75.

[2] Foreign Area Studies, the American University. Area Handbook for Laos. Washington, D.C., U.S. Govt. Print. Off., [1972]. p. 4–5.

[3] Laos Pact Initialed, Signing Friday, Washington Post, September 13, 1973.

[4] Although the protocols read that the two will be of equal authority, Government sources say it has been agreed behind the scenes that the Royal Government will be the superior body. Burgess, John. Coalition Agreement Signed in Laos. Washington Post, September 14, 1973.

[5] Neeld, Dennis, Laos Pact Brings Layers of Leaders. Washington Star, September 16, 1973.

[6] Greenway, H.D.S. Laos Peace Hinges on Thailand, North Vietnam. Washington Post, September 28, 1973.

[7] Browne, Malcolm W. Communists Enter Laos Capitals Today Under Truce Pact. New York Times, October 12, 1973.

[8] Arbuckle, Tammy, Lao Quarrels Stall Coalition Plans. Washington Star, October 26, 1973.

[9] Foreign Area Studies, the American University, p. 173.

[10] Peaslee, Amos J. Constitutions of Nations. Volume II—Asia, Australia and Oceania. The Hague, Netherlands: Martinus Nijhoff [1966] p. 624.

[11] Foreign Area Studies, the American University, p. 163.

[12] Ibid.

[13] Stebbins, Richard P., ed. Political Handbook and Atlas of the World. New York, Simon and Schuster [1970] p. 196.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: MALAYSIA*

AID SUMMARY (IN MILLIONS OF DOLLARS)[1]

Total official development assistance:

Total military programs:

Fiscal year 1972, $3.0; Fiscal year 1954–72, $65.9

Fiscal year 1972, $10.6

Fiscal year 1954–72, $29.6

Proposed total of all U.S. resources transferred, fiscal year 1974, $22.123 million.

The following paper is a summary account of the status of political and religious liberties in Malaysia and is not intended to serve as a comprehensive analysis.

Malaysia is a constitutional monarchy, nominally headed by a Paramount Ruler who is chosen for a five-year term from among the Sultans of nine of the Malaysian states. (The heads of the four other Malaysian states are not eligible for the royal position.) The Paramount Ruler also serves as the leader of the Islamic religion for Malaysia. The Government actually is led by the Prime Minister, Tun Abdul Razak, who is selected from among the members of Parliament. Of the 58 members of the upper house of Parliament, 32 are appointed by the Paramount Ruler, and the remainder (26 members) and all the members of the lower house (144) are elected by universal suffrage.[2]

For generations there has been a great deal of political and economic rivalry and discrimination between ethnic/racial groups in Malaysia and previously in the colonies from which the nation was formed. Some areas of discrimination are sanctioned by the national constitution, but in other areas the Government policy is to reduce unequal conditions among ethnic groups.

Malays constitute the largest ethnic group, about 45 percent of the population, have primarily remained in rural areas, and are mostly employed in agriculture. They are nearly all Moslems. They received preferential treatment from the British when Malaya was a colony, whereas Chinese and Indian immigrants were treated as temporary visitors without many of the normal citizen's rights.[3]

Patterns of settlement and occupation have further contributed to separation of ethnic groups. The Malays dominate positions of authority in the Government, and they are given special rights and benefits by the Malaysian Constitution and other national laws. For example, Malay is the official national language; Islam is the national religion; the Paramount Ruler must be a Malay;[4] and quotas for Malays are maintained for government jobs, business licenses, and scholarships.[5] Despite Malay political preeminence, however, the Malays control only a small portion of the national income and wealth. They have made efforts through the Government to protect their special rights and to increase their share of the nation's wealth.[6]

About 35 percent of the Malaysian population is of Chinese ancestry. By virtue of their occupations in trade, business, and finance, the Chinese possess most of the economic power in Malaysia.[7] They dominate not only commercial activities but industrial jobs; and they live in distinct communities, primarily in urban areas. Traditionally, it has been more difficult for Chinese and other non-Malays to obtain Malaysian citizenship than it has been for Malays, although the restrictions have recently been reduced. Occasionally, the Chinese have expressed a desire for greater political representation and more equal treatment by the Government. They also have balked at the suggestion that wealth and economic power should be more evenly distributed at their expense.[8]

Approximately nine percent of the Malaysian population trace their origins to India and Pakistan. These people have considerably less governmental influence than the Malays and much less economic power than the Chinese. The same lack of power is true of the indigenous tribal groups in sparsely populated East Malaysia (the states of Sarawak and Sabah in northern Borneo).[9]

Racial disorder erupted in 1969 after elections had been held in West Malaysia, and the disappointed Chinese leaders refused to accept appointed positions in the new government. The parliamentary form of government was temporarily suspended, and Malaysia was ruled by a National Operations Council from May 1969 to February 1971, when parliamentary government was restored.[10]

In recent years the Government and leading political parties have attempted to ameliorate the stress between ethnic/racial groups. The Government has taken more conciliatory policies toward citizenship for non-Malays and toward distinct cultural and educational institutions.[11] Its New Economic Plan's stated goal is to eradicate poverty without regard for race and to eliminate social and economic compartmentalization.[12]

An amendment to Malaysian law was made in 1971 making it a seditious offense to question publicly (even in discussions in Parliament) the constitutional provisions which grant special rights to Malays, establish Malay as the official language, set forth the rules of sovereignty of Malay Sultans, and describe the citizenship rights of non-Malays.[13] The Malaysian legislators reportedly felt that public debate of these sensitive issues had tended to inflame racial hatred.[14]

The dominant political force in Malaysia is the Alliance Party, which is an association of the major parties representing Malays, Chinese, and Indians. It maintains a substantial majority in Parliament; and its stated policy is to conciliate competing ethnic goals. Numerous opposition parties exist and are subject only to the same restrictions that control the Alliance Party.

An issue that has fanned racial strife is Communist terrorist activity near the Thai border on the Malay Peninsula and in Sarawak. The insurgents, who are mostly Chinese, try to create dissension between the people and the Government and promote Sarawakian separatism.[15] The Malaysian Government conducts military and police operations against the insurgents and has made numerous arrests in recent years. According to Amnesty International, in August 1972, the Deputy Prime Minister reported that 1,657 people were being detained under the Internal Security Act.[16]

The Malaysian Government operates the nation's electronic mass media and news service and conducts an informal censorship of privately owned newspapers and publishing houses. Publishers reportedly cooperate with government guidance, but, if necessary, they can be forced to comply by threats that their license to publish may be revoked or suspended.[17]

The Malaysian legal system is based on English common law, and the Federal Court has original jurisdiction in constitutional matters. Judges for the Federal Court and the High Court are appointed by the Paramount Ruler upon advice of the Prime Minister.[18]

Although the national religion is Islam and the Paramount Ruler leads that faith in Malaysia, everyone in the country has the right to practice a religion of his own choosing.[19]

FOOTNOTES

*This report was written by Robert Shuey, Analyst in Asian Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations, Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. p. 76.

[2] U.S. Dept. of State. Background Notes: Malaysia, September 1971: 3.

[3] Patitucci, Jean B. Malaysia: A situation Report. Legislative Reference Service, January 16, 1970. p. 11.

[4] U.S. Dept. of State. Background Notes: Malaysia, September 1973: 3.

[5] Patitucci, op. cit. p. 7.

[6] The Far East and Australasia, 1973. London, Europa Publications Limited, 1973. p. 502.

[7] U.S. Dept. of State. Background Notes: Malaysia, September 1971: 1.

[8] The Far East and Australasia, p. 502.

[9] Thompson, Kenneth. Malaysia. Focus, by the American Geographical Society, v. 22, April 1972: 2, 4.

[10] U.S. Dept. of State. Background Notes: Malaysia. September 1973: 4.

[11] Thompson, op. cit., p. 7.

[12] Chee, Stephen. Malaysia and Singapore: Separate Identities, Different Priorities. Asian Survey, v. 13, February 1973: 151.

[13] Ibid.

[14] New York Times, March 4, 1971.

[15] Morgan, James. Battle for Sarawak. Far Eastern Economic Review, February 5, 1972: 23. New York Times, March 7, 1972 and May 27, 1973.

[16] Annual Report 1972–73. London, Amnesty International, 1973. p. 58.

[17] Telephone conversation with State Department Malaysia Desk Officer, October 19, 1973.

[18] U.S. Dept. of State. Background Notes: Malaysia, September 1971: 3.

[19] The Far East and Australasia, p. 528.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: MALI

AID SUMMARY[1]

Total Official U.S. Development Assistance, FY 1972: $1.8 million.

Total Military Programs, FY 1972: $.5 million.

Total Official U.S. Development Assistance, FY 1962–1972: $23.8 million.

Total Military Programs, FY 1962–1972: $3.2 million.

Proposed total of all U.S. Resources Transferred, FY 1974, $1.194 million.

1. ELECTIONS/POLITICAL PARTIES

The November 1968 Fundamental Law, promulgated by the new military government, guaranteed freedom of political activity within the law, but since that time no details of any active political parties have been available.[2] At the time of independence (1960), the Union Soudanaise party held all Assembly seats and the presidency. In 1962 two opposition party leaders were arrested, and they died in captivity. During the 1964 elections, no opposition candidates were permitted to run.[3]

Footnotes at end of article.

2. MARTIAL LAW

A November 1968 coup resulted in the overthrow by the military of the government of President Modibo Keita. A 14-member Military Committee of National Liberation (CMLN), headed by Moussa Traore, took power. Under the Fundamental Law which replaced the 1960 constitution, the president and the CMLN rule by decree (the National Assembly having been abolished). Although an advisory council is ostensibly preparing a return to civilian rule and Colonel Traore announced in November 1972 that there would be a referendum on a new constitution the likelihood of the CMLN's relinquishing power seems remote, in the view of some observers.[4]

3. FREEDOM OF THE PRESS

Newspapers are published by two government agencies, the National Information Agency and the Military Committee for National Liberation; two of the three dailies in mimeographed form.[5] Literacy is low, and an intensive adult literacy campaign is being pursued. The one radio station is Government-operated and is heard nationally via some 60,000 radio receiving sets.[6]

4. RELIGIOUS FREEDOM

Of the population of 5 million, 60–65% adhere to the faith of Islam, 30–40% are Animists, and perhaps 30,000 are Christians, including 20,000 Catholics.[7] Despite the preponderance of Muslims, Islam is not the official religion of the state. Foreign Christian missionaries have not been pressured to leave, as they have in many Muslim Arab states to the north.[8]

5. MINORITIES

Like many other African countries, Mali is a nation of minorities. The largest ethnic group (nearly 30% of the population) is the Mawlingo, which includes the Bambara, Dioula, and Malinke tribes. Other negroid groups are the Marka (6%), Songhai (6%), and Dogon (3%). Non-negroid groups comprise about 15% of the population and include the Tuareg, Awlis, and Moors. There are no available reports of official discrimination or other problems regarding treatment of any group.

One result of the current drought situation has been the virtual destruction of the traditional master-slave relationship between the Tuareg and Bela people in Mali. Both groups have been forced to migrate southward into Upper Volta in order to survive, and the economic and social links which supported their respective positions have been severed, probably permanently.[9]

6. ORGANIZED MOVEMENTS

Trade unions are grouped under the Union Nationale des Travailleurs Maliens (UNTM). In November 1968 the national bureau of the UNTM was dissolved, but union activities were not completely curtailed. During 1969 and 1970, congresses of the trade unions were almost unanimously critical of the Government: demands were made that President Keita's socialist policies be reinstated, that normal constitutional life be resumed, and that certain liberties be guaranteed (such as freedom to strike, freedom to assemble, freedom of the press, and freedom of action for union leaders). The Builders' and Mineworkers' union and the Teachers' union especially were critical of Government policy, and their members reportedly suffered harassment as a result.[10] The Government accused the unions of becoming "politicized." The provisional consultative committee of the UNTM, meeting in the fall of 1970, claimed that while the UNTM was apolitical, it reserved "the right to support any political organization or public body that represents the interests of the workers." [11] Asserting that the UNTM had set itself up as a political party, the Government in October 1970 dissolved the provisional consultative committee and took over the UNTM's property.[12]

7. POLITICAL PRISONERS

Estimates of total numbers of political prisoners are unavailable. Ex-president Keita as well as several of his ministers and a number of students, teachers, trade unionists and soldiers were arrested following the 1968 coup, and were still detained as of 1973. Seven members of the teachers' union were imprisoned after an April 1969 strike.[13] After dissolution of the UNTM committee in January 1971, most of its numbers reportedly were arrested.[14] Some 50 people were arrested in July 1972 in connection with an alleged plot originating within the CMLN.[15]

8. LEGAL PROCEDURES

Since the constitution has been suspended and rule is by decree of the CMLN, it can be expected that legal formalities are not currently being emphasized. However, there have been no press reports of extraordinary procedures such as executions. Because Mali is one of the countries currently in the throes of the Sahelian drought, with its concomitant population movements, starvation, and disease, the country can be said to be in a state of severe crisis; this situation could affect the state of the country's legal procedures.

FOOTNOTES

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations, Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. 105 p.

[2] Africa South of the Sahara 1973. London, Europa Publications, 1973. 546 p.

[3] Ibid., 537–538 p.

[4] Africa '73. London, Africa Journal. 1973. 107 p.

[5] Africa South of the Sahara 1973, 547 p.

[6] Ibid.

[7] Africa Annual Review 1972. London, 1972. 144–145 p. Figures are very rough estimates and vary from source to source.

[8] Ottaway, David B. Missionary in Mali: "It Takes Faith." Washington Post, August 19, 1973.

[9] Edinger, Bernard. Drought is Ending Tribe's Bondage. Washington Post, August 10, 1973.

[10] Africa Contemporary Record 1970–1971. London, Rex Collins, 1971. B393–B394 p.

[11] Ibid., B394.

[12] Statement issued by the CMLN and read on Bamako home service on 19 October 1970; in Africa Contemporary Record, C159–160, p. It should be noted that in 1967 there were an estimated 25,000 wage earners in Mali; and union membership, figures for which are unavailable, was probably considerably smaller than that number. Ninety percent of the population is engaged in agriculture.

[13] Ibid., 393 p.

[14] Africa South of the Sahara 1973, 548 p.

[15] Africa 73, 107 p.

STATUS OF POLITICAL LIBERTIES IN AID-RECIPIENT COUNTRIES: MOROCCO*

AID SUMMARY [1]

Total Official U.S. Development Assistance, FY 1972: $38.4 million.

Total U.S. Military Programs, FY 9172: $15.9 million.

Total Official U.S. Development Assistance, FY 1962–1972: $495.8 million.

Total U.S. Military Programs, FY1962–1972: $100.3 million.

Proposed total of all U.S. Resources Transferred FY 1974, $45,462 million.

The following paper is a summary account of the status of political and religious liberties in Morocco and is not intended to serve as a comprehensive analysis.

It is generally acknowledged that besides King Hassan II, the main potential actors in the Moroccan political scene are the army and the opposition parties. Compared to the King's considerable power, however, their actual role, if any, is very small. The latest ruler in a 1,000-year-old dynasty, the King is seen as a direct descendent of the Prophet. In a tradition-bound, officially Muslim state, this lineage gives him considerable stature and authority.

Within a year of his ascension to the throne in January 1962, King Hassan announced a new constitution, approved in a December 1962 referendum. That document provided for a democratic constitutional monarchy with universal suffrage and guarantees an independent judiciary, of the freedoms of speech and movement, and of the right to join political and labor organizations. Elections for the House of Representatives and the House of Councillors were held in May and October 1963, respectively. The largest number of seats was won by the pro-Government F.D.I.C. (Front for the Safeguarding of Constitutional Institutions). Also represented were the leftwing U.N.F.P. (National Union of Popular Forces) and the conservative Istiqlal.

On June 7, 1965, in response to rioting the previous March by students, laborers, and the urban poor, King Hassan declared a "state of exception." Invoking Article 35 of the Constitution, he assumed all powers himself.[2]

The "state of exception" lasted for five years, but in its course the King permitted gradual controlled resumption of political party and union activity (1967–68) and, in October 1969, Morocco held the first local elections in six years. Boycotted partially by the Istiqlal and completely by the UNFP, the elections officially turned 83 percent of the seats over to "neutral" candidates. Opposition party leaders and their union and student allies claimed that these were in fact Government appointees and that the elections themselves had been fixed.[3]

In July 1970, King Hassan announced the end of the emergency period and again presented a new draft constitution. Later that month, a referendum approved the document by 98.7 percent of the vote, even though both the U.N.F.P. and the Istiqlal had campaigned against it. Reportedly, there was a "widespread belief" that the referendum had been fixed.[4] The U.N.F.P. and Istiqlal then formed an anti-Government united front with the avowed aims of democratization of national life through agrarian reform and economic nationalization. This alliance, the Kutlah al Watania, boycotted the elections for the unicameral legislature in August 1970.

In July 1971, a coup d'etat was attempted at the Skhirat Palace near Rabat by a group of "apolitical or conservative" senior army personnel.[5] King Hassan undertook a considerable purge of the army in response to the coup attempt. Meanwhile, by the end of 1971, a number of the "independent elite" (high-ranking officials and businessmen) had been charged with corruption and discredited via a series of public scandals. In light of the weakening of these two major sources of support, the King opened negotiations with leaders of the Istiqlal, the U.N.F.P., and the Union Marocaine de Travail (UMT). These latter insisted that prior to their participation in Hassan's government, a number of policies would have to be implemented: new elections, economic nationalization, agrarian reform, industrialization, and others. Unable to accept such broad demands, the King ended negotiations in February and announced that a new constitutional referendum would be held in March 1972. The new document, formulated without Opposition participation, extended to two-thirds (from one-third) the proportion of National Assembly members to be directly elected and more clearly defined the structure by which specific powers may be delegated to the executive. However, the traditional role of the King as both secular and religious head of state and the wide scope of his powers remained.

In 1972, 48 students and intellectuals were detained at Casablanca without trial and remained there as of well into 1973; allegations of torture and other harsh conditions were made.[6] The leftwing newspaper Maghreb-Informations had been allowed to resume publication in January 1972 after a two-year Government-ordered shutdown; but issues of opposition papers were "often" seized by officials. In April, the staff of L'Opinion went on strike to protest such seizures.[7]

Attempts were made to mollify the students and trade unions, allied with the opposition parties, when the King granted student amnesties in May and made a speech to trade union leaders calling on them to show interest in political affairs. He also announced that a revision of the electoral rolls would be necessary to include more than two million additional people eligible to vote.[8]

In August 1972, members of the military made another unsuccessful assassination attempt, attacking the King's plane as it was returning from Europe. Seizures of newspapers multiplied after the August events, and for two weeks all French newspapers were banned. Circulation of Le Monde was prohibited for even longer; and in October the correspondent of Le Figaro was expelled from the country.[9]

In November 1972, 220 air force officers were placed on trial for the August plot. Of those 177 were acquitted, 32 were given prison terms ranging from 3 to 20 years, and 11 were executed in January 1973.[10] Also in November, the King once again reshuffled his Cabinet after having encouraged opposition politicians to accept seats and help plan the parliamentary elections scheduled for 1973. Opposition leaders had claimed that any overtures made toward them regarding participation had not been sincere and had been directed at the French press," and they declined to take part in the new Cabinet.

The internal situation faced by the new Government became rife with problems: students organized numerous demonstrations and strikes, with the resultant arrest of some of their leaders; thousands of railway workers went on strike; after execution of the 11 officers, letter bombs were sent to leftist party leaders; the forty-eight political prisoners in Casablanca continued a two-month-old hunger strike throughout January.[12]

In March, apparently timed to coincide with the 12th anniversary of King Hassan's accession to the throne, outbreaks of terrorism in the cities and guerrilla activity in the mountains took place. Allegedly instigated by Libya and carried out by Moroccan leftists, the subversion was rapidly neutralized, as the spontaneous popular uprising upon which it had been predicated failed to materialize.[13]

In April 1973, The Government outlawed the U.N.F.P., and arrested "several hundred" of its members, accusing them of taking part in the March insurrection.[14] A new code of civil liberties was promulgated, restricting officially the rights of assembly and association as well as freedom of the press.[15] During the summer 157 persons, many of them U.N.F.P. members, were tried by a military court in Kenitra for plotting to overthrow the Government. The prosecution asked for the death penalty for 25 and long prison terms for the rest. In Casablanca, 80 others—25 in absentia—were on trial in a military court facing similar charges. Many of these persons claimed to have been kidnapped, held for months without any legal safeguards, and tortured.[16]

Active opposition to the King is largely urban and middle-class based, and the majority of passive support comes from the highly traditional rural population. The Government has undertaken to reinvigorate this support by announcing a program of land takeover involving some 500,000 acres from formerly French- and Spanish-owned farms. Although the peasantry has yet to receive this land, the move has reportedly increased the King's popularity.[17] Another move to counter his domestic and foreign critics was the supplying of military equipment and troops to Syria. This act improved the King's image as a militant Arab and helped to silence Libyan charges that he is a tool of the Zionists because of his protective role toward the Moroccan Jewish community.[18]

FOOTNOTES

* This report written by Dagnija Sterste, Foreign Affairs Analyst.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations; Obligations and Loan Authorizations July 1, 1945-June 30, 1972. Washington, May 1973. p. 108.

[2] Morrison, Godfrey. King Hassan of Morocco: Odd Man Out. New Middle East, No. 45, June 1972: 8.

[3] Ibid.

[4] Ibid., p. 9.

[5] Area Handbook for Morocco. p. 157.

[6] Amnesty International. Annual Report 1972–73. London, Amnesty International publications, September 1973. p. 34.

[7] International Press Institute. IPI Report, v. 22, January 1973: 8.

[8] Morrison, *op. cit.*, p. 10.

[9] International Press Institute, *op. cit.*, p. 8.

[10] Morocco Executes 11 for Role in Plot to Assassinate Hassan. New York Times, January 14, 1973: 24.

[11] Cooley, John K. Morocco Suspended on Brink. Christian Science Monitor, September 1, 1972: 14.

[12] Cooley, John K. Executions Jar Moroccan Rule. Christian Science Monitor, January 15, 1973: 2.

[13] Out of Africa. Africa Report, v. 18, May-June 1973: 3.

[14] Morocco Bans Leftist Party and Bans Many Members. New York Times, April 3, 1973: 33. Amnesty International estimates that over 2,000 were ultimately arrested. Annual Report 1972–73, p. 34.

[15] Amnesty International. op. cit., p. 34.

[16] Cooley, John K. Morocco Appears Drifting into Absolutist Rule. Christian Science Monitor, August 23, 1973: 6.

[17] Giniger, Henry. Hassan is Keeping Opposition at Bay. New York Times, September 17, 1973: 7.

[18] The Jewish population has dwindled from nearly 250,000 in 1948 to 35,000 in 1972, for a number of reasons including the accessibility of Israel, poor economic conditions in Morocco, and insecurity in light of the Government's Arabization/Moroccanization policies in the economy. The resultant loss to the nation has been substantial, since the small Jewish population has contained a large proportion of the country's skilled and professional persons. The Government attempted to restrict Jewish emigration by closing down emigration agencies between 1957 and 1961 but has since acted to prevent instances of overt discrimination or reprisals against Jews. Area Handbook for Morocco, p. 77–79.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: NICARAGUA*

AID SUMMARY [1]

Total Official U.S. Development Assistance FY 1946–FY 1972—$164 million.

Total Official U.S. Development Assistance FY 1972—$4.7 million.

Total U.S. Military Programs FY 1953–FY 1972—$15.1 million.

Total U.S. Military Programs FY 1972—$.9 million.

Proposed Total of All U.S. Resources Transferred FY 1974—$23,746 million.

The following paper is a summary account of the status of political and religious liberties in Nicaragua, and is not intended to serve as an in-depth or comprehensive analysis.

The Nicaraguan governmental system has been characterized as "America's only hereditary dictatorship," [2] and a "dictatorship masquerading as a constitutional republic." [3] For the past 36 years, the Somoza family has monopolized Nicaraguan political life, and, through its vast business empire, Nicaraguan economic life as well. The first in the line of Somozas, Gen. Anastasio "Tacho," the commander of the Nicaraguan National Guard, came to power in 1936 after forcing his uncle, President Sacasa, to resign, and engineering his own victory in an election. Since that time, the Somoza family—Gen. Anastasio and his two sons, Luis and Anastasio "Tachito"—have controlled the nation's government and exercised a "big brother" role over all elements of national political life. They have done this either directly as President [Anastasio, Sr.: 1936–1947, 1950–1956; Luis: 1956–1963; Anastasio, Jr.: 1967–1972] through repeated constitutional changes relating to term of office, or by serving as the real power behind handpicked presidents. The latter were elected in contests either boycotted or labelled fraudulent by the opposition. Throughout the period, the Somozas guaranteed their political strength by retaining leadership of Nicaraguan military power, the Guardia Nacional (National Guard), which forms the basis of political power in the nation.[4]

On May 1, 1972, according to the terms of a political pact between the two major parties, the governing Partido Liberal Nacional [PLN] and the opposition Partido Conservador Tradicional [PCT], President Anastasio Somoza, who constitutionally cannot hold a successive term, turned over his office to the National Governing Council, a three-man executive body composed of two members of the PLN and one opposition PCT representative. The National Congress voted to dissolve itself in August 1971 and was replaced by an elected constituent assembly, charged with drafting major reform for the 1950 Constitution in time for a new presidential election, scheduled for September 1974. Anastasio Somoza is expected to run for president at that time and, according to most analysts, is expected to win re-election.

In the interim, Antasio Somoza maintains his political power as president of the majority PLN party, supreme chief of the National Guard, and the head of the National Emergency Committee, made up of the Cabinet ministers, formed after the December 1972 Nicaraguan earthquake and empowered to take all necessary measures to organize the relief and rehabilitation of Managua.

The reputation of the first Somoza, who was assassinated while president in 1956, as a severe and brutal dictator is well-established. Concerning the extent of Executive control which he created, one noted analyst has observed:

"He [Somoza] juggled the constitution until he had a document that enabled him to be a dictator legally. . . . The purpose of all the changes was to create a legal framework under which he could do whatever he wanted to do. Under his personally dictated constitution he was the commander in chief of the armed forces, and he could issue decree-laws when Congress was not in session (and Congress met for only sixty days each year), oversee the official conduct of the courts, supervise the spending of the government's money, confer military ranks up to brigadier general, appoint and remove all government employees including all local government officials, suspend or restrict constitutional guarantees, and do just about anything else that occurred to him without any check from anyone. He controlled the press and radio, ran managed "elections" and

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Footnotes at end of article.

exiled or jailed anyone who opposed him vigorously." [5]

The two Somoza sons inherited a smoothly functioning political, economic, and military machine that has enabled them to remain in power without recourse to its more brutal aspects.[6] In the opinion of some analysts, Anastasio Somoza has governed and continues to govern Nicaragua with real respect for constitution liberties, an absence of brutal repression, and concern for social and economic development. However, the point is made that although the Somozas have never tried to operate as rigid a dictatorship as many other Latin American strong men, they have never hesitated to use enough force to keep themselves in power; [7] and analysts generally concede that Anastasio Somoza too, should his position become threatened, would not hesitate to take whatever measures were necessary to keep himself in power. For example, one source cites the fact that certain civil liberties guaranteed by the constitution can be, and in practice have been, suspended:

"The President, through Articles 196 and 197, is empowered to detain a person without recourse to his procedural or personal rights and to suspend all constitution guarantees when the 'public tranquility' is threatened. During the elections of 1967, the Somoza dynasty invoked this provision liberally and to the disadvantage of the opposition movement." [8]

As previously mentioned, the Somoza family's political power is derived in large part from its control of the Guardia Nacional. The Guard combines the function of armed forces and police, also serving as the Somoza family's private guard. Many generals or high-ranking officers occupy Cabinet posts or key positions in the Government bureaucracy, and its loyalty to the Somoza family is unquestioned.[9]

There are two major political parties, the majority Partido Liberal Nacional, which Anastasio Somoza heads, and the opposition Partido Conservador Tradicional. Membership in the PLN is practically a prerequisite for Government employees, and all candidates for office are nominated by the party leadership.[10] Communist, Socialist and all internationally-based parties are illegal. Nicaraguan opposition elements are active. A recent Wall Street Journal article quoted an outside observer as saying, "Somoza genuinely believes in having a viable opposition, but it shouldn't be too viable, because it would keep General Somoza from running the country singlehandedly." [11] Some opposition party leaders are in exile,[12] and political activists sometimes are jailed, but, according to one source, "after a trial . . . they actually get out when their terms are finished. Nobody is in jail because of his opinions, and physical violence for political reasons pretty much ended before the Somoza took power." [13]

Candidates for the legislature are chosen by the party leadership and do not represent a geographical district. Although the constitution contains extensive procedure governing the composition of Congress, the enactment of legislation, and the powers of the two houses, under the Somozas, it has played a minor role in government and most laws originate with the Executive.[14]

Nicaragua is divided into 16 administrative departments, each governed by a "political chief" appointed by the President. Lesser municipalities within the departments are governed by an elected council.

Concerning Nicaragua's judicial system, judges are elected either by the Congress or the Supreme Court, but the constitution gives the President the power to "oversee the official conduct of the members of the Judicial Power." According to one analyst, "during the Somoza era the courts have always been subservient to the executive power." [15]

Nicaragua's labor movement is small—2 percent of all workers are unionized.[16] Under Somoza rule, organized labor has remained weak and factionally divided, and exercises very little role in determining public policy.[17]

Up to this time, press criticism of the Government has been tolerated. However, strict Government supervision is exercised over the radio and television media, and considering Nicaragua's low literacy rate,[18] the radio (for television for those who own one) is a more important vehicle for public commentary. Opposition newspapers have remained relatively uncensored; minority parties and splinter groups sometimes establish separate newspapers to popularize their ideas—a pro-Communist weekly has existed.[19] A five-year old law authorizes the Government to suspend the publication of newspapers if the contents are judged subversive, but it has never been enforced.[20] However, a new press law passed in October 1973, the impact of which has not yet been made clear, enables public figures to sue the press much more easily for calumnious accusations.[21]

There is complete freedom of religion in Nicaragua. The Church has begun to evidence more concern for social welfare, which has led it by implication to oppose some Government policies, but no confrontation between Church and state is currently anticipated.[22]

FOONOTES

* This report was written by Virginia Hagen, Analyst in Latin American Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 55.

[2] Kantor, Harry. Patterns of Politics and Political Systems in Latin America. Chicago, Rand McNally and Company, 1969. p. 159.

[3] Ibid., p. 182.

[4] Johnson, Kenneth F. and Phillip L. Paris. Nicaragua, in, Burnett, Ben G. and Kenneth F. Johnson. Political Forces in Latin America; Dimensions of the Quest for Stability. 2d Edition. Belmont, California, Wadsworth Publishing Company, Inc., 170. p. 121–123.

[5] Kantor, op. cit., p. 166.

[6] State Department, Nicaragua Desk.

[7] Kantor, Harry. op. cit., p. 177.

[8] Johnson, Kenneth F. and Phillip L. Paris, op. cit., p. 127.

[9] Simons, Marlise. Quake Tightens Somoza's Grip on Nicaragua. Washington Post, January 10, 1973: A20.

[10] Kantor, op. cit., p. 173.

[11] Morgenthaler, Eric. Somoza Combines Politics, Business, Military to Rule Nicaragua as Undisputed Strongman. Wall Street Journal, October 22, 1973: A22.

[12] Kantor, op. cit., p. 173.

[13] Moreau, John Adam. Nicaragua Government Control; Still a Family Affair. Chicago Tribune, October 26, 1972: 16.

[14] Kantor, op. cit., p. 178.

[15] Ibid., p. 181.

[16] State Department, Nicaragua Desk.

[17] Kantor, op. cit., p. 176.

[18] In 1969, the literacy rate was 50 percent; however, in 1964 86 percent of all Nacaraguans who had been to school had progressed no further than the second grade [Barron, Louis (ed.) Worldmark Encyclopedia of the Nations, v. 3: Americas. New York, Harper and Rowe, [Worldmark Press], 4th edition, 1971, p. 205].

[19] Worldmark Encyclopedia of the Nations, op. cit., p. 205.

[20] Inter-American Press Association. Freedom of the Press Committee. Report to the XXVIII Annual Meeting, Santiago, Chile, October 1972.

[21] State Department, Nicargua Desk.

[22] Ibid.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: NIGERIA*

AID SUMMARY [1]

Total U.S. Official Development Assistance, FY 1962–FY 1972—$417.3 million.

Total U.S. Official Development Assistance, FY 1972—$25.1 million.

Total U.S. Military Programs, FY 1962–FY 1972—$1.7 million.

Total U.S. Military Programs, FY 1972—$0.1 million.

Proposed total of all U.S. Resources Transferred FY 1974—$8,189 million.

The following paper is a summary account of the status of political and religious liberties in Nigeria and is not intended to serve as an in-depth or comprehensive analysis.

The Federal Military Government (FMG) has ruled Nigeria since 1966. The top policy-making body is a 19-member Supreme Military Council composed of military and police officers and a single civilian administrator for East Central State (formerly Biafra). The administrative body is a 16-member Federal Executive Council, functioning as a Cabinet. Major General Yakubu Gowon, chairman of both councils, is chief of state and commander in chief of the armed forces. Some constitutional principles from the 1963 Constitution remain in effect, but the FMG governs by decree. Legislative functions are vested in the Supreme Military Council.[2]

From the outset of independence, when the nation was divided into three regional governments—the Western State dominated by the Yoruba, the Eastern State dominated by the Ibo, and the Northern State dominated by the Hausa-Nigeria has been faced with ethnic and regional tensions, as basic mistrust grew between the slowly developing north and the more advanced south.[3] Northerners came to fear that the Ibo were attempting to dominate the country through control of the civil service and the federal government. In this climate, two coups d'etat occurred in 1966 within the space of six months. The first coup brought military government to Nigeria and was followed by an attempt to force national unity by abolishing the three-state system which had been in effect since independence. The objective, however, was feared or misunderstood by the various ethnic and religious interests, and further violence led to a second coup in which General Gowon was chosen to lead the FMG. In an attempt to preserve the federation, Gowon abandoned the former military government's unification approach and proposed a constitutional revision to settle Ibo fears of northern domination and preserve the union. On May 27, 1967, General Gowon organized the three regions into twelve states in an attempt to balance various areas and ethnic groups. This move was designed to weaken the power held by the northern Hausa-Fulani and the Ibo over the smaller ethnic groups in their respective regions and to create a new basis for Nigerian political institutions—one free from the old ethnic and regional alignments. The efforts failed, however, and on May 30, 1967, the Eastern region proclaimed independence as the Republic of Biafra, plunging the country into a bloody civil war which was not settled until Biafran forces surrendered to the FMG in January 1970.

Immediately after the war, the Ibo and other easterners were accepted back into the federation, and wide amnesty was granted to the former supporters of secession.[4] The FMG's program of reconciliation, enunciated by General Gowon, claims to recognize the need for solutions to the political, economic and social problems that led to the war. However, in its efforts to resolve these problems, the Government remains concerned over Ni-

Footnotes at end of article.

geria's history of ethnic and regional antagonisms. The FMG believes that the goal of continued national unity is dependent on economic and social developments, but that these factors are conditional on the maintenance of public order and acceptance of governmental decisions by the Nigerian people.[5]

In October 1970, on the tenth anniversary of Nigerian independence, General Gowon outlined a nine-point program for returning the country to civilian rule in 1976. Among the essential steps he proposed are a new census and a new constitution; implementation of the economic, political and social goals of the Second National Development Plan; final settlement of the question of the number of states Nigeria should have; reorganization of the large military establishment; and the eradication of corruption from all national institutions and from society in general.[6] Some critics of the FMG's timetable for the return to civil government feel that the nine-point program cannot be accomplished in five years, and that this fact will provide the military with an excuse to remain in power for a longer period of time. Other Nigerians feel that Gowon will keep his promise, although some have suggested that a civilian-military coalition is more likely.[7]

General Gowon's 1972 Independence Day Speech contained no direct reference to the return of Nigeria to civilian rule or to constitutional processes, such as the organization of national political parties, which is to take place before a transfer of power occurs. Nevertheless, according to some observers, the prolonged public silence on these questions seems to have ended, and national figures currently freely debate such issues as the role of Government in the economy, oil revenues, war property compensation and trade union questions.[8] However, while political debate continues, political activity is still formally proscribed.[9]

None of the three major ethnic groups now has a dominant voice in the direction of Government affairs in the FMG or at the state level. The new system has enhanced the stature of the smaller ethnic groups that were formerly dominated by the Hausa, Yoruba and Ibo.

Throughout Nigeria traditional governing authority has had a religious foundation which reinforced the ethnic and regional rivalries. Thus, it is more useful to view the traditional Muslim (44 percent)—Christian (22 percent) rivalry in Nigeria as a part of the overall ethnic struggle for political power, than as a strictly religious question.[10] Religious freedom is guaranteed by the 1963 Constitution.

Nigeria has one of the most highly developed systems for the spread of information to the public of any country in tropical Africa. This achievement had resulted largely from the rapid growth of political parties before national independence until the advent of military government and the banning of political parties in 1966. Since 1966 the continued expansion and improvement of the information media has been encouraged by the FMB.[11]

The 1963 Constitution specified that "every person shall be entitled to freedom of expression, including to hold opinions and to receive and impart ideas and information without interference." These rights, however, were subject to limitation by laws specifying the interest of defense, public order and safety, public morality and public health. Despite changes in the constitution, the FMG continues to recognize the general principles that the document applied to public information. The media, however reflect an awareness that the Government will not tolerate what it regards as "destructive criticism.[12] According to the International Press Institute, the Nigerian press finds self-censorship the best formula for keeping out of trouble under the FMG and attributes its present status to the long tradition of press freedom in Nigeria.[13] There are sometimes arrests of less than careful reporters, but at least one paper has protested in its editorial columns without repercussions.[14] In May 1973, apparently angered by critical foreign press reports, the Nigerian Government ordered its embassies to report on the 'attitude' of journalists applying for visas and their newspapers when forwarding the applications to Lagos for approval.[15]

The Nigeria legal system is based on inherited British common law, parliamentary enactments, the 1963 Constitution and FMG decrees.[16] Despite changes in the Constitution, the judicial structure has been retained by the FMG. The Federal Supreme Court at Lagos is the court of final appeal and has original jurisdiction in interstate and federal-state disputes and cases involving constitutionally guaranteed fundamental rights, although it cannot rule on FMG decrees.[17] The 1963 Constitution contained a lengthy chapter specifying the human and civil rights guaranteed to all citizens; and despite the FMG decrees, changes in the entrenched clauses of the 1963 Constitution requires the concurrence of the state military governors. A separate Court of Appeals in the north considers cases under Islamic customary law.

As regards the labor movement, it seems to be the view of most leaders that labor relations should be Government-controlled.[18] General Gowon has pledged a continuation of the policy of promoting the real interests of the working classes, but he also has said that it is essential that there should be industrial peace in the country. Accordingly, Nigeria's anti-strike law was extended in February 1973. It prohibits organization or participation in a strike. However, the arbitration procedures set up under the FMG decrees recently have been openly criticized by members of the Supreme Military Council.[19]

In the post war period, Nigeria has been seeking to stabilize public order through federalization and reform of the institutions responsible for internal security. A rising incidence of armed robbery has been attributed to a proliferation of weapons left over from the war and to rising unemployment. In 1970 the FMG decreed the creation of robbery and firearms tribunals, which heard cases involving armed robbery, and mandatory death sentences in cases of conviction cannot be appealed to the regular courts. This action seems to have Nigerian popular support, although the procedure has come under criticism by Nigerian lawyers.[20]

FOOTNOTES

*This report was written by Susan M. Mowle, Analyst in International Relations.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 110.

[2] American University. Foreign Area Studies. Area Handbook for Nigeria. Washington. U.S. Govt. Print. Off. [1972] p. viii. (Hereafter cited as Area Handbook for Nigeria).

[3] For a variety of interpretations of the events leading up to the Nigerian Civil War, see Okpaku, Joseph, ed. Nigeria: Dilemma of Nationhood. New York, Third Press, 1972.

[4] Area Handbook for Nigeria, p. 237.

[5] Ibid., p. 9.

[6] Ibid., p. 238.

[7] Hopkirk, Peter. Finding the Nine Stepping Stones Back to Civilian Rule. The Times (London) October 1, 1973.

[8] Herskovits, Jean. One Nigeria. Foreign Affairs, v. 51, January 1973: 403.

[9] Area Handbook for Nigeria, p. 236–238.

[10] Ekeh, Peter. Citizenship and Political Conflict: A Sociological Interpretation of the Nigerian Crisis in Okpaku, Joseph, ed. Nigeria: Dilemma of Nationhood, op. cit., p. 88.

[11] Area Handbook for Nigeria, p. 198–199.

[12] Area Handbook for Nigeria, p. 198–199.

[13] IPI Report: Monthly Bulletin of the International Press Institute, v. 22, January 23, 1973: 8.

[14] Cronje, Suzanne. Press Politics are Lively Despite Official Ban. The Times (London) October 1, 1973.

[15] Nigeria Will Check on Journalists. Washington Post, May 4, 1973.

[16] Area Handbook for Nigeria, p. vii, and p. 239–248.

[17] Ibid., p. 247–248.

[18] Africa Confidential. v. 14, February 16, 1973: 4.

[19] Africa Confidential, v. 14, February 16, 1973: 4.

[20] Nigerian Firing Squads Shoot Armed Robbers. Washington Post, July 30, 1972.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: PAKISTAN *

AID SUMMARY [1]

Total U.S. Development Assistance, FY 1948–1972—$4,038.4 million.

Total U.S. Development Assistance, FY 1972—$165.1 million.

Total U.S. Military Programs, FY 1953–1972—$695.7 million.

Total U.S. Military Programs, FY 1972—$0.1 million.

Proposed total of all U.S. resources transferred FY 1974—$123,932 million.

The following paper is a summary account of the status of political and religious liberties in Pakistan and is not intended to serve as an in-depth or comprehensive analysis.

For nearly two years, Pakistan has faced the task of establishing a new system of government following fourteen years of military-dominated rule. This is being undertaken in the wake of the disastrous war with India in December 1971, which resulted in the loss of East Pakistan (now Bangladesh). Zulfikar Ali Bhutto, whom the military chose in December 1971 to be interim President, has directed the country's affairs since that time; he became Prime Minister in August 1973 under a new constitution. His major political problems have been the writing of the new constitution, dealing with the demands of the opposition parties, and central Government relations with two of Pakisan's four provinces: Baluchistan and Northwest Frontier.

The rewriting of the constitution began with an interim constitution in April 1972, followed by a permanent constitution ratified by the National Assembly in April 1973 and put into effect in August. The permanent constitution provides for a federal parliamentary system of government headed by a Prime Minister chosen by the lower house of Parliament. The Parliament is composed of a Senate of 60 members—14 elected by each provincial assembly and two each from tribal areas and the capital of Islamabad—and a 200-member National Assembly, elected by universal suffrage. The constitution gives the Prime Minister the power to dissolve the National Assembly at will. Another provision prohibits a vote of no confidence against the Prime Minister unless the resolution gives the name of a successor. A vote of no confidence has to be approved by two-thirds of the total membership in the Assembly; this two-thirds provisions will remain in force for 15 years.[2] As a whole, these provisions greatly strengthen Mr. Bhutto's position as Prime Minister and make extremely difficult any move in Parliament to remove him from power.

The new constitution divides powers between the central Government and the pro-

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Footnotes at end of article.

vinces, with the central Government retaining major powers in the important areas of taxation and trade.[3] It makes Islam the official state religion and forbids the Government from enacting any law in violation of Islamic principles. A statutory Islamic Advisory Council will interpret the laws in relations to the canons of Islam.[4]

Of the 58 million people estimated to live in Pakistan in 1970 (the figure represents only West Pakistan in 1970), the great majority were Muslims. There was about 800,000 Christians and 600,000 Hindus in the country.[5] Christians have been especially prominent in the field of education, and many of the country's most prestigious schools are run by Christian institutions.[6] However, the Bhutto's government's general policy of nationalizing private education facilities reportedly has resulted in the taking of more than half of the Christian schools and colleges.[7]

The process of drawing up the new constitution has been permeated by conflict between Bhutto and his Pakistan Peoples Party (PPP) on the one hand, and the opposition on the other hand, principally the National Awami Party (NAP). The conflict has focused on the constitution (especially Bhutto's powers) and the provincial governments of Baluchistan and Northwest Frontier. In the elections of 1970, the opposition won a majority of the seats in the provincial legislatures of the two provinces; and shortly after assuming power, Bhutto appointed two NAP provincial chairmen to the posts of governor in the provinces to head coalition governments of the NAP and Jamaat-i-Islami parties.[8] In October 1972, Bhutto and NAP leaders agreed on the basic principles of the new constitution.[9] This accord, however, broke down in January 1973 when the NAP denounced the final draft of the constitution, and tribal supporters of the NAP in Baluchistan took up arms.[10] Bhutto sent troops into Baluchistan; and immediately after the discovery of a large cache of Soviet-made arms in the Iraqi Embassy, Bhutto dismissed the two NAP governors and appointed his own supporters in their place. The Government charged that the arms were to be delivered to the NAP, and Bhutto accused the NAP of failing to quell the disturbances in Baluchistan.[11]

The opposition parties responded to these moves by boycotting the National Assembly debate on the constitution, but in April they agreed to the new charter after Bhutto accepted several of their proposed amendments. So far, however, these concessions have not included restoration of the NAP-led coalition governments in Baluchistan and Northwest Frontier. The "loyalist" governments there reportedly have remained in power through the jailing of some opposition members and the bribing of others.[12] Bhutto also has begun several programs to modernize the provinces, including new schools, roads, hospitals, and jobs—one aim being to make the central Government more acceptable to the population.[13]

In dealing with the opposition and other critics, Bhutto has utilized a state of emergency which has been in force since the December 1971 war; this gives the Government the power to arrest persons for up to six months without trial. The Government has stated that fundamental rights guaranteed in both the interim and permanent constitutions will remain suspended while the emergency is in force.[14] While the Government has used the state of emergency to restrict the activities of the press, opposition parties, and other critics, it has not gone so far as to completely suppress and control these elements to the extent that they were controlled under the military's martial law regime from 1958 to 1970.

There are no reliable estimates on the number of people currently incarcerated under the state of emergency. The September 1973 report of Amnesty International stated that "a number of politicians, well-known journalists and students have been arrested for shorter periods [than six months], and then rearrested after their release."[15] Le Monde in March 1973 asserted that "dozens of prominent people are in detention . . .".[16] The London Times reported in July 1973 that, "Diplomatic circles in Islamabad estimate the number of people arrested on charges of alleged subversion in thousands rather than hundreds."[17] Among those arrested since the beginning of 1971 include Altaf Gauhar, editor-in-chief of Dawn, Pakistan's leading newspaper; over 30 NAP members from Baluchistan (arrested in April 1973) and Ghaus Baksh Bizenjo, the ousted governor of Baluchistan who was arrested in August 1973 on charges of murder and sedition.[18]

There have been repeated reports in the Western press that Government-organized gangs frequently break up meetings of the opposition parties.[19] Toward labor, the Government has begun several programs to improve the wages, education, and medical care of workers and their families, but the Government also has prohibited strikes.[20]

Under the state of emergency, the Government has taken several steps to influence or restrict the press. These include the arrest of Gauhar and reportedly other editors, journalists, and publishers; the closing down of several newspapers; and the withholding of newsprint from opposition newspapers.[21]

FOOTNOTES

* This report was written by Larry A. Niksch, Analyst in Asian Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations. July 1, 1945–June 30, 1972. Washington, May 1973. p. 24.

[2] Lapore, Robert Jr. Pakistan in 1972: Picking up the Pieces. Asian Survey, v. 13, February 1973: 192. Viratelle, Gerald. Pakistan: Reforms Instead of Miracles. Le Monde (in the Guardian), February 3, 1973. Pakistan Assembly Approves a New Constitution. New York Times, April 11, 1973. Simons, Lewis M. Pakistan Approves New Constitution. Washington Post, April 11, 1973.

[3] LaPorte, Pakistan in 1972: Picking Up the Pieces, p. 192. Ali, Salamat. Bhutto's Triumph. Far Eastern Economic Review, v. 78, October 28, 1972: 17.

[4] Aziz, Qutubuddin. Bhutto Rules Gains in Pakistan. Christian Science Monitor, July 18, 1973.

[5] American University, Foreign Area Studies. Area Handbook for Pakistan. Washington, U.S. Govt. Print. Off. [1971] p. 204, 212.

[6] Ibid, p. 213.

[7] Viratelle, Pakistan: Reforms Instead of Miracles, p. 18.

[8] Sterba, James P. Pakistan, After Defeat, Is Regaining Vitality. New York Times, May 15, 1972.

[9] Ali, Bhutto's Triumph, p. 17.

[10] Ariz, Qutubuddin. Pakistan Opposition Parties Plan Anti-Bhutto Campaigns. Christian Science Monitor, January 17, 1973; and Bhutto Battles Political Foes at Home. Christian Science Monitor, February 26, 1973.

[11] Aziz, Bhutto Battles Political Foes at Home. See also: Bhutto Discharges 20 Opposition Chiefs as Province Chiefs. New York Times, February 16, 1973. 2 Pakistan Governors Are Ousted by Bhutto, Washington Post, February 16, 1973.

[12] Ali, Salamat. A Cure for that Familiar Feeling. Far Eastern Economic Review, v. 81, September 3, 1973: 11.

[13] A Man Riding Four Wild Horses. Economist, v. 248, August 18, 1973: 34.

[14] Opposition Chiefs Assail Bhutto for Keeping Emergency Rule. New York Times, April 26, 1972. Bradsher, Henry S. Pakistan Muzzles Opponents. Washington Star-News, October 28, 1973.

[15] Amnesty International. Annual Report 1972–73. London, September 1973: 60.

[16] Schwarz, Walter, Bhutto Plays an End Game. Le Monde (in the Guardian), March 3, 1973.

[17] Hornsby, Michael. Mr. Bhutto: the Man to Teach Pakistan the New Facts of Life. London Times, July 17, 1973.

[18] Around the World: Baluchistan. Washington Post, August 17, 1973. Pakistan Arrests 18 Foes of Bhutto. New York Times, April 28, 1973. Aziz, Bhutto Battles Political Foes at Home.

[19] For reports of these activities, see: Bradsher, Pakistan Muzzles Opponents. Economist, A Man Riding Four Wild Horses. Hornsby, Mr. Bhutto: the Man to Teach Pakistan the New Facts of Life. Ali, A Cure for that Familiar Feeling.

[20] Viratelle, Pakistan: Reforms Instead of Miracles.

[21] For information on treatment of the press see: Browne, Malcolm. Newsmen Protest Continued Pakistani Press Curbs. New York Times, February 29, 1972; and Accord in Pakistan Averts Danger of Pathan Uprising. New York Times, March 7, 1972. Weinraub, Bernard. Bhutto Facing Pakistan's Worst Crisis Since War. New York Times, March 29, 1972. Ali, A Cure for that Familiar Feeling. Bradsher, Pakistan Muzzles Opponents. See also: International Press Institute, IPC Report, v. 22, January 1973: 9.

The Status of Political and Religious Liberties in Aid-Recipient Countries: Paraguay *

AID SUMMARY [1]

Total Official U.S. Development Assistance FY 1946–FY 1972—$136.7 million.

Total Official U.S. Development Assistance FY 1972—$4.9 million.

Total U.S. Military Programs FY 1953–FY 1972—$15.5 million.

Total U.S. Military Programs FY 1972—$.9 million.

Proposed total of all U.S. Resources Transferred FY 1974 $12,119 million.

The following paper is merely a summary account of the status of political and religious liberties in Paraguay, and is not intended to serve as an in-depth or comprehensive analysis.

Since coming to power through a coup in 1954, General Alfredo Stroessner has maintained control over the country through successive reelections to the presidency: in 1958 he was the sole candidate; in 1963 he was elected although there was a no reelection provision in the 1940 Constitution; in 1967, under a new constitution, he was reelected amidst charges that the opposition Liberal Party was restricted during the campaign; in the 1973 election the opposition charged fraud.

From the beginning, President Stroessner has ruled through a state of siege, in effect in Asuncion and other areas of the country and regularly extended, which affords him wide-ranging powers under the authority of the 1940 and 1967 constitutions. The state of siege was imposed, in his words, "to protect our democratic institutions against invasion by Communist-infiltrated expeditionaries." [2]

The state of siege permits the banning of all public demonstrations and meetings, and abrogates certain civil rights and constitutional guarantees (authorizing arbitrary arrest and banishment, search and seizure in private homes, and detention without warrant.) [3]

In addition to the powers granted by the state of siege, the Law for the Defense of Public Peace and Liberty of Persons, which entered into force in September 1970, outlines punishable acts and provides for sen-

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Footnotes at end of article.

tences, including prison terms and the death penalty, for any activity classified as subversive or contrary to the prevailing order.[4]

President Stroessner has remained in power with strong support from the military and a paramilitary security force. He exercises strict control over political activity, setting the conditions for legal participation by political parties, whose activities are closely monitored by the military and security forces.[5] The Colorado Party has been institutionalized as the party of the Government, with obligatory membership for all public employees. There are restrictions on freedom of expression by political forces not legally recognized.[6]

Since 1959, labor unions have been tightly controlled;[7] labor organizations are presided over by a Government-appointed executive committee. Some labor organizations have been denied legal status. Prior to 1958 strike activity was repressed by the Stroessner government, and there have been no strikes since that time.[8]

Every village in Paraguay is under a three-pronged structure—the police chief, the local leader of the Colorado Party, the mayor—all appointed directly by the central government in Asuncion. In addition, a military presence is maintained in every village.[9]

The Paraguayan Government maintains that "political prisoners do not exist in Paraguay."[10] According to reports by Amnesty International, there have been at least 150 cases of political imprisonment, some for more than 10 years.[11] The random arrest, torture and subsequent release of Paraguayan citizens according to Amnesty, continues to be almost a daily occurrence.[12]

Amnesty International has published reports citing violations of civil liberties by the Paraguayan Government in 1966 and 1971, and has urged President Stroessner to release political prisoners. In April 1962, the Inter-American Commission on Human Rights of the Organization of American States requested permission from the Paraguayan Government to send a commission to investigate accusations of infringement of human rights; permission was denied.[13]

Religious freedom in Paraguay is not restricted except in the case of political activity by religious leaders. Since the end of 1968 the Catholic Church has presented a united opposition to the Stroessner government and has effectively become the only Paraguayan institution in which political and social opposition is publicly expressed.[14] In 1972, the Paraguayan National Bishops Conference convened an emergency session to denounce the Stroessner government for its "systematic persecution of the Church," and "continuing interference and oppression against the Church's freedom."[15]

Concerning the status of press freedom in Paraguay, nominally independent newspapers refrain from political comment, and most opposition papers have been closed down. The widely-read Catholic Church weekly periodical *Comunidad*, which represented the strongest voice of opposition to the Stroessner government, was closed down by the Government in October 1969.[16] According to the 1972 Report of the Inter-American Press Association:

"There is no freedom of the press [in Paraguay]. The Executive maintains in force a decree that empowers it, during the existence of the state of siege, since July 2, 1969, to suspend or close down any publication through administrative action and without legal sentence. The state of siege has been in force for over eighteen years in Asuncion, where the principal news media are published. . . . There is prior censorship . . . by reading the newspapers in general, one can detect a rigid self censorship. It must likewise be added that in order to publish a newspaper, it is necessary to obtain governmental authorization, which is only granted at the will of the authorities themselves."[17]

FOOTNOTES

*This report was written by Virginia Hagen, Analyst in Latin American Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 57.

[2] American University. Foreign Area Studies. Area Handbook for Paraguay. Washington, U.S. Gov't Print. Off., 1972, p. 141. [DA Pam 550–156]

[3] Amnesty International. Paraguay in the 1970's: A Background paper, October 1971, p. 4.

[4] Ibid., p. 11.

[5] American University, op. cit., p. 139, 140.

[6] Amnesty International, op. cit., p. 4.

[7] American University, op. cit., p. 140.

[8] Amnesty International, op. cit., p. 8.

[9] Ibid., p. 9.

[10] Amnesty International. Paraguay in the 1970's, p. 11.

[11] Miami Herald, August 14, 1973.

[12] Amnesty International. Annual Report, 1971–1972. London, Amnesty International Publications, p. 47.

[13] Amnesty International. Paraguay in the 1970's, p. 11.

[14] Ibid, p. 7.

[15] National Catholic News Service Release, May 24, 1972.

[16] Amnesty International. Paraguay in the 1970's., p. 9.

[17] Inter-American Press Association. Freedom of the Press Committee. Report to the XXVIII Annual Meeting, Santiago, Chile, October 1972.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: THE PHILIPPINES

AID SUMMARY

[In millions of dollars][1]

Total official U.S. development assistance:	
Fiscal year 1972	69.9
Fiscal years 1946–72	1,459.4
Total military programs:	
Fiscal year 1972	18.4
Fiscal years 1946–72	672.6

Proposed total of all U.S. Resources Transferred, fiscal year 1974, $101,402 million.

This paper is a summary account of political and religious liberties in the Philippines and is not intended to serve as a comprehensive analysis.

On September 23, 1972, President Marcos declared martial law, which is still in effect. Events which led up to the declaration included bombings and attempted assassinations in Manilla, guerrilla operations of the Communist New People's Army, violent disorder among Muslim groups and between Muslim and Christians, a high crime rate, a devastating typhoon and flood that ruined a large portion of the country's crops and killed hundreds of Filipinos, and a stagnating and inflated economy. President Marcos has explained that the primary problem to be resolved during the period of emergency controls is social reform rather than communist insurgency.[2] Lawyers for President Marcos have told the Philippine Supreme Court that the Government could not allow its efforts to "safeguard the state from the danger of rebellion" to be impaired by the civil rights of individual citizens.[3]

When President Marcos declared martial law, he suspended the National Assembly and prohibited activity by political parties. The Constitutional Convention quickly finished its work on a new charter which was approved at local level meetings throughout the Philippines and proclaimed by President Marcos in January 1973. The new Constitution provides for a parliamentary form of government; an interim National Assembly was established to legislate until the Parliament was elected. However, national elections have been indefinitely postponed, and the interim National Assembly was suspended also. Prior to 1972 and the proclamation of martial law, there reportedly was a great deal of corruption in the Philippine political system, and the election campaigns of the ruling Nacionalista Party were said to be heavily financed with government funds.[4]

With the declaration of martial law, 14 of the 15 daily newspapers were temporarily closed, as were most of the major radio and television stations. Several newspaper publishers, editors, columnists, radio commentators, and magazine editors were arrested.[5] Censorship was imposed and controlled by the Secretaries of Defense and Information. Since the early months of martial law, press censorship has been relaxed somewhat. However, before martial law was put into effect, the press emphasized controversial political issues, massacres, assassination, crime and guerrilla raid, whereas now the Philippine periodicals praise the Government and exude optimism regarding the state of affairs under Marcos.[6] The freedom to discuss political issues publicly also has been curtailed.

Although there is a serious confrontation between the Muslim and Christian populations in the southern Philippines, the basic issue apparently is not religion, but land. The influx of Christian Filipinos into areas traditionally occupied by Muslims has brought conflict over land ownership and "the political control over the allocation of land via the enforcement of land titles."[7] Religious persecution per se is apparently not a problem in the Philippines. President Marcos has recently met with Muslim leaders and pledged economic development of the southern islands where the Muslims are concentrated.[8]

Approximately 400 families, or about four percent of the Philippine population known as the oligarchy, control about 90 percent of the country's wealth and traditionally have controlled the political and social systems. Numerous tribal and ethnic groups are at the other end of the economic, social, and political spectrum. President Marcos hopes to partially redress these imbalances through land reform and the expansion of the middle class.[9]

Under martial law the activities of all organized non-government groups have been restricted or curtailed.

Also upon declaration of martial law, several members of opposition political parties were arrested, and several are still imprisoned. Those apprehended included 11 members of the constitutional convention, three senators (Benigno Aquino, Jr., Jose Diokno, and Raymond Mitra), four congressmen (Jose Alberto, Jose Lingad, Roque Ablan, and Carlos Imperial), three governors, and 36 mayors. It is estimated that more than 8,000 people were arrested though many were released quickly.[10]

President Marcos has declared that his martial law government rather than the Judiciary would rule on all "crimes against public order," which includes nearly all violations of Philippine law. Marcos also has acted to purge the civil service. The legality of his dissolving the National Assembly and rewriting the constitution has been questioned by some Filipinos outside government circles.[11]

FOOTNOTES

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and assistance from International Organizations, Obligations, and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 77.

[2] Marcos Tells Why He Chose Martial Law, Interview with the President of the Philippines. U.S. News and World Report, v. 63, October 16, 1972: 36.

[3] Marcos's Lawyers Put Martial Law Before Civil Rights. New York Times, June 15, 1973.

[4] Tilman, Robert O. Student Unrest in the Philippines. Asian Survey, v. 10, October 1970: 909. Manglapus, Raul S. Philippine Martial Law: the Truth and the Fiction. Freedom at Issue, no. 20, July–August 1973: 20–21.

[5] Adkins, John H. Philippines 1972: We'll Wait and See. Asian Survey, v. 13, February 1973: 147–148.

[6] Ronquillo, Bernardino. Cloud over the 'Sunshine Press.' Far Eastern Economic Review, v. 80, April 16, 1973: 15.

[7] Adkins, op. cit., p. 142.

[8] New York Times, December 6, 1973.

[9] Marcos Tells Why He Chose Martial Law, p. 37.

[10] Adkins, op. cit., p. 147. Washington Post, September 22, 1973.

[11] Report of the National Committee for the Restoration of Civil Liberties in the Philippines to the U.S. Senate Foreign Relations Committee on Martial Law in the Philippines and U.S. Relations with the Marcos Administration. Entered in the Congressional Record by Senator Alan Cranston, v. 119, April 12, 1973: S7309, 7310, 7317.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: THAILAND*

AID SUMMARY

[In million of dollars] [1]

Total official development assistance:	
Fiscal year 1972	$34.0
Fiscal years 1946–72	610.9
Total military programs:	
Fiscal year 1972	55.0
Fiscal years 1946–72	1,073.3

Proposed total of all U.S. resources transferred FY 1974—$120,292 million.

This paper is a summary account of political and religious liberties in Thailand and is not intended to serve as a comprehensive analysis.

Sanya Thammasak, dean of the Thammasat University in Bangkok, was appointed as the new premier on October 14, 1973, in the wake of student riots. He publicly pledged that he would form a new government as soon as possible and would try to complete a new constitution within six months and hold general elections.[2]

For the last 40 years Thailand had been ruled almost continuously by the military under a monarchical form of government. For a brief period from March 1969 to November 1971, the constitutiona' monarchy of Thailand had an elected civilian government. That government was ended in a bloodless coup led by Premier Thanom Kittikachorn.[3] His predominantly military group, which called itself the Revolutionary Party, dissolved the National Assembly and Cabinet, abrogated the constitution and declared martial law. Shortly, thereafter, it dissolved all other political parties, banned the formation of new parties, and established the National Executive Council which ruled the country for 13 months under the leadership of Thanom and General Praphat Charusathien. As reasons for declaring martial law, the Revolutionary Party cited Communist subversion in Thai border areas, a threatening world situation, student demonstrations, labor union strikes, parliamentary inefficiency, independent efforts by some legislators to develop new relations with China, and the hampering effect of constitutional restraints on police operations against criminals and insurgents.[4]

In December, 1972 a new interim constitution was announced, and members of a new Cabinet and National Assembly were appointed. The Cabinet, again headed by Thanom Kittikachorn, was assigned the responsibility of drafting a new permanent constitution.[5] Political parties and activities were still prohibited, but Thanom promised elections and a new constitution in about three years.[6]

During the second week of October 1973, students began demonstrating against the Government's arrest of 13 university students and lecturers on charges of plotting a coup. It was reported that their specific offense had been the distribution of leaflets calling for a new constitution. After massive student demonstrations on October 13, 1973, the Government promised to release the 13 prisoners and to promulgate a new constitution within a year. However, violence broke out shortly before noon of October 14, and during the day an estimated 200 persons were killed in skirmishes between students and troops or police. Thanom Kittikachorn resigned as premier and the King appointed Sanya Thammasak.[7] Thanom, Praphat, and their families left the country. On October 15, the new Government reportedly withdrew the police and troops from the confrontation.[8]

Political dissenters in Thailand have been frequently subjected to interrogation and warnings, although in many cases they have escaped Government reprisals and been faced only with ostracism in social and business circles.[9] Some opposition politicians have been jailed; according to Amnesty International, Thanom disclosed in March 1973 that his government was holding more than 100 political prisoners.[10] During the period of martial law, three former legislators brought suit against the National Executive Council on charges of "treason, illegal usurpation of power, and actions contrary to the constitution.[11] The former legislators were arrested and convicted, without trial or appeal, of subversive activities inimical to the state.[12]

In recent months, Thai students, laborers, and farmers have demonstrated against Government policies, and their actions have generally been tolerated. When some university students published a criticism of recently exposed Government corruption, Thai officials initially reacted by confiscating the publication and expelling nine students. But this action brought thousands of student demonstrators into the streets, and the Government readmitted the expelled students. The Thai press, which is periodically censored by the Government, was tolerated in its support of the student demonstrations.[13]

A 29-day illegal strike by Thai steel workers was also tolerated by the Government and ended only when the strikers ran out of funds to support the protest. Farmers have conducted local boycotts and protests with little Government reaction.[14]

Overseas Chinese are a significant minority group in Thailand, and they have a substantial amount of control of the national economy through their business activity. The government reportedly is trying to reduce their economic power. Some Chinese have been accused of subversive activities by the Government and have been prosecuted.[15] There are several other ethnic minority groups living along the northern border and on the Thai portion of the Malay Peninsula who conduct insurgent operations periodically against Thai troops and officials in their areas.

The vast majority of Thais are Buddhists of one form or another, and the Thai monarch and all Government employees are required to be Buddhists. Thai Moslems, numbering about one million, and the relatively small numbers of Hindus and Christians, are excluded from Government service.[16]

FOOTNOTES

*This report was written by Robert Shuey, Analyst in Asian Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations, Obligations and Loan Authorizations, July 1, 1945-June 30, 1972. p. 80.

[2] Washington Post, October 15, 1973.

[3] Browne, Malcolm W. Unrest and Dissent, Novelty in Thailand, Upset Leaders. New York Times, August 8, 1973.

[4] Peterson, Iver. The Trouble with Democracy. New York Times, November 21, 1971.

[5] Morell, David. Thailand: " . . . If you would know how the villagers really feel, abandon intimidation." Asian Survey, v. 13, February 1973: 176.

[6] Critchfield, Richard. Thais Struggle with Pandora's Box. Christian Science Monitor, July 21, 1973.

[7] Washington Post, October 15, 1973.

[8] Washington Post, October 16, 1973.

[9] Morell, op. cit., p. 176.

[10] Annual Report, 1972–1973. Amnesty International. London, 1973.

[11] Morell, op. cit., p. 168.

[12] Ibid.

[13] Browne, op. cit.

[14] Ibid.

[15] Critchfield, op. cit.

[16] Worldmark Encyclopedia of the Nations, v. 4, Asia and Australasia. New York, Worldmark Press, Harper and Row, 1971. p. 336. American University. Foreign Area Studies. Area Handbook for Thailand. Washington, U.S. Govt. Print. Off., 1968. p. 215, 216.

THE STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: URUGUAY*

The following paper is a summary account of the status of political and religious liberties in Uruguay, and is not intended to serve as an in-depth or comprehensive analysis.

AID SUMMARY [1]

Total Official U.S. Development Assistance FY1946–FY1972—$139.9 million.

Total Official U.S. Development Assistance FY 1972—$10.1 million.

Total U.S. Military Programs FY 1953—FY 1972—$58.7 million.

Total U.S. Military Programs FY 1972—$4.2 million.

Proposed total of all U.S. resources transferred FY 1974, $13,012 million.

Despite Uruguay's longstanding tradition of political stability and parliamentary rule, the nation has for the past decade experienced political unrest. This has been due, in some part, to disruptive action by the left-wing Tupamaro urban guerrilla movement. In response to Tupamaro activity, as well as to various forms of increasing economic and social unrest, the government has taken a number of steps which have the effect of increasingly restricting certain civil liberties and individual guarantees.[2] Beginning in December 1967 under the government of President Jorge Pacheco Areco, various "security measures" proposed by the Executive were implemented, after congressional approval. These measures, which were continued and enlarged under the present government of President Juan Maria Bordaberry, have limited individual rights and freedoms guaranteed by the constitution. A state of emergency in which all individual rights are suspended has been decreed (with congressional approval) periodically since June 1968 to enable increased Government action against the Tupamaros. As a result of the security measures and state of emergency conditions, it has been charged that, in various degrees, freedom of the press and speech have been restricted, those suspected of subversive activities have been subjected to arbitrary arrest and imprisonment without trial, family members of leftist political opponents of the Government have been subjected to illegal searches and detention, armed attacks and other provocations have been made on the universities, and other individual rights have been violated through torture, harassment by unofficial para-police

Footnotes at end of article.

groups, and unrestrained terrorism by pro-Government rightwing groups engaged in kidnapping and execution of leftist.[3]

In April 1972, President Bordaberry declared a "state of internal war" (stil in effect) giving expanded powers to the Executive and permitting suspension of civil rights, censorship and arbitrary arrests, and conferring special powers on security forces.[4] In early June 1973, the President decreed a further extension of the security measures without Congressional support.[5]

In February 1973, a political conflict between the Uruguayan Army and Air Force, and the Bordaberry government, largely involving Army disapproval of an opposition Senator accused by the military of aiding the Tupamaros, and the military's rejection of the President's newly-appointed Minister of Defense, resulted in major concessions by the President to the military establishment.

These included Government acceptance of a 19-point political and economic reform program authored by the military, the establishment of a National Security Council composal of the commanders of the armed forces and certain Cabinet ministers which is to function as an organ of control over the administration (it was established on February 23, 1973), and Government acceptance of other military terms which effectively provided for a primary role by the military in Uruguayan governmental process.[6]

On June 27, 1973, reportedly in response to increasing military pressure, the President decreed the dissolution of the National Congress. The action followed a series of confrontations between the military and civilian politicians. In the dissolution decree, the Government charged that the nation's institutions were being undermined by a "conspiracy . . . aided by the complacency of political groups without national spirit." [7] Congress was replaced by a Government-appointed 20-member Council of State charged with drafting a plan for constitutional reform, eventually to be submitted to the electorate as a referendum. President Bordaberry announced that in the meantime, he would continue to rule by decree.

The same decree imposed further restrictions on the press, gave additional special national security powers to the military, and closed all schools and universities until July 20. Subsequently, Uruguay's 19 elected municipal councils and local governing bodies were dissolved and replaced by Government-appointed boards.[8] The judicial system remains an independent institution in Uruguay, although, since April 1972, those arrested and accused of political offenses have been tried before military courts *in camera*.[9]

Also in June 1973, the Bordaberry Government began action designed to limit the activities of labor and trade unions. Prior to this time, most major labor protest strikes had been broken up by military forces. Beginning in June, decrees were issued imposing fines and authorizing dismissal without compensation as penalties for strikers. In June, in response to a general strike called by the Uruguayan trade union confederation (CNT) in Montevideo, President Bordaberry dissolved the confederation, confiscated its holdings, and arrested its leaders.[10] A subsequently passed Job Security Law forbids union involvement in politics, requires official Government recognition of unions, determines conditions for strikes, and provides for increased Government surveillance and supervision of all elections, spending, and other activities of labor unions.[11]

According to the newsletter Latin America, at this time, there are reportedly 4,000 political prisoners in Uruguay, numbering among them opposition politicians and former members of Congress, workers, and Tupamaros and their sympathizers. The newsletter reports that "numerous people who have never taken part in revolutionary activities have been arrested merely on suspicion of presumed links with sedition.' " [12]

In recent years, accusations of frequent and widespread Government torture of Uruguayan political prisoners have increased on the part of groups and individuals, including an Uruguayan Senate investigating committee (June 1970), other members of the national legislature, and prominent national and international organizations. A World Council of Churches report of October 1, 1972, charged that the Uruguayan Government had engaged in "widespread violation of basic human rights," and cited "impressive evidence" of the use of physical and psychological torture of political prisoners by the Uruguayan police and military.[13] A June 1973 letter to President Bordaberry from Amnesty International's Secretary General charged that "abuses of such seriousness as torture, as a common method of interrogation, have been committed and are still being committed in Uruguay.[14]

Until 1973, the press in Uruguay reportedly was free to publish information and commentary on national problems and government activity, although limited by Government decrees which prohibit any news of Tupamaro activity which does not emanate from official sources.[15] However, according to 1973 reports, the press has been subject to increasing restriction, forbidden by a June 1973 degree to publish any criticism of the Government which would impute "dictatorial goals" to President Bordaberry. Opposition newspapers periodically have been closed down for violating security measures, including any mention of government repression.[16]

A Government decree signed on October 15, 1973 ordered foreign news agencies or correspondents to submit copies of their dispatches to Uruguayan authorities on the same day they are sent abroad. The Government justified the action on grounds that overseas newspapers publish news of Uruguay "that does not conform to reality." [17]

There is no restriction of religious freedom in Uruguay.

FOOTNOTES

*This report was written by Virginia Hagen, Analyst in Latin American Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. Washington, May 1973. p. 61.

[2] Amnesty International. Annual Report 1972–73. London, Amnesty International Publications, September 1973, p. 51–52.

[3] Report on Violations of Human Rights in Uruguay, U.S. Catholic Conference, Latin American Bureau, Washington, D.C.

[4] United States Catholic Conference. Latin American Bureau, Washington, D.C.

[5] Keesing's Contemporary Archives: Weekly Diary of World Events [Vol. XIX 1973], Bristol, England, Keesing's Publications Ltd. [April 16–22, 1973] p. 25989.

[6] Ibid, p. 25841–42.

[7] Facts on File: Weekly World News Digest. New York, Facts on File, Inc., 1973. July 1–7, 1973, p. 567.

[8] Keesing's Contemporary Archives, p. 25989, 90.

[9] Amnesty International, p. 52.

[10] Keesing's Contemporary Archives, p. 25989, 90.

[11] Facts on File, p. 754.

[12] Latin America, London, v. VII, August 24, 1973, p. 271.

[13] Washington Post, October 1, 1972: F23.

[14] Amnesty International News Release, London, June 25, 1973.

[15] Inter-American Press Association. Freedom of the Press Committee. Report to the XXVIII Annual Meeting, Santiago, Chile, October 1972.

[16] Facts on File, p. 567, 754.

[17] Washington Post, October 16, 1973.

STATUS OF POLITICAL AND RELIGIOUS LIBERTIES IN AID-RECIPIENT COUNTRIES: ZAIRE*

AID SUMMARY [1]

Total Official U.S. Development Assistance, FY 1953–1972: $367.0 million.

Total Official U.S. Development Assistance, FY 1972: $5.5 million.

Total U.S. Military Programs, FY 1962–1972: $43.2 million.

Total U.S. Military Programs, FY 1972: $2.4 million.

Proposed Total of all U.S. Resources Transferred, FY 1974: $16,266 million.

The following paper is a summary account of the status of political and religious liberties in Zaire and is not intended to serve as an indepth or comprehensive analysis.

Zaire is currently governed by President Mobutu Sese Seko (formerly known as Joseph Mobutu), who assumed power by way of a military coup in 1965. Mobutu's takeover ended a five-year period of warfare, secession and general chaos that followed the independence of the Congo from Belgium. According to the Government of Zaire, his policies since have sought to unify the country and end the tribal and regional conflicts that plagued the Congo after independence.

Formally, the Government of Zaire consists of an elected President, an elected legislature, and an independent judiciary. In reality Mobutu has concentrated all governmental functions into his own hands; his policies are carried out by (1) the army over which he is commander-in-chief, (2) a highly centralized bureaucracy which he has established to supersede the formerly decentralized system of administration based on the provinces; and (3) the Popular Movement of the Revolution (MPR—the only political party allowed in the country, and headed by Mobutu.[2]

Founded in 1967, the MPR ran unopposed in presidential and parliamentary elections held in October and November 1970. Mobutu, at the head of the ticket, received 99.99 percent of the vote, according to official figures. All 420 legislative seats were won by MPR members. Theoretically, all citizens of Zaire are members of the MPR.[3]

The MPR also has absorbed labor and student organizations. In July 1969, the party announced that all youth organizations were incorporated into its youth arm.[4] In 1967, at the instigation of President Mobutu, representatives of major labor unions formed the National Union of Congolese Workers (UNTC). The head of the UNTC was named to the MPR National Political Bureau.[5]

The Government of Zaire owns and operates all radio and television stations in the country. The printed media are privately owned and consist of daily and weekly newspapers and other publications. Article 11 of the 1967 constitution provides for freedom of individual expression, both spoken and written; but it allows this right to be regulated by law. The Government does not permit direct press criticism of its major programs and policies, and on several occasions it has shut down publications whose views it found unacceptable.[6]

In 1972 the Government of Zaire came into conflict with the Roman Catholic Church following the Church's opposition to the Government's plan to establish MPR youth cells in Catholic schools and seminaries. Another disputed issue was the Government's "authenticity" program, which involves, among other things, the changing of European names to African names and the abolition of Christian names and holidays.

Footnotes at end of article.

The Government closed Pope John XXIII Seminary and shut down the Catholic weekly Afrique Chretienne for six months. After a fierce press and radio attack on Cardinal Malulu, the Archbishop of Kinshasa, the Government removed him from his home and pressured the Vatican to call the Cardinal to Rome. A settlement was reached in June 1972 when it was agreed that the Church would accept the MPR youth organization on the condition that it be under the supervision of the episcopate. President Mobutu then allowed Cardinal Malulu to return home.[7]

In December 1972, the MPR announced the banning of all religious youth organizations within the country.[8] On February 8, 1973, the Government prohibited the publication, sale, distribution, and possession of 31 religious publications, mostly Catholic; it also accused the Church of encouraging subversion.[9]

There is little information on political prisoners in Zaire. It has been reported that at least two of Mobutu's former political associates are in jail.[10] On August 19, 1973, President Mobutu announced the arrest of 13 people on the charge of distributing leaflets urging the secession of the "Lower Zaire" region.[11]

FOOTNOTES

*This report was written by Larry A. Niksch, Analyst in Asian Affairs.

[1] U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loan Authorizations, July 1, 1945–June 30, 1972. p. 124.

[2] Williame, Jean-Claude. Politics and Power in Congo Kinshasa. African Report, v. 16, January 1971: 14–16. American University. Foreign Area Studies. Area Handbook for the Democratic Republic of the Congo (Congo Kinshasa). Washington, 1971. p. 227–231, 241–242, 246–252.

[3] The Europa Year Book 1973: A World Survey. Vol. II. London, Europa Publications Ltc., 1973. p. 1780. Hess, Peter. Zaire and the Rule of Mobutu. Swiss Review of World Affairs, v. 22: July 1972: 6.

[4] Area Handbook for the Democratic Republic of the Congo (Congo Kinshasa), p. 249.

[5] Ibid., p. 250.

[6] Ibid., p. 276. Mobutu Gives Ultimatum to Catholics. New York Times, March 8, 1972.

[7] Mobutu Gives an Ultimatum to Catholics. New York Times, March 8, 1972. Howe, Marvine. Mobutu and Cardinal In an Uneasy Truce but Church-State Tensions Persist. New York Times, June 30, 1972.

[8] Religious Youth Groups Banned. African Research Bulletin, v. 9, January 15, 1973: 2708.

[9] Religious Publications Banned. African Research Bulletin, v. 10, March 15, 1973: 2772.

[10] Zaire: Authentic Attitudes. Africa Confidential, v. 13, April 7, 1972: 2.

[11] Secessionist Group Arrested, African Research Bulletin, v. 10, September 15, 1973: 2959.

Mr. HATFIELD. Mr. President, I was extremely encouraged by the action taken by the subcommittee with respect to our assistance to the police and prison systems of South Vietnam. The language of the committee report speaks for itself on this matter, and I ask unanimous consent that this section of the report appear in the RECORD at this point.

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

ASSISTANCE TO POLICE AND PRISONS IN SOUTH VIETNAM

The Committee has taken note of the extensive discussion in the House and Senate concerning the internment and treatment of political prisoners in South Vietnam, and the use of United States resources for assisting these activities.

There are two provisions of the Foreign Assistance Act of 1973 which have bearing on this problem. The first is Section 32 (referred to previously) which states:

"It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes."

The other relevant portion of the authorizing language is an amendment that adds a new section 801 to the Foreign Assistance Act of 1961 which includes this language:

"No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam."

Section 114 of the House Appropriations Bill (H.R. 11771) proposes the same course of action as the authorizing legislation in dealing with funds contained in the bill for assistance to South Vietnam's police and prison systems.

The existence of political prisoners in South Vietnam is beyond any reasonable dispute. Only the numbers are in question. Estimates range from 4,300 to 200,000. Reliable and objective sources suggest that there are between 40,000 and 60,000 political prisoners being held. Further, substantiated accounts of cases of mistreatment and torture of such prisoners have been authoritatively reported.

It has been estimated that the police force of South Vietnam, at the authorized size of 122,000 personnel, has received at least $130 million in assistance from United States resources since 1967.

With the signing of the "Agreement on Ending the War and Restoring Peace in Vietnam" on January 27, 1973, the United States agreed that it would not "impose any political tendency or personality on the South Vietnamese people" that "advisors to all paramilitary organization and police force will be withdrawn" and that we would not "interfere in the internal affairs of South Vietnam."

AID's FY 74 budget justification to Congress for Indochina Postwar Reconstruction states that:

"In keeping with the articles of the cease-fire agreement, AID has terminated its assistance to the National Police and to the Vietnamese Corrections System . . ."

In information given upon request to the Committee shortly before the markup of this bill, relating to residual public safety activities in South Vietnam, the agency states that "All AID advisory assistance to Vietnamese National Police was terminated on January 28, 1973."

Other forms of assistance to the South Vietnamese National Police remain and are proposed for appropriation by this bill. There are two areas where the proposed budget would give such assistance. The first is a program for training up to 264 South Vietnamese National Police officers at the International Police Academy here in Washington. This is described on pages 30 and 50 of AID's FY 74 budget presentation for Indochina Postwar Reconstruction. About 200 of these personnel would be trained in computer systems management at the estimated cost of $721,000, and 64 would be trained in general police administration for $196,000. The second area is assistance to Public Safety Telecommunications. This involves aid for further development of a "Nationwide Combined Telecommunications Directorate" in South Vietnam.

While this system would be used by other agencies of the South Vietnamese government, A.I.D. acknowledged that the National Police has been one of the principal agencies using such communications systems as presently developed. In the past this project has been managed by personnel in the Office of Public Safety. With the abolition of this office under the terms of the peace agreement, remaining funding for the program was changed to the USAID Public Works General Support Project. With this step, nine telecommunications advisors previously working under the Office of Public Safety continued their work directly with the Telecommunication Directorate of the Government of South Vietnam. Funding for these advisors, who are included in a list of 24 "general engineering advisors" on page 41 of the AID budget presentation under the heading of "public works," totals $350,000 for FY 74. The same budget on that page includes $520,000 for replacement parts for the Nationwide Combined Telecommunications Directorate.

AID has identified these sums to the Committee after persistent inquiry. Thus, there is a total of $1,787,000 in the budget for Indochina Postwar Reconstruction which is proposed assistance to the South Vietnamese National Police, as identified and acknowledged by AID. Further, the Agency informs the Committee that the Department of Defense will contribute $10,626,000 in support to the South Vietnamese National Police, including $7,519,000 for the replacement of "uniform accessories, spare parts, etc." that is reimbursed to AID by DOD, $1,343,000 for "spare parts and accessories" for the Nationwide Combined Telecommunications Directorate that is reimbursed to AID by DOD, and $1,764,000 for direct procurement of replacement vehicles by DOD. Thus, in a very major way AID is serving as a conduit for Department of Defense funds providing assistance to the South Vietnamese National Police.

The Committee is deeply troubled by the acknowledgment that at least $12,513,000 is proposed as assistance to the South Vietnamese National Police, to be carried out through the auspices of the Agency for International Development. The Committee is further concerned that portions of these funds were initially not made sufficiently clear, being listed under other categories of the budget presentation. Further, the Committee is most deeply alarmed that AID is being used as a channel by the Department of Defense for the provision of very substantial amounts of such assistance.

The Committee believes that it is not in the best interests of the Agency for Inter-

national Development or any agency of government to be identified with the police system of South Vietnam.

With these facts in mind, the Committee has reviewed the language related to this problem in Section 114 of H.R. 11771. We have found the language of H.R. 11771 to be in need of amendment for three reasons. First, as written the provision is an abdication of direct Congressional responsibility for this problem. Second, under the terms of the amendment all assistance to South Vietnam is jeopardized by a determination that funds under this Act are used for the support of police or prison construction and administration within South Vietnam. Third, the most relevant part of AID assistance in this fiscal year to the South Vietnamese National Police—that of their training outside of South Vietnam—is not covered by the provision.

The Committee believes that in a time when Congress has been endeavoring to increase its own powers and responsibilities, particularly in the area of funds spent for foreign and military purposes overseas, there is no reason to abdicate responsible action on this specific matter to the Executive Branch.

This Committee, with the assistance of the Agency for International Development, has identified those funds which are proposed for the support of South Vietnam's National Police. Therefore, we do not have to rely on a Presidential judgment or finding relating to this matter. Moreover, we do not wish to put the Executive in a situation where a finding of such assistance could legally require the termination of all aid to South Vietnam.

The United States has been generous in the assistance it has provided to the South Vietnamese National Police and to its prison systems. Previous funds for such assistance, totaling $1,338,000 obligated from prior year appropriations but not disbursed as of October 1, 1973, are still in the pipeline.

The Committee strongly believes, however, that such assistance to the police and prison systems of South Vietnam should now be totally terminated. The statement in AID's budget presentation that "AID has terminated its assistance to the National Police" should be made a total reality. This is the intent of the Committee's amendment to Section 114 of H.R. 11771.

The amendment would also eliminate that assistance to the Nationwide Combined Telecommunications Directorate which supports the South Vietnamese police or prison systems.

It is the intent of the Committee that the Agency for International Development (AID) cease functioning as a conduit for Department of Defense programs related to "public safety" functions in South Vietnam. Specifically, the Committee interprets the Senate amendment to Section 114 of H.R. 11771 as also prohibiting any AID involvement whatsoever in Logistics Technical Support Programs or Public Works General Support Programs insofar as these programs relate, directly or indirectly, to "public safety" functions in South Vietnam, for which AID has received, in the past, reimbursement from DOD for services performed.

In a time when the Administration has stressed its desire to participate in the rebuilding of a land and a people who have been torn apart by war, we believe the effectiveness of AID's efforts to that end is severely compromised by its involvement in the police and prison system of the country, particularly when that system has been characterized by acts of inhumane repression.

The Committee recognizes that direct U.S. advisers to South Vietnam's police and prisons have been terminated by AID.

The other forms of U.S. assistance are also ended by the Committee's action. This Committee's amendment to Section 114 of H.R. 11771 appears as Section 112 in the Committee's bill.

The South Vietnamese should rely solely on their own resources, rather than those of the United States, to provide for their police and prison system. Further, the end of AID's Public Safety Program was stipulated in the authorizing legislation. The Committee's action is consistent with that policy.

Mr. HATFIELD. Mr. President, this bill also contains $2.2 billion for emergency assistance to Israel. Let me restate my views on this subject, which also appear as separate view in the committee report.

The request of $2.2 billion in emergency assistance to Israel constitutes 40 percent of the total Senate appropriation in this bill. Only one day of hearings were held on this request. Further, the amount has not been authorized, and the Senate Foreign Relations Committee did not hold any hearings on the request until the day this bill was reported to the Senate by the Appropriations Committee.

The chairman of the subcommittee, Senator INOUYE has made persistent inquiry to the administration concerning this request. The unclassified portion of that communication has appeared earlier in the report. I have also made inquiries to the Department of State and the Department of Defense concerning this request, and have reviewed classified information pertinent to this matter.

As has been indicated earlier in the report, approximately $1 billion of military supplies have been sent to Israel since the outbreak of the recent hostilities. The administration has stated that this has fulfilled the major task of replacing the equipment and materiel lost in the war. It is understandable that provision be made for Israel to be given such assistance.

However, in my judgment the administration has given the committee no sufficient explanation concerning the necessity of granting the additional $1.2 billion at this time. The equipment that would be sent by this additional amount has not even been identified by the administration. They have stated that such amounts would be used to restore "military balance" to the area and have added, "It is, however, extremely difficult to state precisely the types and quantities of equipment that will be needed for this purpose." The administration's reply to the Subcommittee chairman further stated, "We do not want to stimulate additional procurement by the Arab combatants and thereby initiate a new escalation in the level of armament in the area."

The administration has made it clear that it does not know how much of this total request will be made on the basis of loans, and how much on the basis of grants. Further, they have said that if the total amount is not needed, it will be returned to the Treasury.

In sum, the Congress is being asked to appropriate $1.2 billion of this $2.2 billion for equipment and material that cannot be even identified at this time, and that may not all be needed.

When asked why Congress should not give such a blank check for up to $1.2 billion worth of additional military equipment to Israel, over and above the replacing of that which was lost in the war, the Administration has given two generalized responses. First, they have stated, "If the Congress were to act only on an amount sufficient to cover equipment already supplied to Israel, it could be interpreted as an indication that the U.S. Government is not prepared to provide whatever is necessary to enable Israel to defend itself." Second, they have stated, "peace negotiations will not be promoted if in the middle of them, we have to return to the Congress with an additional request for military assistance funds for Israel with the attendant weeks or months of uncertainty, until the bill is passed, as to whether the USG will provide the wherewithal for Israel's defensive needs."

In response to the first point, the historic and resolute commitment of the United States to provide Israel with the means of her defense has been firmly demonstrated to the world time and time again. Most recently, during the past war, our country not only demonstrated that commitment by the intensive airlift and sealift which resupplied Israel with all the equipment that was needed for her defense, but our nation was also brought to the brink of a nuclear confrontation to prevent the entry of Soviet troops into the region. We do not need to give the Administration authority to supply an additional $1.2 billion of military equipment that is not even identified and specifically justified in order to prove the credibility of this nation's commitment to Israel.

Regarding the second point, Congress has always demonstrated that it will act and act swiftly to provide the wherewithal for Israel's defensive needs. It is inconceivable that Congress would ever deny any specific request for equipment above that which has already been given to Israel that is shown to be essential for her security. This would be so particularly during a time of negotiations.

Thus, I find the administration's justification of the $1.2 billion beyond that

which we have already supplied to be wholly unpersuasive.

In the past, many of my colleagues have argued that Congress should be a full participant in matters relating to our military assistance and foreign commitments, and I have joined in making these points. We have said that Congress must not give to the executive branch blank checks and broad discretions of unlimited authority in such matters. We have argued that Congress must be more relevantly involved in this decisionmaking process, as was the intent of the Constitution. I believe that there should be no exception to those principles, and that they should be applied in this instance as well.

If, in fact, the administration decides that additional equipment, above what has been lost in the past war and replaced, is needed for a "military balance," then that can be supplied in the same fashion as our aid up to this point has been given—under the Foreign Military Sales Act. In such a case, Congress would have a full 120 days to consider such action, and to provide additional loans or grants as it sees fit. Certainly that is the proper way to proceed, and the minimum that is necessary if Congress is to be an equal and responsible participant in this process.

I have heard it frequently contended that if Congress does not give to the Executive carte blanche for all that it wants, then its ability to reach a desired negotiated solution on a given matter may somehow be jeopardized. Previously, I have rejected such rationale when considering Congressional action on such matters as the ABM, our troops in Europe, and our involvement in Southeast Asia. I do not accept that rationale in this instance either. Further, in this case it is not being suggested that funds for an on-going commitment or program be denied, but that additional funds yet to be required, justified, or specified not be prematurely given.

The administration has stated, "We recognize that what we are asking is highly unusual." I wholeheartedly agree, and believe that Congress should not abdicate its own responsibilities as it exercises the power of the purse. In effect, the Executive is asking the Congress to renege from exercising any meaningful role at all in the provision of an additional $1.2 billion of military aid to Israel, beyond what has been supplied to replenish the losses from the recent war. I see no reason why Congress should accede to this highly unusual request.

Finally, it is my belief that there is no ultimate military solution to the conflict in the Middle East. The only solution is a negotiated settlement of the political and social issues which lie at the root of the tensions there. I earnestly hope and pray that the negotiations about to begin will yield such a settlement. For this reason, it is all the more imperative that we not take these actions which would encourage a reliance solely on military might as the means for building ultimate security. In the past, the arms we have given to the Middle East in the name of building a balance of power have been used in war. Another war in the future would be even far more costly in human terms for both Israel and the Arabs, and run the same risks of nuclear confrontation between the world's most powerful nations. Therefore, now more than ever it is our responsibility to stress by our actions and words to all parties that successful negotiations, resolving the fundamental issues and grievances rather than blind reliance on military might, are the only means for achieving true security.

Mr. President, in my separate views I also stated my opposition to the emergency assistance proposed for Cambodia. Those views were as follows:

The administration's request for an additional $200 million in emergency assistance to Cambodia, and the compromise $100 million recommended by the Committee, is also without sufficient justification, in my judgment.

These funds also have not been authorized. Furthermore, more than $120 million has already been spent for military assistance under the Continuing Resolution during this fiscal year, from the $173 million originally requested. An additional $250 million is available for use under the "Special Drawdown Authority" provided by the Foreign Assistance Act of 1973. When asked during the House debate whether that authority would be available for use for this purpose even if the emergency funds for Cambodia were appropriated, the manager of the House Appropriation Bill, Mr. PASSMAN, replied that it was. Thus, the $100 million appropriated by the Senate is in addition to these other available resources. In short, the Administration already has more than sufficient authority for its military assistance program to Cambodia.

Furthermore, during the course of special hearings held by the Subcommittee on Cambodia, it was made totally apparent that this is a wholly civil war, involving one group of Cambodians against another. I do not believe that our role should be one of continued intervention through the supply of our arms in that situation. The effect of that assistance, in my judgment, only contributes to a continuation of a war amongst the Cambodians. For these reasons, I am opposed to the emergency funds for Cambodia appropriated by the bill.

Let me only add and clarify these views to say that I was pleased with the proviso added by the full committee that no funds be made available for Cambodia from the "Special Drawdown Authority." However, the House bill contains no such language, and we have no assurance that it would be maintained in the conference. My concern is that the conference would delete the provision on the drawdown authority, and still appropriate funds for emergency military assistance as well.

In any event, I remain opposed to the expanded level of military assistance to Cambodia proposed by the administration.

In conclusion, Mr. President, let me again commend the excellent leadership of the chairman of the Foreign Operations Subcommittee, the Senator from Hawaii (Mr. INOUYE) and the cooperative spirit that has prevailed among all the subcommittee members.

This bill contains many improvements in the direction of our foreign assistance programs. Yet, the overall thrust and impact of those programs still stands in drastic need of fundamental revision. While I am encouraged by many of the changes we have effected in this appropriations measure. I still believe our overall program of foreign assistance fails to sufficiently address the needs of the world's destitute and poor as the chief priority. For this reason, and because of the other portions of the bill which I cannot fully support, I shall vote against this measure.

ISRAEL

Mr. KENNEDY. Mr. President, I stand to support the emergency security assistance for Israel contained within the current appropriations bill.

During the days immediately following the outbreak of the Yom Kippur war, I strongly urged the administration to provide for the immediate resupply of weapons which Israel required to defend itself.

I joined with 67 of my colleagues in introducing a resolution urging immediate arms shipments. At the same time, the administration announced the start of new supplies.

The massive resupply effort by the Soviet Union to Egypt and Syria since the October 6 war began is evidence of the continuing need for Israel to retain the necessary means of defense.

All of us hope that the upcoming negotiations in Geneva will set a new course for the people of the Middle East, a course of peace and cooperation rather than a course of war.

However, we would be dooming those negotiations from the outset were we to deny Israel the resupply of weapons to match the torrent of arms, estimated at far more than $2.2 billion contained in this bill, supplied by the Soviet Union since the ceasefire. A military balance in the Middle East is a vital precondition to the successful conclusion of peace negotiations.

For the past quarter century, the United States has maintained its support for the people of Israel. I believe that policy is in our interests. Enactment of this measure will state clearly to all concerned that the United States will not forsake the Nation of Israel at this moment of economic, political, and military challenge.

Mr. McCLELLAN. Mr. President, there are some items in this bill, some appropriations I would gladly support if there was the opportunity to vote on them independently. But, as this bill stands today—as we approach final passage, it proposes to continue the indiscriminate spending practices which I oppose and have long condemned.

I cannot vote to continue this unjustified, indefensible and unproductive program, although I am very much in sympathy with some of its provisions and with some of the appropriations it contains.

Almost three decades after the beginning of America's foreign aid program—intended as a temporary project designated to revitalize a war-ravaged world—we are still furnishing assistance of some sort and in varying amounts to 131 nations around the globe.

Paradoxically, our Nation's capabilities for this gigantic philanthropy have considerably diminished over the years, but there has been no corresponding reduction in our heavy commitments and assistance to other countries. The result has clearly been, among other consequences, mounting waves of inflation, trade deficits, periodic attacks on the dollar, and pyramiding national indebtedness.

To help preserve our fiscal integrity, we shall immediately terminate our entire foreign assistance program, as now constituted. This vast, overextended, misguided and mismanaged experiment in international welfare has, in recent years, produced little but waste, woe and a weakened international diplomacy. It has long since become a diplomatic liability. It is no longer a positive instrument for good in obtaining our foreign relations objectives.

Mr. President, we are being asked to continue sending our dollars abroad at a time when our Nation's economy is in trouble and under increasing strain to meet domestic needs and obligations with even more difficult times ahead. Responsible economists and businessmen are predicting an unemployment rate of upward of 8 percent within the next year as the energy crisis deepens. Inflation and high taxes are taking more out of the pocketbooks of American taxpayers every day.

Many of our international requirements and essential programs and improvements are being inadequately funded or long deferred because of our fiscal instability and disturbing uncertainties associated with our economic prospects in the immediate years ahead.

In view of the seriousness of current inflation, our depleted Treasury, the devalued dollar and the obvious magnitude of the task confronting us, prudence and a proper regard for our own long range interest dictate an end to this too long used and much abused indiscriminate international handout program.

There is no doubt that the basic idea behind the Marshall plan, our original foreign aid program, was sound and commendable. We wanted to rebuild the devastated economies of our World War II allies and also of our enemies in order to make them self-sustaining and to restore world stability.

We met this challenge by giving some $17 billion to the nations of Western Europe over a 4-year period. The Marshall plan proved to be an outstandingly successful example of humanitarian compassion and international cooperation. It contributed greatly to Europe's fantastic economic recovery and subsequent growth.

During this same time, the United States supplied $2.1 billion to rebuild the war-shattered economy of Japan, its former enemy—fiscal years 1946–51.

I supported the Marshall plan when it was launched in 1946 and until 1955—a period in which $55.8 billion was appropriated for foreign aid. I believed it provided a significant opportunity for the United States to make a contribution to building a more peaceful and prosperous world order. In the beginning it did just that.

Unfortunately, however, we were not content with this success. Unhappily we came to regard ourselves as an international philanthropist and undertook in addition to finance the progress and prosperity of the underdeveloped nations of Latin America, Asia, and Africa.

By 1955, the number of client states had increased from 51 to 86. By then, it had become clearly evident to me that we were transforming the Marshall plan into an extravagant, wasteful and ineffective worldwide program which we could not afford—a program that would, in the long range, be nonproductive and detrimental. The unfriendliness and ingratitude exhibited against us today by many countries who received abundant assistance from us is a striking demonstration and testimonial to the consummate folly of the foreign aid policy that we have pursued.

Since 1955, we have poured an additional $117.7 billion—as of June 30, 1972—into foreign assistance, with the result that we have less frends and fewer allies than we had before this money was spent and before the foreign aid program began.

Mr. President, as far as I can see, the major recent accomplishment that can be attributed to our foreign assistance program is its unique ability to perpetuate its existence despite the compelling and uncontestable proof of its squandering and detrimental consequences.

Since 1946, the United States has poured a staggering $173.5 billion [1]—as of June 30, 1972—into foreign economic and military assistance—and this gigantic outpouring of funds has been one of the primary factors in the deterioration and present flabbiness of the dollar. A continuation of this indiscriminate foreign aid spending will cause a further weakening of and disarray in our fiscal posture.

And there is still a $13 billion balance in the foreign aid pipeline—enough to keep it going for a number of years.

How are we being repaid for this unparalleled adventure in international generosity?

Five petroleum-producing Arab States—Algeria, Saudi Arabia, Kuwait, Iraq, and Libya—which have received nearly $1 billion in economic and military assistance from us since 1946 have embargoed oil shipments to the United States, leaving us with the prospect of cold furnaces and empty gas tanks.[2]

India and Pakistan, which have received over $14 billion in economic and military assistance from us since 1946, have used the weapons which we supplied them for their defense to fight each other. And we have been called in to replace their losses and bind up the wounds following these internecine quarrels.

Ecuador, which has received some $386 million in economic and military assistance from us since 1946, including American-supplied warships, is seizing our fishing boats on charges that they have violated her arbitrarily established sea frontiers.

Uganda, which has received $47.9 million in military and economic assistance, has been the scene of the murder of three Americans by the Army since July 1971, and the roughing up, arrest, and threatening of others. I am advised that aid to Uganda was terminated as of June 30, 1973.

Despite our determined and unselfish efforts to help our NATO allies defend themselves from the threat of aggression, they failed to reciprocate and come to our support during the Vietnam war and the recent crisis in the Middle East. Our NATO allies seem quite content to let us bear heavy burdens—and costs—of their defense while they reserve the right to criticize and hinder us in the pursuit of our policies to oppose aggression and preserve the peace throughout other sections of the world.

Since 1955, I have persistently urged the end of our attempts to remold the world in our own image through the expenditure of our treasure. Repeatedly, I cautioned that unless we committed our resources wisely and made expenditures prudently, we would soon face inflation and economic chaos.

We are now on the threshold of such an emergency. This nonproductive, ill-advised, misconceived philanthropy should now end.

The finest service we can render to the people of the underdeveloped countries right now is to restore the vigor and promise of our own economy. Then, if they truly want and need our aid, we can possibly launch a new program of self-help and technological assistance.

[1] This does not include interest and carrying charges which have been estimated at from $40 to $50 billion additional.

[2] The State Department lists the nations that have declared an embargo as Algeria ($217.1 million aid), Saudi Arabia ($366.4 million), Kuwait ($50 million), Iraq ($104.8 million) and Libya ($228.6 million). This totals $966.9 million. Other nations declaring an embargo are Bahrain, Abudabi, Qutar, Dubai and Oman.

A sound and productive program based, on a sharing of our technology and our expertise, and, if need be, of practical and reasonably secured loans, not gifts, may be in order and feasible.

Mr. President, I am convinced that this approach would be of far more permanent benefit, not only to ourselves, but to the world community at large.

As I believe it is of supreme importance that the Members of this body have the opportunity to see and to examine the staggering magnitude of our all-encompassing foreign aid program, I have asked the Department of State to prepare a detailed report showing the amount of American aid received by each client state since the inception of this program. It shows among other things that 151 countries, organizations and regions received a total of $173.5 billion from fiscal year 1946 to fiscal year 1972. I commend it to the attention of all Members of the Senate.

Mr. President, I ask unanimous consent that this report be printed in the RECORD.

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

Deobligation=Cancellation or reduction of prior years obligations, but not expended.

Example: If Congress cuts a $10 M project to $9 M or the invoice costs are below the $10 M obligated, then the obligated figure is reduced (or "deobligated" by $1.0 M).

II. Negative figures=1. are generally the cumulative totals and are used to assure that the total columns will add up.

2. since 1954, the data is prepared using gross (not net) figures (excluding the amount recovered from prior years).

3. The figures by year are the gross figures.

III. Any dash marks are used to represent a zero (0) figure.

Any asterisk indicates that the figure was too small to add up.

This table does include programs not considered economic aid such as Export-Import Bank, grain loads.

Total U.S. overseas loans and grants

[In millions of dollars—fiscal years 1946–1972]

Europe	$48,830.6
Albania	20.4
Austria	1,335.5
Belgium-Luxembourg	2,042.1
Czechoslovakia	193.0
Denmark	950.5
East Germany	0.8
Finland	180.5
France	9,711.7
Germany (Federal Republic)	5,087.6
Berlin	131.9
Hungary	33.8
Iceland	89.2
Ireland	187.8
Italy	6,466.1
Malta	19.5
Netherlands	2,605.5
Norway	1,357.1
Poland	692.7
Portugal	571.8
Romania	74.3
Spain	2,913.4
Sweden	231.1
Switzerland	47.1
United Kingdom	9,757.9
U.S.S.R.	186.4
Yugoslavia	3,092.5
Europe Regional	850.1
Africa	5,382.4
Algeria	217.1
Botswana	$30.2
Burundi	9.7
Cameroon	46.7
Central African Republic	7.9
Chad	10.2
Congo (Brazzaville)	5.1
Dahomey	13.8
Ethiopia	485.4
Gabon	7.6
Gambia	4.3
Ghana	300.3
Guinea	109.9
Ivory Coast	110.5
Kenya	96.8
Lesotho	13.4
Liberia	307.5
Libya	228.6
Malagasy Republic	15.4
Malawi	29.6
Mali, Republic of	32.1
Mauritania	6.3
Mauritius	7.5
Morocco	959.6
Niger	20.6
Nigeria	423.3
Rwanda	8.0
Senegal	45.6
Seychelles	0.4
Sierra Leone	53.2
Somali Republic	77.4
Southern Rhodesia	7.0
Sudan	107.9
Swaziland	5.8
Tanzania	77.5
Togo	19.5
Tunisia	798.0
Uganda	47.9
Upper Volta	22.0
Zaire	495.4
Zambia	68.3
Central and East Africa Regional	55.9
East Africa Regional	33.1
Africa Regional	260.1
Latin America	18,112.2
Argentina	1,027.6
Bahamas	24.0
Barbados	0.7
Bermuda	34.0
Bolivia	623.7
Brazil	4,533.1
British Honduras	6.3
Chile	1,654.4
Colombia	1,606.5
Costa Rica	221.8
Cuba	53.9
Dominican Republic	527.8
Ecuador	385.7
El Salvador	161.5
Guatemala	403.4
Guyana	81.0
Haiti	131.7
Honduras	139.9
Jamaica	128.3
Mexico	1,267.7
Nicaragua	201.3
Panama	342.0
Paraguay	165.6
Peru	862.1
Surinam	9.7
Trinidad and Tobago	71.8
Uruguay	207.9
Venezuela	577.1
Other West Indies	12.3
ROCAP	205.7
Latin America Regional	2,443.7
Near East and South Asia	34,507.3
Afghanistan	450.2
Bangladesh	286.3
Cyprus	30.3
Egypt (U.A.R.)	1,017.3
Greece	4,228.6
India	9,382.9
Iran	2,770.2
Iraq	104.8
Israel	2,610.0
Jordan	870.9
Kuwait	50.0
Lebanon	$151.0
Nepal	177.7
Pakistan	4,878.2
Saudi Arabia	366.4
Sri Lanka (Ceylon)	200.3
Syria	61.0
Turkey	6,402.7
Yemen Arab Republic	42.7
Yemen, Democratic Republic of	2.7
Central Treaty Organization	52.1
Near East and South Asia Regional	371.0
East Asia	46,723.4
Brunei	16.2
Burma	188.3
Cambodia	863.4
China, Republic of	5,910.9
Hong Kong	47.4
Indochina, Undisturbed	1,542.5
Indonesia	1,807.5
Korea	11,378.5
Laos	1,756.0
Malaysia	136.9
Philippines	2,480.8
Ryuku Islands	414.3
Singapore	55.6
Thailand	1,747.1
Vietnam	17,984.3
Western Samoa	2.9
East Asia Regional	390.8
Other Developed Countries	9,670.3
Japan	4,973.6
Republic of South Africa	150.6
Canada	144.1
Australia	1,104.2
New Zealand	143.7
Non-Regional	3,154.1
Oceania	430.3
Papua and New Guinea	28.7
Trust Terr. of Pacific Isl.	394.6
Other Oceania	7.0
Non-Regional	9,585.7

Grand totals of U.S. overseas loans and grants to Africa, Latin America, Near East and South Asia, East Asia, and Europe [1]

[In millions of dollars]

Fiscal year:	
1946	$4,872.8
1947	6,953.1
1948	3,299.0
1949	8,464.0
1950	5,210.8
1951	4,799.4
1952	4,058.4
1953	7,044.3
1954	5,853.5
1955	5,265.7
1956	5,648.2
1957	5,472.8
1958	5,406.7
1959	5,535.3
1960	5,044.7
1961	5,770.1
1962	7,526.8
1963	7,741.6
1964	5,579.0
1965	5,737.3
1966	7,634.1
1967	8,426.9
1968	8,169.1
1969	7,569.9
1970	8,095.8
1971	9,390.4
1972	11,113.9
Deobligations	−2,141.4
Cumulative total, fiscal years 1946–1972	173,542.2

[1] Includes economic and military loans and grants to developed and less developed countries. Coverage of the various programs is described on Pages 2–3 of *U.S. Overseas Loans and Grants*, July 1, 1945–June 30, 1972.

U.S. OVERSEAS LOANS AND GRANTS

[Millions of dollars—fiscal years 1946–72]

Country	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
Africa	7.2	3.1	0.7	4.2	0.1	7.4	4.3	39.7	33.8	36.5
Algeria										
Botswana										
Burundi										
Cameroon										
Central African Republic										
Chad										
Congo (Brazzaville)										
Dahomey										
Ethiopia	.4	3.1				.1	1.2	1.5	6.5	5.1
Gabon										
Gambia										
Ghana							(1)		(1)	(1)
Guinea										
Ivory Coast										
Kenya									3.9	.5
Lesotho										
Liberia	6.8		.7	4.2	.1	7.1	1.2	1.7	1.1	15.1
Libya						.2	1.6	1.4	3.0	13.5
Malagasy Republic										
Malawi										
Mali Republic of										
Mauritania									1.4	
Mauritius										
Morocco							.3	(1)	.3	.1
Niger										
Nigeria							(1)	.2	.7	.3
Rwanda										
Senegal										
Seychelles										
Sierra Leone							(1)			.1
Somali Republic									.7	.3
Southern Rhodesia									5.0	(1)
Sudan										
Swaziland										
Tanzania										
Togo										
Tunisia							.2		.1	.1
Uganda									.2	.2
Upper Volta										
Zaire							(1)		(1)	.1
Zambia								22.4	5.0	
Central and East Africa Regional										
East Africa Regional										
Africa regional							(1)	12.5	5.8	1.1
Other										

	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Africa	36.1	93.9	110.1	192.0	217.4	488.4	507.06	524.2	385.3	366.3
Algeria	(1)	.8	.1	.7	.6	2.3	9.6	69.5	45.3	15.1
Botswana										1.8
Burundi						(1)	2.9	1.2	1.3	1.3
Cameroon					.1	2.1	13.3	1.6	2.5	6.2
Central African Republic						(1)	.2	.7	1.1	.7
Chad						.1	.3	1.1	.6	1.7
Congo (Brazzaville)						.1	1.2	.7	2.9	.3
Dahomey				.1	(1)	3.0	2.2	1.0	1.1	.8
Ethiopia	16.3	14.4	14.0	14.6	15.3	49.1	31.0	30.6	16.8	30.5
Gabon					(1)	.1	.4	1.3	1.7	1.5
Gambia	(1)	.1	.1			.1	(1)	(1)	(1)	.1
Ghana	.4	.5	.2	1.7	1.0	22.6	102.2	3.0	4.0	2.9
Guinea				1.7	2.1	.2	10.4	15.9	16.8	21.6
Ivory Coast						2.1	2.6	5.0	8.9	4.8
Kenya	.1	.1	.2	.3	.2	1.9	9.7	5.6	3.8	9.2
Lesotho						(1)	(1)	.1	.1	.1
Liberia	2.4	2.2	2.4	13.7	5.7	47.8	12.6	47.7	16.8	43.3
Libya	15.2	26.4	30.1	29.0	32.7	24.5	20.4	13.7	9.3	3.4
Malagasy Republic				(1)	(1)	.5	.7	1.0	1.4	4.7
Malawi	(1)	(1)	(1)	10.7	(1)	.1	1.8	1.1	1.8	3.4
Mali, Republic of						2.6	3.6	4.3	3.1	2.4
Maritania					.1	.1	.1	.2	.8	(1)
Mauritius			(1)	(1)		.1	(1)	.1	.1	.1
Morocco	.3	29.8	34.5	48.3	81.3	98.1	54.7	77.9	40.8	45.1
Niger						2.0	1.3	1.4	2.7	1.7
Nigeria	.4	.5	.1	1.6	1.9	14.5	25.0	30.1	51.6	36.4
Rwanda							.8	(1)	.5	.4
Senegal						3.6	3.7	5.6	5.6	1.8
Seychelles						(1)	(1)	(1)	(1)	(1)
Sierra Leone	(1)	(1)		.1	.3	.6	2.6	4.0	13.9	5.6
Somali Republic	.1	1.4	.6	3.1	3.0	4.2	15.1	8.8	4.4	7.9
Southern Rhodesia	.1	(1)	(1)	.1	.1	.3	.7	.5	.4	(1)
Sudan	(1)		.4	30.8	13.0	9.4	13.2	11.3	6.6	6.5
Swaziland						(1)	(1)	(1)	(1)	(1)
Tanzania			(1)	.1	.1	4.2	12.0	12.1	9.1	6.7
Togo				.1	.4	1.4	2.5	1.4	2.0	1.4
Tunisia	.1	17.3	27.2	34.7	58.7	109.9	51.9	73.1	44.3	50.5
Uganda	.1		.1	.2	.3	.2	4.2	7.0	2.8	2.5

Footnotes at end of table.

U.S. OVERSEAS LOANS AND GRANTS—Continued

[Millions of dollars—fiscal years 1946–72]

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Upper Volta						2.0	1.3	1.0	0.9	0.7
Zaire	(1)	(1)		(1)	0.1	75.5	84.8	74.5	45.2	31.4
Zambia					.1	.2	.4	.5	.8	1.0
Central and west Africa regional										
East Africa regional						1.2	2.1	2.1	3.6	2.3
Africa regional	.6	.2	(1)	.2	.2	1.6	6.2	7.8	9.7	8.4

	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
Africa	395.5	434.9	378.6	400.7	327.5	459.4	468.9	−241.6	5,682.3
Algeria	19.4	13.2		2.0	2.2	15.0	21.9	−.6	217.1
Botswana	4.6	7.0	1.2	.5	1.8	3.0	10.5	−.2	30.2
Burundi	.1	.2	.1	.1	1.6	.5	.7	−.3	9.7
Cameroon	2.3	1.6	.8	3.8	.6	2.5	11.4	−2.1	46.7
Central African Republic	.5	.9	.3	.3	.5	.3	2.3	+.1	7.9
Chad	1.5	2.1	1.0	.7	.8	.6	.5	−.8	10.2
Congo (Brazzaville)				(1)	.3	2.3	.3	−3.0	5.1
Dahomey	1.3	1.3	1.0	.9	.5	.5	.7	−.6	13.8
Ethiopia	66.3	35.7	20.9	32.8	30.1	35.7	44.2	−30.8	485.4
Gabon	1.1	1.2	.6	(1)	.1	(1)	.1	−.5	7.6
Gambia	.2	.4	.2	.7	.3	1.3	.5	+.3	4.3
Ghana	9.4	35.3	37.4	29.9	31.2	22.1	15.1	−18.6	300.3
Guinea	7.4	1.3	4.5	21.7	.9	12.5	.7	−8.1	109.9
Ivory Coast	5.7	1.4	32.4	8.0	16.8	2.1	21.6	−.9	110.5
Kenya	19.5	4.5	5.0	3.9	12.3	13.8	5.2	−2.9	96.8
Lesotho	.6	1.1	1.1	1.5	5.2	2.2	1.4		13.4
Liberia	12.3	11.0	9.2	13.6	8.5	11.5	19.6	−10.8	307.5
Libya	3.5	2.9	2.8	2.6	.5		(1)	−7.9	228.6
Malagasy Republic	1.7	2.8	.3	.7	1.2	.6	.4	−.6	15.4
Malawi	3.6	2.6	9.0	2.2	.7	.6	3.7	−11.7	29.6
Mali, Republic of	2.6	3.2	1.1	4.0	1.0	3.9	2.3	−2.0	32.1
Mauritania	.2	.3	(1)	(1)		1.8	1.4	−.1	6.3
Mauritius	.1	.1	.8	.1	2.9	2.0	1.1		7.5
Morocco	64.3	58.0	75.2	56.3	37.2	93.3	73.5	−9.7	959.6
Niger	2.1	2.3	2.2	1.5	1.2	1.4	1.6	−.8	20.6
Nigeria	30.5	27.0	25.7	87.1	52.4	41.6	39.9	−44.2	432.3
Rwanda	3.2	.7	.6	.3	.6	.6	.5	−.2	8.0
Senegal	6.0	6.5	2.6	3.1	4.2	3.2	3.5	−3.8	45.6
Seychelles	(1)	(1)	(1)	(1)	(1)	.1	.1	−.2	.4
Sierra Leone	5.5	3.9	3.8	4.2	2.4	4.7	3.5	−2.0	53.2
Somali Republic	5.4	16.4	5.3	3.5	3.0	.3		−6.1	77.4
Southern Rhodesia	(1)		(1)					−.2	7.0
Sudan	15.5	21.6	.3	.3	(1)	.1	8.0	−29.1	107.9
Swaziland	(1)	(1)	.2	.3	.6	3.7	.6	+.4	5.8
Tanzania	6.9	6.7	6.1	3.6	4.8	5.7	3.1	−3.7	77.5
Togo	2.8	1.5	.8	1.2	1.0	2.3	1.1	−.4	19.5
Tunisia	21.5	61.2	56.8	50.2	48.9	60.6	52.9	−22.2	798.0
Uganda	4.0	7.2	2.6	5.6	3.2	3.4	5.7	−1.6	47.9
Upper Volta	1.5	2.9	1.7	1.0	2.2	5.0	3.3	−1.0	22.0
Zaire	38.5	43.8	29.1	10.8	14.9	42.7	8.3	−4.3	495.4
Zambia	1.0	6.1	1.2	2.1	.2	4.3	23.5	−.5	68.3
Central and East Africa Regional				8.0	7.8	8.7	32.4	−.7	55.9
East Africa Regional	6.3	2.5	3.3	4.5	4.5	1.4	1.3	−2.0	33.1
Africa Regional	16.5	37.0	30.9	27.3	17.6	41.9	40.4	−5.8	260.1

	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
Latin America	104.7	108.2	56.0	70.6	196.8	219.2	105.1	441.7	98.1	358.9
Argentina	(1)	.2	(1)	(1)	96.5	5.0				62.0
Bahamas										
Barbados										
Bermuda										
Bolivia	.4	3.4	.4	.7	16.5	.5	1.5	1.3	18.2	31.7
Brazil	56.9	15.6	1.4	10.4	15.3	27.2	57.0	401.8	21.9	69.0
British Honduras										
Chile	32.9	12.1	.9	21.8	28.2	2.2	12.3	3.5	8.0	11.2
Colombia	3.5	1.1	10.2	3.8	2.5	2.5	3.3	9.3	3.9	9.0
Costa Rica	2.0	.4	.2	.1	.4	.7	2.2	2.5	1.9	3.7
Cuba	.1	.1	.1	(1)	(1)	12.1	.1	.6	9.3	2.0
Dominican Republic	.2	.2	.1	(1)		.1	.2	.3	.2	2.3
Ecuador	1.4	.7	3.3	.8	7.6	.7	2.5	2.0	9.5	6.1
El Salvador	.5	.3	.3	.2	.3	.2	.5	.7	.6	.8
Guatemala	.8	1.0	1.7	2.9	1.7	.7	1.1	.2	.2	10.1
Guyana										.4
Haiti	.3	.3	.8	4.4	.5	10.6	.8	.6	1.1	12.5
Honduras	.3	.6	.3	.2	.1	.2	.8	.7	1.3	2.2
Jamaica										
Mexico	1.2	64.0	30.1	19.3	20.8	130.1	9.3	7.9	7.7	5.0
Nicaragua	1.7	1.7	.5	.4	.4	1.3	.8	.9	1.4	3.9
Panama	.2	.2	.2	2.3	.2	.9	3.0	1.5	1.6	2.9
Paraguay	.4	.4	.4	.4	.5	.7	1.6	.8	1.2	9.7
Peru	.7	5.6	1.3	.9	.9	20.5	2.5	4.0	6.3	109.1
Surinam										.2
Trinidad and Tobago										
Uruguay	.6	.1	1.3	.1	.1	2.8	.4	.2	.6	1.9
Venezuela	.6	.3	2.4	2.0	5.2	.2	3.1	.1	.1	.2
Other West Indies										.2
ROCAP										
Latin America regional							1.8	2.3	3.0	2.9

Footnotes at end of table.

U.S. OVERSEAS LOANS AND GRANTS—Continued

[Millions of dollars—fiscal years 1946–72]

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Latin America	374.2	680.7	408.9	633.0	397.5	943.2	1,181.3	1,110.7	1,306.7	1,305.0
Argentina	16.0	97.4	.1	140.6	.9	41.5	57.2	135.6	20.9	42.7
Bahamas	.1	.1	.1		(1)					
Barbados										
Bermuda										
Bolivia	28.1	27.3	22.5	25.2	15.0	30.7	40.2	67.0	79.9	20.9
Brazil	103.7	332.9	45.7	154.5	47.3	304.8	249.9	160.0	371.0	288.8
British Honduras	.4	.2	.2	.2	.2	.2	.9	.6	1.0	.3
Chile	30.7	43.7	51.3	48.7	47.5	142.7	185.1	116.5	136.3	143.7
Colombia	13.9	20.5	100.9	8.7	14.5	111.0	86.6	136.7	137.5	42.3
Costa Rica	20.7	11.1	2.6	8.1	10.5	10.2	10.6	15.1	16.7	14.9
Cuba	3.4	3.8	20.4	.8	1.2	.1				
Dominican Republic	1.6	1.4	1.4	1.1	.5	.1	36.4	53.4	16.5	75.3
Ecuador	7.2	8.6	8.8	9.2	11.0	23.6	41.9	42.2	32.9	27.8
El Salvador	1.1	1.7	1.1	1.1	1.0	6.3	23.0	23.9	15.9	19.4
Guatemala	34.9	19.4	17.6	12.3	9.2	32.3	11.7	17.2	15.7	14.6
Guyana	.3	(1)	.2	.2	.4	.8	1.5	1.5	.3	12.3
Haiti	11.6	3.8	4.2	12.7	13.3	15.4	8.3	6.0	3.7	2.5
Honduras	2.8	8.3	9.1	4.4	4.4	5.8	5.1	13.8	12.0	5.4
Jamaica	1.3	1.0	1.0	.9	1.0	1.5	2.3	12.6	8.0	7.0
Mexico	51.2	23.0	63.3	108.0	49.5	30.1	47.6	45.1	103.5	96.9
Nicaragua	2.7	6.4	3.8	4.6	11.3	12.5	14.9	9.5	7.1	24.9
Panama	9.8	26.6	5.5	2.0	1.9	16.2	25.5	10.6	25.2	24.4
Paraguay	4.0	2.8	6.6	5.9	4.1	11.1	8.8	10.2	9.3	11.7
Peru	22.2	26.1	27.4	42.9	21.1	67.2	98.6	38.7	91.9	47.8
Surinam	.3	.4	.4	.4	.5	.5	.6	.4	.2	1.1
Trinidad and Tobago	.1	.1	(1)	.7	3.2	3.8	12.0	10.9	9.5	5.1
Uruguay	2.9	4.5	6.4	19.3	17.0	5.1	11.4	21.1	9.8	5.0
Venezuela	.2	3.6	.2	13.4	24.4	56.6	72.2	61.5	58.4	52.6
Other West Indies	.5	.3	.2	.2	.2	.3	.3	.6	.3	.4
ROCAP						5.0		11.1	24.3	43.4
Latin America regional	2.9	5.3	8.1	6.4	85.6	7.3	128.0	89.3	98.7	274.2

Country	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
Latin America	1,392.2	1,439.8	1,438.1	1,046.1	1,093.8	722.0	1,260.7	−381.3	18,111.9
Argentina	63.0	17.2	55.1	71.2	23.9	55.4	65.0	−39.8	1,027.6
Bahamas	(1)	19.0	2.7		(1)		2.1	−.1	24.0
Barbados		.1				.6			.7
Bermuda							34.0		34.0
Bolivia	40.0	32.8	20.9	31.6	9.3	13.8	64.8	−20.3	623.7
Brazil	376.5	302.6	383.5	57.9	218.0	204.7	343.1	−88.3	4,533.1
British Honduras	.5	.3	.3	.3	.2	.3	.4	−.4	6.3
Chile	121.6	242.3	104.1	92.0	27.1	14.3	21.3	−47.6	1,654.4
Colombia	117.4	145.6	110.5	134.4	151.0	109.1	143.3	−26.4	1,606.5
Costa Rica	15.0	15.0	11.5	18.5	20.9	8.5	3.9	−6.1	221.8
Cuba								−.2	53.9
Dominican Republic	111.7	61.5	67.0	31.1	21.8	29.4	31.7	−17.7	527.8
Ecuador	32.2	14.9	16.0	14.3	31.0	25.2	12.5	−8.2	385.7
El Salvador	9.9	4.8	9.8	14.3	13.2	6.0	9.3	−4.7	161.5
Guatemala	10.4	18.0	18.5	81.5	33.5	25.7	18.4	−7.9	403.4
Guyana	7.5	9.7	8.6	17.6	1.6	2.0	17.8	−1.7	81.0
Haiti	6.3	2.7	3.4	3.2	3.8	4.3	5.3	−10.7	131.7
Honduras	15.1	11.1	15.2	5.0	8.6	8.1	7.9	−8.9	139.9
Jamaica	7.3	5.2	8.5	17.2	9.1	24.0	22.8	−2.4	128.3
Mexico	33.1	100.4	79.5	16.2	36.6	36.9	54.1	−1.9	1,267.7
Nicaragua	21.6	13.3	31.7	3.2	4.2	15.4	5.7	−5.0	201.3
Panama	15.0	37.0	21.0	17.7	16.9	20.8	64.4	−11.5	342.0
Paraguay	16.5	6.0	7.4	17.7	9.2	14.8	5.8	−2.4	165.6
Peru	52.4	37.8	19.9	23.5	17.5	20.0	76.3	−21.0	862.1
Surinam	4.1	(1)		.6	(1)			−.2	9.7
Trinidad and Tobago	9.1	5.1	5.9	.1		2.2	6.6	−2.6	71.8
Uruguay	11.8	5.0	37.8	5.6	21.5	12.1	14.3	−10.8	207.9
Venezuela	21.1	34.5	67.2	5.3	17.0	23.0	53.5	−1.8	577.1
Other West Indies	.5	2.2	.7	1.1	1.3	1.4	1.5		12.3
ROCAP	3.8	24.2	3.8	34.0	45.5	3.5	13.2	−6.1	205.7
Latin America regional	269.4	271.4	327.9	331.3	351.2	40.5	161.4	−25.2	2,443.7

Country	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
Near East and South Asia	286.5	228.8	422.2	579.8	311.7	590.8	602.8	730.6	787.2	918.4
Afghanistan					16.5	.1	.3	2.2	16.6	2.0
Bangladesh										
Cyprus										
Egypt (U.A.R.)	9.6		8.5		.2	.1	1.2	12.9	4.0	66.3
Greece	209.8	180.9	332.8	362.0	215.8	243.2	246.7	203.1	118.8	118.5
India	39.2		.7	.5		194.8	52.8	45.1	88.9	112.2
Iran	3.3	22.5				12.4	21.0	59.4	114.7	142.7
Iraq		.9				(1)	.5	2.1	2.2	8.3
Israel				100.0		35.1	86.4	73.6	74.7	52.7
Jordan						.1	5.1	2.9	12.9	8.9
Kuwait										
Lebanon	1.6					.1	1.9	3.0	10.4	7.8
Nepal							.2	.5	.9	2.6
Pakistan			.1		(1)	.4	10.7	109.8	23.3	121.1
Saudi Arabia	14.3					4.9	.3	1.7	.9	.3
Sri Lanka (Ceylon)							(1)	(1)		.1
Syria							.4		.3	
Turkey	8.7	24.5	80.1	117.3	79.2	99.5	172.1	212.8	317.8	271.6
Yemen Arab Republic										
Yemen, Democratic Republic of										
Central Treaty Organization										
Near East and South Asia Regional							2.5	1.5	1.0	3.2

Footnotes at end of table.

U.S. OVERSEAS LOANS AND GRANTS—Continued

[Millions of dollars—fiscal years 1946–72]

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Near East and South Asia	1,011.5	1,258.3	1,616.3	1,616.3	1,873.5	1,741.9	2,475.8	2,405.8	1,880.0	1,926.0
Afghanistan	18.3	21.0	14.2	27.2	10.7	32.0	40.3	18.7	42.1	34.1
Bangladesh										
Cyprus						8.2	7.5	3.9	1.5	.1
Egypt (United Arab Republic)	33.3	1.0	.6	48.2	75.0	91.5	200.5	156.6	95.5	97.6
Greece	150.2	121.1	206.8	123.9	188.6	89.1	171.0	216.3	85.5	104.9
India	93.7	363.4	307.9	359.5	693.1	568.5	753.6	737.1	708.2	727.1
Iran	98.7	96.5	125.7	140.3	129.6	162.0	134.3	145.6	62.4	122.9
Iraq	9.1	17.7	24.7	1.7	1.2	1.7	.9	.9	21.0	4.1
Israel	50.8	40.9	85.4	53.3	56.2	78.0	93.4	87.9	37.0	65.1
Jordan	8.1	22.1	46.1	65.5	55.0	69.9	54.0	62.5	54.0	48.3
Kuwait										
Lebanon	7.7	14.4	26.5	24.3	7.1	4.7	.9	.4	.2	.6
Nepal	2.0	4.3	7.6	2.8	19.8	4.8	4.3	19.5	6.8	13.4
Pakistan	215.5	267.4	256.4	333.1	369.7	232.4	477.2	453.6	424.5	360.2
Saudi Arabia		(1)	69.7	13.2	−.7	5.2	10.6	10.8	3.4	1.3
Sri Lanka (Ceylon)	5.1	11.4	20.6	13.3	9.5	14.1	5.8	7.1	3.5	3.9
Syria	.1	.2	.2	1.2	11.9	30.9	36.8	.4	1.9	1.0
Turkey	313.7	252.0	363.5	397.4	224.8	321.5	453.1	438.6	292.4	307.0
Yemen Arab Republic				5.1	5.6	5.3	7.0	6.1	5.8	4.8
Yemen, Democratic Republic of										
Central Treaty Organization		12.7	(1)	.2	11.4	1.8	2.4	2.2	21.5	1.5
Near East and South Asia, Regional	5.3	11.9	60.5	5.6	5.1	20.0	22.8	37.5	13.6	28.4

Country	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
Near East and South Asia	2,034.4	1,829.8	1,731.1	1,301.8	1,198.3	1,919.7	1,878.5	−649.7	34,507.4
Afghanistan	33.4	32.9	16.6	18.0	8.7	14.9	35.9	−6.5	450.2
Bangladesh							286.3		286.3
Cyprus	.3	1.1	1.0			4.4	5.2	−2.9	30.3
Egypt (U.A.R.)	27.6	12.6					104.6	−30.1	1,017.3
Greece	103.0	78.0	59.8	92.9	61.2	78.7	95.7	−29.7	4,228.6
India	909.0	591.7	677.2	477.6	501.9	457.1	128.5	−206.4	9,382.9
Iran	175.9	303.4	164.1	136.2	48.2	206.9	158.1	−16.6	2,770.2
Iraq	5.1	2.7	(1)	.3	.2	2.5	.3	−3.3	104.8
Israel	126.8	22.7	100.5	160.3	81.1	631.8	425.3	−9.0	2,610.0
Jordan	65.9	58.5	19.4	26.0	12.4	76.1	108.7	−11.5	870.9
Kuwait		50.0							50.0
Lebanon	.2	1.8	4.3	5.0	12.6	7.3	28.3	−20.1	151.0
Nepal	23.1	8.7	11.6	12.2	15.6	12.5	11.2	−6.7	177.7
Pakistan	156.6	244.6	365.2	117.9	215.1	120.6	170.5	−167.7	4,878.2
Saudi Arabia	73.4	86.2	42.8	.6	.6	13.9	13.9	−.9	366.4
Sri Lanka (Ceylon)	14.0	10.4	23.8	26.1	4.5	21.0	17.2	−11.1	200.3
Syria	.4	2.6	.1	.3	.1	.2	.3	−28.3	61.0
Turkey	287.1	317.9	205.3	222.7	213.9	236.3	254.0	−82.1	6,402.7
Yemen Arab Republic	2.8	2.1		(1)	(1)	(1)	(1)	−1.9	42.7
Yemen, Democratic Republic of					.3	2.4	.1	−.1	2.7
Central Treaty Organization	.4	.5	.4	.4	.6	.4	.4	−4.7	52.1
Near East and South Asia, regional	29.1	1.3	38.8	4.6	21.3	32.8	34.0	−9.8	371.0

Country	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
East Asia	223.6	785.1	328.7	817.4	352.6	543.2	644.6	1,068.7	1,792.2	1,503.7
Brunei										
Burma		5.0				12.6	−0.1	12.8	−1.8	0.1
Cambodia										38.0
China, Republic of	161.9	464.1	50.9	344.6	−51.1	102.5	121.3	289.1	279.2	449.8
Hong Kong									.1	.6
Indochina, undistributed					1.3	127.7	166.5	423.0	1,117.6	138.5
Indonesia	4.1	63.6		61.7	139.7	10.4	−.5	13.4	4.5	7.4
Korea	5.6	75.5	100.1	141.8	98.2	98.6	158.9	183.6	303.0	349.0
Laos										40.9
Malaysia									(1)	.4
Philippines	31.4	161.5	136.4	237.7	140.2	142.5	143.9	56.1	27.6	47.2
Ryukyu Islands	14.4	15.4	41.3	31.5	24.3	34.2	34.5	19.5	2.2	4.1
Singapore										(1)
Thailand	6.2					14.0	20.1	62.3	48.0	89.5
Vietnam									.1	322.4
Western Samoa										
East Asia regional						.7	(1)	8.9	11.7	15.8

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
East Asia	1,623.0	1,427.3	1,462.2	1,441.2	1,227.0	1,327.0	1,549.7	1,788.9	1,099.5	1,263.4
Brunei										
Burma	11.2	0.9	38.4	13.4	12.8	8.4	16.3	40.7	3.5	12.1
Cambodia	72.4	55.4	37.1	29.0	25.6	30.1	45.1	32.5	3.7	(1)
China, Republic of	436.8	274.1	269.7	355.1	300.8	230.0	261.6	265.0	115.2	113.8
Hong Kong	3.5	6.6	2.9	3.1	4.6	7.6	3.4	5.2	2.2	2.4
Indochina, undistributed	−217.6	−132.1	−32.0	−6.8	−.4	.2				
Indonesia	75.2	13.0	27.2	65.1	75.5	26.3	46.2	55.9	16.7	6.5
Korea	613.4	611.7	628.9	471.3	413.7	476.1	519.7	541.5	356.5	301.4
Laos	77.4	48.8	40.5	33.2	56.1	68.7	73.9	70.6	65.7	94.4
Malaysia	.7	.6	.3	20.4	.4	.5	1.6	3.2	3.5	4.4
Philippines	83.0	68.3	57.3	132.4	43.5	125.5	60.1	128.1	43.5	52.1
Ryukyu Islands	4.8	3.7	4.2	2.1	6.5	5.5	17.2	10.8	10.6	17.0
Singapore	.1		.1	.1	.2	.2	.2	.3	.4	(1)
Thailand	79.2	63.4	51.8	77.4	49.3	51.0	122.7	133.3	50.3	69.4
Vietnam	380.3	395.8	254.2	249.4	253.3	219.0	371.2	457.6	408.6	572.0
Western Samoa										
East Asia regional	3.0	16.7	81.9	−4.0	−14.9	79.9	10.5	44.2	19.1	17.6

Footnotes at end of table.

U.S. OVERSEAS LOANS AND GRANTS—Continued

[Millions of dollars—fiscal years 1946–72]

Country	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
East Asia	2,567.9	2,979.6	3,056.0	3,538.5	3,618.6	4,395.0	5,046.4	−747.7	46,723.3
Brunei					14.0		2.2		16.2
Burma	4.0	4.3	3.0	1.0	.5	4.0	1.3	−16.1	188.3
Cambodia	(1)	(1)	(1)	(1)	8.6	264.9	244.5	−23.5	863.4
China, Republic of	136.8	130.6	143.8	88.8	199.1	154.5	276.1	−53.2	5,910.9
Hong Kong	1.3	.7	.4	.6	.4	.2	3.6		47.4
Indochina, undistributed								−43.4	1,542.5
Indonesia	23.8	59.9	107.2	242.6	211.6	213.7	268.5	−31.7	1,807.5
Korea	499.9	618.3	861.0	731.5	634.4	822.6	860.0	−97.7	11,378.5
Laos	111.9	113.8	144.5	129.7	128.0	210.3	271.5	−23.9	1,756.0
Malaysia	10.3	33.9	3.6	6.1	4.5	8.6	34.0	−.1	136.9
Philippines	43.8	86.5	53.8	64.6	79.6	141.8	130.2	−37.8	2,480.8
Ryukyu Islands	14.6	38.0	13.6	17.4	22.4	3.4	1.0	−.1	414.3
Singapore	.1	18.5	13.2	6.0	.2	2.0	14.1		55.6
Thailand	93.1	92.4	106.6	207.7	129.2	96.8	91.2	57.8	1,747.1
Vietnam	1,598.5	1,771.6	1,591.2	2,021.7	2,169.3	2,458.2	2,837.2	−347.3	17,984.3
Western Samoa		.2	.8	.4	.5	.4	.5		2.9
East Asia, regional	30.0	10.9	12.9	20.4	15.7	13.5	10.6	−14.3	390.8

Country	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
Europe	3,190.1	5,181.6	1,776.0	6,286.0	3,824.9	2,838.1	2,185.2	3,650.6	2,329.2	4,178.5
Albania	13.0	7.4								
Austria	65.8	100.4	174.8	274.2	168.8	118.6	118.1	50.0		7.9
Belgium-Luxembourg	100.6	30.6	32.2	261.0	233.6	123.3	127.6	365.1	223.9	107.1
Czechoslovakia	112.8	78.1					(1)			2.0
Denmark	20.0	1.0		126.1	87.6	76.6	58.6	87.5	78.8	72.9
East Germany										.8
Finland	44.1	34.8	10.2	10.0			.1			.7
France	1,502.6	42.8	363.7	1,313.3	721.2	826.1	779.1	1,510.6	770.4	504.0
Germany (Federal Republic)	195.8	298.3	850.3	1,257.6	733.4	393.1	107.6	85.3	21.6	19.7
Berlin								12.9	31.9	24.1
Hungary	3.9	14.4								3.0
Iceland				8.4	7.1	8.4	5.5	5.8	.1	.2
Ireland				85.6	45.3	16.5	(1)	−1.0	(1)	(1)
Italy	423.2	514.0	334.0	684.1	404.9	346.0	268.3	521.9	379.5	325.2
Netherlands	226.7	1.3	10.2	504.8	276.9	149.8	202.8	197.0	206.5	157.6
Norway	50.0	24.4	.6	100.5	100.0	90.7	68.3	144.7	102.4	49.7
Poland	264.9	176.9								
Portugal					31.5	20.1	12.0	71.4	34.9	54.6
Romania										
Sweden	.5			46.8	51.6	21.7	−11.1	−.2		(1)
Switzerland										
United Kingdom	79.9	3,757.0		1,613.7	961.6	295.1	395.1	566.7	371.4	141.5
U.S.S.R.	86.2	100.2								
Europe regional					1.9	352.2	53.9	32.4	107.5	7.6

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Europe	1,739.2	1,379.2	894.0	634.7	675.1	356.5	564.8	778.9	175.0	78.2
Albania										
Austria	36.9	23.9	62.3	16.9	23.7	17.4	12.8	40.3	1.0	(1)
Belgium-Luxembourg	194.2	2.0	66.0	13.5	23.4	10.0	42.0	30.6	6.0	.4
Czechoslovakia										
Denmark	33.9	43.2	23.7	27.2	39.1	34.2	53.7	52.9	3.4	2.2
East Germany										
Finland	17.3	3.1	5.9	1.7	2.3		3.1			
France	451.3	243.8	150.5	111.9	77.8	26.3	66.6	41.0	.7	(1)
Germany (Federal Republic)	131.4	504.8	181.8	58.8	124.7	17.4	2.2	.7	.3	
Berlin	18.3	11.4	8.2	11.2	6.7	4.0	.6			
Hungary	3.1	7.2								
Iceland	.1	10.6	7.2	5.1	4.3	7.2	1.4	1.3	2.2	1.6
Ireland										
Italy	366.4	265.2	176.4	139.3	155.0	165.2	174.3	243.6	65.0	6.9
Netherlands	207.0	68.7	76.7	23.3	49.5	30.5	44.7	49.0	2.4	.9
Norway	89.5	44.2	64.1	40.2	34.2	14.9	66.6	60.9	34.0	34.4
Poland		30.0	25.5	8.6	3.5	5.0	6.7	8.0	15.0	4.1
Portugal	51.9	31.5	22.5	19.2	14.3	9.0	62.9	24.1	18.9	5.2
Romania										
Sweden										
Switzerland										
United Kingdom	134.0	87.9	22.7	135.9	116.4	14.7	27.8	11.9	.1	
U.S.S.R.										
Europe regional	3.7	1.4	.8	21.7				214.1	26.0	22.3

Country	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
Europe	198.4	682.2	542.6	126.2	410.3	526.7	326.8	−23.7	42,805.3
Albania									20.4
Austria	(1)	(1)	(1)		.2	21.3	.1		1,335.5
Belgium-Luxembourg	17.5	2.0			15.8		13.9	−.2	2,042.1
Czechoslovakia									193.0
Denmark	5.0	.1				2.0	20.4	+.4	950.5
East Germany									.8
Finland	.5	16.7			7.6	22.1	(1)	+.3	180.5
France	11.0	6.5			58.5	122.7	18.7	−9.4	9,711.7
Germany (Federal Republic)	2.5	12.1	8.8			79.1	3.0	−2.7	5,087.6
Berlin								[2]+2.6	131.9
Hungary				1.1	1.1				33.8
Iceland	7.3	1.9	1.4	1.0		.8	1.2	−.9	89.2
Ireland		20.0	8.7	12.6				+.1	187.8
Italy	21.7	134.3	85.3	50.8	119.7	73.4	22.3	+.2	6,466.1
Netherlands					47.1	29.7	43.6	−1.2	2,605.5
Norway	33.9	19.8	1.4		2.2	48.7	37.4	−.6	1,357.1
Poland	6.7	5.0	31.4	22.4	20.0	22.2	36.8		692.7
Portugal	5.4	8.2	7.2	6.0	4.8	18.1	37.9	+.2	571.8
Romania					13.0	48.1	13.2		74.3
Sweden		46.7	32.4			18.5	24.7	−.3	231.1
Switzerland					45.4	1.7			47.1
United Kingdom	86.1	406.6	365.1	31.4	71.8	12.4	51.4	−.3	9,757.9
U.S.S.R.									186.4
Europe regional	.7	2.2	1.0	1.0	2.9	5.8	2.0	−11.0	850.1

Footnotes at end of table.

U.S. OVERSEAS LOANS AND GRANTS—Continued

[Millions of dollars—fiscal years 1946–72]

Country	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
Europe	195.3	102.8			40.0	113.0	207.0	293.6	407.6	445.5
Malta							.3	(1)	(1)	.2
Spain						17.2	35.6	9.8	108.0	153.8
Yugoslavia	195.3	102.8			40.0	95.8	171.1	283.8	299.6	291.3
Oceania	4.4		1.0	1.1	.8	1.0	4.2	5.1	4.8	4.9
Papua and New Guinea							(1)			
Trust Territory of Pacific Islands	4.4		1.0	1.1	.8	1.0	4.2	5.1	4.8	4.9
Other Oceania										
Nonregional	476.5	48.3	149.6	106.2	89.9	69.2	42.9	208.8	138.5	174.4

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Europe	384.1	379.2	357.2	364.7	265.3	296.2	220.4	198.4	161.2	154.8
Malta	1.6	.6	1.1	.2	(1)	.1	.1	.3		.3
Spain	219.3	229.6	217.2	187.8	188.8	148.9	104.2	86.0	87.9	66.9
Yugoslavia	163.3	149.0	138.9	176.7	76.4	147.2	116.1	112.1	73.3	87.6
Oceania	5.8	4.7	6.0	4.7	5.1	5.8	6.3	10.9	16.1	17.8
Papua and New Guinea	(1)			(1)	(1)	(1)	.1	.1		
Trust territory of Pacific Island	5.8	4.7	6.0	4.7	5.1	5.8	6.1	10.8	15.9	17.6
Other Oceania									.2	.2
Nonregional	130.8	80.2	165.3	224.4	131.8	255.9	553.1	708.7	477.1	[5]21.8

Country	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
Europe	240.6	180.5	69.1	86.3	159.0	108.5	619.4	−24.4	6,025.3
Malta	1.2	.1	.3	1.7	.1	.7	10.5		19.5
Spain	103.5	168.6	34.1	51.8	151.8	38.4	521.99	−17.7	2,913.4
Yugoslavia	135.9	11.8	34.7	32.8	7.2	69.4	86.9	−6.5	3,092.5
Oceania	18.8	24.0	40.0	41.3	77.3	59.9	58.4	+.3	430.3
Papua and New Guinea					23.4	5.0		+.1	28.7
Trust Territory of Pacific Islands	18.4	23.6	38.5	40.3	52.7	53.8	57.3	+.2	394.6
Other Oceania	.4	.4	1.5	1.0	1.2	1.1	1.1		7.0
Nonregional	614.8	528.9	641.7	730.1	823.7	836.2	718.0	−61.1	9,585.7

Country	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955
Other developed:										
Japan	106.7	389.3	483.7	501.5	365.3	290.3	63.6	91.9	50.6	127.2
Republic of South Africa		1.3				35.0	.1	75.2	1.5	34.8
Canada				5.0		2.7	6.7	7.8	4.9	
Australia		6.7		1.3				5.8	(1)	.1
New Zealand		4.3							12.0	
Nonregional	277.8	93.6	81.1	91.0	28.7	89.5	191.6	425.0	193.1	182.3

Country	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Other developed:										
Japan	177.0	174.5	187.8	169.7	114.1	124.4	183.9	150.1	19.3	52.9
Republic of South Africa					2.6					
Canada						9.1				
Australia				25.2	6.1	2.3	19.5	31.1	25.0	10.0
New Zealand	.1		(1)	(1)	(1)	(1)	(1)	1.5		
Nonregional	165.8	−4.8	199.0	230.1	158.8	218.8	234.9	32.3	34.0	41.2

Country	1966	1967	1968	1969	1970	1971	1972	Deobligated	Total
Other developed:									
Japan	31.1	47.3	16.2	130.1	159.0	175.4	592.4	−1.7	4,973.6
Republic of South Africa									150.6
Canada			9.7	4.9	20.8	53.5	18.9		144.1
Australia	106.0	235.9	154.7	132.3	162.4	70.8	108.9		1,104.2
New Zealand	6.5		50.9		25.0	43.4			143.7
Nonregional	27.7	50.5	33.8	31.9	19.9	19.2	16.7	−9.1	3,154.1

[1] Less than $50,000.

[2] Data for Berlin under review; subject to minor adjustment after further research.

Notes: Data may not add due to rounding. Negative figures in the deobligation column represent the cumulative effect of any deobligations which have occurred since fiscal year 1954; the few plus figures which show up are due only to rounding problems. The occassional negative figure by year represent accounting adjustments required to reflect the redistribution of earlier grants or loans.

Mr. TOWER. Mr. President, I propose to vote for this appropriation bill even though it is dangerously inadequate, because the urgency of our completing action on the foreign assistance legislation does not allow us the luxury of extensive debate. I do wish, however, to give my views on the deficiencies of the bill in the expectation that the conferees will correct them and make it a workable piece of legislation.

The major deficiency is the inadequate funding it provides for our grant military assistance program—$300 million is just not enough to do the job. First, because a shooting war is going on in Cambodia and our entire quest for peace in Southeast Asia, which has cost us so much in blood and treasure, may rest on the outcome of this war. American troops or airmen are not involved in any way, but a lightly armed Cambodian army is. In a sense, this army is fighting our war—not only because their efforts may be the key to the peace we all want, but because Cambodia was drawn into this fighting as a result of the larger war which was raging around it.

This bill does not include enough funds for us to continue supporting this army. The administration has made its case—200 million additional dollars are needed over the original request.

Two weeks ago this body passed the fiscal year 1974 foreign assistance authorization bill which gave the President authority to draw up to $250 million in Department of Defense stocks and services to meet emergency military assistance requirements. The conference report for that bill stated that up to $200 million of this authority could be used to meet Cambodia's emergency requirements in lieu of the additional $200 million the administration has requested. Now this bill appropriates $100 million for Cambodia but revokes the authority we gave the President 2 weeks ago.

The extra $100 million is grossly inadequate, especially when it is coupled with the over 56 percent cut in the ad-

ministration's regular military assistance request. What these figures mean is that we must use all funds provided in this bill to attempt to meet Cambodia's requirements, thereby virtually ending our military assistance elsewhere; or we can abandon Cambodia in order to salvage our other programs. The first choice means no military assistance for key forward defense countries such as Korea or Turkey; none to Jordan—a key moderate Arab Government; and none to the Philippines and Thailand where we have important bases. The second choice would mean the installation of a pro-Hanoi government in Cambodia; a country which completely dominates the western flank of South Vietnam.

Of course, there is a third choice—we can split the funds provided in this bill, thereby inadequately funding Cambodia which would permit the war to fester inconclusively with all the misery and suffering that entails; and at the same time, inadequately funding our other military assistance programs, which would disrupt our efforts to make our friends and allies self-sufficient in defense.

It is my sincere hope that we can avoid any of those situations. Therefore, although I will be voting for this bill, I do so in the expectation that the conferees will raise the funding levels and remove the revocation of the drawdown authority which we gave the President 2 weeks ago.

Mr. ALLEN. Mr. President, I approve and support that portion of H.R. 11771—The Foreign Assistance Act—contained in title IV thereof entitled "Emergency Security Assistance for Israel" under which $2,200,000,000 is appropriated for emergency security to Israel. During my service in the Senate I have consistently opposed foreign aid bills because the United States since 1946 has dumped some $200,000,000,000 overseas in foreign aid, and I feel that taxpayers funds could better be spent on domestic programs or in reducing the national debt.

However, at every opportunity I have had to support the cause of independence for Israel as a separate issue I have supported full and adequate support both militarily and economically for Israel.

Since there is appropriated by H.R. 11771 in addition to the funds for Israel more than $3 billion in foreign aid programs with most of which I disagree and which I oppose I feel that I must vote against final passage of H.R. 11771.

There is no parliamentary move under which a separate vote can be obtained on the issue of support for Israel in the amount of $2.2 billion. If it were possible to obtain a division of the issue I would support the aid to Israel.

Furthermore, before the appropriation can go into effect it will be necessary to pass an authorizing bill. Such authorizing legislation has passed the House and is now pending in the Senate Foreign Relations Committee. It is a separate bill authorizing the Israel appropriation, and I shall support this vital and necessary legislation that will activate, upon authorization, the appropriation to Israel.

FUNDS FOR PALESTINIAN REFUGEES

Mr. KENNEDY. Mr. President, I also wish to commend the Appropriations Committee for its approval of special funds for the United Nations Relief and Works Agency—UNRWA—in the field of vocational training for Palestinian refugees. The importance of UNRWA's work in the Middle East, generally, cannot be overemphasized, and this is a modest contribution to an increasingly important part of its larger program.

By providing vocational training for up to 3,000 refugees a year, UNRWA is helping to develop skills that will enable refugees to take advantage of job opportunities in their host country and elsewhere. It is, in every sense, a positive program that truly helps refugees to help themselves.

In supporting this important UNRWA program, the United States helps also to support the larger effort of UNRWA in the Middle East—a role that has grown in importance with the changed circumstances in the area, and the new humanitarian needs created by the recent conflict.

UNRWA is also a symbol to the Palestinian refugee that his needs, and his very existence, are recognized by the international community, but that an international organization also exists to help meet those needs.

Mr. President, the special $2 million contribution to UNRWA earmarked in the bill, is unquestionably a worthwhile use of our foreign aid money—especially today when the hopes for peace in the Middle East are brighter than ever before. I commend the Appropriations Committee for its action in this area.

The VICE PRESIDENT. 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 was read the third time.

Mr. BROOKE. Mr. President, I have no wish to delay the Senate. I have already expressed my appreciation to the chairman on the importance of this bill, but we have with us one member of the staff who came here 23 years ago to stay for only 1 year, but who stayed here 23 years, a gentleman by the name of William Kennedy, who retires this Saturday.

I would like to say on behalf of all on this side that we are glad he stayed more than 1 year. He has given 23 years of dedicated service to the Appropriations Committee, and we wish him well at this time. [Applause.]

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT ON NOMINATION OF WILLIAM L. SAXBE, TO BE ATTORNEY GENERAL OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the vote on the pending business, the Senate go into executive session to consider, for not to exceed 1 hour, the nomination of our esteemed colleague, Senator WILLIAM SAXBE, so that we can push him on the way with our good wishes, good will, and approbation to, not a better position, not a higher position, but a better position. [Laughter.]

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

FOREIGN ASSISTANCE APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 11771) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

RETIREMENT OF CERTAIN STAFF MEMBERS

Mr. INOUYE. Mr. President, for those of us on the Appropriations Committee, these recent days have provided an opportunity to reflect on the outstanding service to our committee of those who are retiring as of this year—Mr. Thomas J. Scott, Mr. William J. Kennedy, Mr. Harold E. Merrick, Mr. Francis S. Hewitt, Mr. John Witeck, Miss Dorothy Ward, and Miss Virginia Carroll.

I wish each and every one of them the best that their well-earned retirement can bring. However, I wish especially to thank Tom Scott and Bill Kennedy for their helpfulness and many courtesies to me personally.

Bill Kennedy has worked with the Foreign Operations Subcommittee for many years prior to my assuming its chairmanship, but for the past 2 years he has served as all—majority and minority—with his wise counsel and sagacious learning gathered as a shrewd observer and participant in almost a quarter century of service here in the Senate.

It is my understanding that Bill came to us with the late Styles Bridges when he was chairman of the full committee with the announced purpose of balancing the budget and restoring fiscal responsibility to the Federal Government.

Mr. President, this, he like the rest of us—has been unable to do—but what is more important, he did his best and for this we on the committee are extremely grateful and his efforts are deserving of the Nation's appreciation.

Mr. President, before we cast our votes, I believe that something should be said about the extraordinary assistance given this bill by the counsel for the subcommittee, Mr. William Jordan. Several Senators have used most generous and warm words to describe the committee report, and I agree with my colleagues that this is one of the finest committee reports ever written for the Senate Subcommittee on Foreign Operations.

Mr. MANSFIELD. Mr. President, will the gentleman yield?

Mr. INOUYE. I yield.

Mr. MANSFIELD. It is not only one of the better reports; this is the best report ever put out by the committee which handles foreign assistance. It has facts in here that I did not realize were in existence. It has figures which are startling, and I hope that not only the Members of the Senate, but the American people as a whole, and especially the administration, will read what this little volume contains.

Mr. INOUYE. I agree with the Senator.

I just wanted to say that credit is due, in great degree, to Bill Jordan, the fellow who did the drafting of the statements, who did much of the research. Frankly, I do not know when he found time for this, but somehow he did. I think the Senate owes Bill Jordan and Bill Kennedy a special vote of thanks.

The VICE PRESIDENT. The bill having been read the third time, the question is: Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. EASTLAND (after having voted in the negative). On this vote I have a pair with the Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from IDAHO (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The result was announced—yeas 55, nays 31, as follows:

[No. 590 Leg.]

YEAS—55

Aiken	Huddleston	Percy
Baker	Humphrey	Ribicoff
Bartlett	Inouye	Roth
Bayh	Jackson	Saxbe
Beall	Javits	Schweiker
Bellmon	Kennedy	Scott, Hugh
Brooke	Magnuson	Sparkman
Buckley	Mathias	Stafford
Case	McGee	Stevens
Chiles	McGovern	Stevenson
Clark	McIntyre	Symington
Dole	Metcalf	Taft
Domenici	Mondale	Thurmond
Eagleton	Moss	Tower
Fong	Muskie	Tunney
Griffin	Nelson	Weicker
Gurney	Packwood	Williams
Hart	Pearson	
Hathaway	Pell	

NAYS—31

Abourezk	Curtis	Hruska
Allen	Dominick	Johnston
Bible	Ervin	Mansfield
Biden	Fannin	McClellan
Brock	Fulbright	McClure
Burdick	Goldwater	Nunn
Byrd, Harry F., Jr.	Hansen	Proxmire
	Hartke	Randolph
Byrd, Robert C.	Haskell	Scott, William L.
Cannon	Hatfield	
Cook	Helms	Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Eastland, against.

NOT VOTING—13

Bennett	Church	Cranston
Bentsen	Cotton	Gravel
Hollings	Montoya	Talmadge
Hughes	Pastore	
Long	Stennis	

So the bill (H.R. 11771) was passed.

Mr. INOUYE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. INOUYE, Mr. PROXMIRE. Mr. MCGEE, Mr. CHILES, Mr. BROOKE, Mr. HATFIELD, and Mr. MATHIAS conferees on the part of the Senate.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, December 17, 1973, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 1776. An act to amend the Federal Water Control Act, as amended; and

S.J. Res. 180. A joint resolution relative to the convening of the 2d session of the 93d Congress.

EXECUTIVE SESSION

The VICE PRESIDENT. Under the previous order, the Senate will now go into executive session for the purpose of considering the nomination of Senator WILLIAM B. SAXBE, of Ohio, to be Attorney General of the United States.

The time for debate on the nomination is limited to not to exceed 1 hour.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is my intention not to make a speech tonight, but to show my very strong approval of Senator SAXBE by voting "yea."

I would hope that in view of the time factor, the condition of the roads, and the inclement weather, Members would consider the possibility of inserting their remarks in the RECORD, and I ask unanimous consent that there be a period of not to exceed 5 days in which Members may insert their remarks relative to the nomination of this outstanding Senator from the State of Ohio.

The VICE PRESIDENT. Without objection, it is so ordered. The Chair was not clear on how the Senator from Montana wanted the 1 hour divided.

Mr. MANSFIELD. The time will be equally divided between the distinguished Senator from Mississippi (Mr. EASTLAND), the chairman of the committee, and the ranking Republican member, the distinguished Senator from Nebraska (Mr. HRUSKA), or whomever they may designate.

The VICE PRESIDENT. Who yields time?

Mr. ERVIN. Mr. President, I ask the Senator from Nebraska to yield me about 3 minutes.

Mr. HRUSKA. I yield 3 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I have great affection and much admiration for the distinguished Senator from Ohio. I had the privilege of joining him in presenting the views of the Senate in respect to the speech and debate clause to the Supreme Court in the case of United States against Gravel. As a consequence, I know that he is a fine lawyer and well qualified to discharge the duties of the Attorney General.

However, I cannot vote for him, because I consider him disqualified for the appointment under article I, section 6, clause 2 of the Constitution, which reads as follows:

> No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time;

Since Senator SAXBE was a Member of the Senate during his present term when Congress raised the salary of the Attorney General from $35,000 to $60,000, he is clearly disqualified by this constitutional provision for appointment to the Office of Attorney General during the remainder of his term.

The people who drafted and ratified this Constitution did so for the purpose of stating the powers and limitations of the Government and the persons connected therewith, and under this provision, which means exactly what it says, the distinguished Senator from Ohio is ineligible for this appointment, and notwithstanding my admiration and affection for him, I cannot vote for his confirmation.

Mr. EASTLAND. Mr. President, the Committee on the Judiciary, by a vote of 15 to 1, has approved this nomination. The nominee is a very fine man, and I think he will make a very able Attorney General.

The question that the distinguished Senator from North Carolina has raised has been checked to the courts, and we think the Senate has removed the reason for that part of the Constitution. I know of no other reason, and I think he will make an outstanding Attorney General.

The VICE PRESIDENT. Who yields time?

Mr. HRUSKA. Mr. President, I know of no other requests.

Mr. TAFT. Mr. President——

The VICE PRESIDENT. The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, I thank the Senator for yielding me this time. I shall not take a great deal of the time of the Senate.

I have known BILL SAXBE, I think, longer than anyone here, having worked with him over many years. So that I do want to say a few words about him and in support of his confirmation.

All of us know what a warm and fine person he is, but you may not know all of the tremendous background he has had as an outstanding legislator in Columbus, Ohio.

Nineteen years ago, I found myself

backing him in his first race for the Senate, which some of you may not know about. He ran against an organization candidate at that time. I am sorry that he did not come here then, as he might have been here since that time. We ran together on the ticket in 1962 and in 1968.

We are going to miss him greatly in the Senate. He has established a great record here.

I hark back to a story that came out of the Ohio Legislature, when describing some of his activities here which have been fruitful, as we have seen, such as his great interest in Bangladesh and that area. But perhaps what has some application to his taking on past responsibilities and those he will take on now, let me relate a story.

Late, after one session had concluded in the Legislature of the State of Ohio, where BILL SAXBE was Speaker—a dull night in Columbus, Ohio—there was a little town up the road called Newark which apparently had something going for it. Some of the fellows came in and said, "Does anyone want to go to Newark?" A voice piped up and said, "No, but try SAXBE, he will go anywhere."

I do know that we are going to miss BILL SAXBE very much. I certainly shall miss him greatly. All of us are very glad that he is staying in Washington, D.C., and particularly glad that Dolly will be with us in Washington, too, as I am sure we all agree that she has added happiness and enjoyment to the lives of all of us here.

I think BILL SAXBE will certainly be a first-class Attorney General. We wish him well. We look forward to continuing to work with him.

The weather tonight is not very good, but I hope it is a good omen. I recall when a President was nominated in a snowstorm, at one point he commented, "Even the elements do protest." But he did it in the same good humor and with the same spirit that BILL SAXBE always does. One of his great attributes is his tremendous sense of humor. Common sense and a sense of humor in addition to his other attributes are outstanding, and will serve him well in the new responsibilities he is undertaking.

Mr. PERCY. Mr. President, will the Senator from Nebraska yield me some time?

Mr. HRUSKA. I yield 2 minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I am proud today to be able to cast my vote to confirm the nomination of WILLIAM SAXBE to be Attorney General of the United States.

BILL SAXBE has been one of the most valued Members of the U.S. Senate and, more than that, he has been one of my most valued friends whose advice and counsel I have often sought. Because of his close relationship with the Members of this body, there is little that needs to be said about BILL SAXBE. His career as an attorney, State legislator, Speaker of the Ohio State House, Ohio attorney general, and U.S. Senator has prepared him well for the job he is about to embark upon.

It is no secret to the Members of the Senate that, as the distinguished majority leader stated the other day, BILL SAXBE is something of a swashbuckler. He speaks his mind very plainly. He is an individual of high moral standards whose integrity is his guide in all matters. He is the type of person we need in government, especially at this time in our Nation's history, and especially in the beleaguered Department of Justice.

To a large degree, until the Congress passes legislation giving a statutory basis to the authority of Special Prosecutor Jaworski, BILL SAXBE will stand as the buffer who assures Mr. Jaworski's complete independence. I have absolute confidence that BILL SAXBE will be a worthy custodian of the faith that we and all of the people of this Nation will place in him. However, if and when the Congress does pass legislation affecting the Special Prosecutor, it should in no way be construed as a lack of faith in either BILL SAXBE or Leon Jaworski.

Mr. President, I want to reiterate what I said prior to the confirmation of Elliot Richardson as Attorney General. It is high time that the Attorney General be considered in the category of Secretary of State—a professional who is completely removed from partisan politics. For too many years, under both Republican and Democratic Presidents, the Attorney General has been closely associated politically with the President. The people of the United States should not feel that the chief attorney in the United States is a close political crony of the President. That is not the way to instill faith in the process of the administration of justice. BILL SAXBE, like Elliot Richardson, does not fall into the "political crony" category. If there is one thing he has not been it is a rubber stamp of the President. He has demonstrated that he takes his oath of office and the responsibilities which accrue to that office most seriously. Consequently, I am confident that he will contribute to the slowly evolving process of bringing back to the citizens of this Nation faith in the ability of the Government to administer the law fairly and justly.

Therefore, it is a personal as well as a professional pleasure for me to be able to vote to confirm BILL SAXBE as Attorney General.

Mr. President, I would simply like to add, as the distinguished Senator from Ohio (Mr. TAFT) just mentioned, that the Saxbes have distinguished themselves by concentrating in many areas of interest, but from a personal standpoint I have felt that their devotion to the problems of the subcontinent, the beleaguered people in that area, and their willingness to spend a great deal of their own personal time in trying to help resolve the problems of that area, which area has looked upon the Saxbes as good friends of theirs—in India, Bangladesh, and other countries in that area, that has been a distinguishing characteristic of our fine colleague.

I also feel, at this particular time, when we do not have embodied in the statute the responsibilities, the duties, and the authorities as clearly as some feel desirable, with regard to the Special Prosecutor, that we do have in the Attorney General a buffer who will absolutely guarantee the independence of the Special Prosecutor.

Also, I hope that we are now moving to the point where the Attorney General will be looked on very much as a "Secretary of State," to be taken out of the category of politics. It really is unbecoming of an Attorney General of the United States to be as engaged in politics as some of Senator SAXBE's predecessors have been. So that I hope he will regard that job as being immune from politics, and that those of us on this side of the aisle will not look to him for political activity, but as holding the very important position of Attorney General, and doing everything in his power to restore the confidence of the people of this country in the Department of Justice.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield me 1 minute?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, may I say, on behalf of the joint leadership, that while the vote for Senator SAXBE will not be unanimous, support for Senator SAXBE in his new position will be unanimous, along with the best wishes and the good will of 100 Members of the Senate.

We know that he is a "natural." He is a swashbuckling sort of fellow. He will do a good job, to the best of his ability, as he sees it, representing his State, this institution, and the Nation. He will do it with distinction, vigor, and with a fine personality.

Mr. HUGH SCOTT. Mr. President, I have the feeling that the court is with us. I have practiced law too long to put my foot in it this time.

I am for BILL SAXBE. I have been for him a very long time, for whatever may have been of interest to him in his career.

I wish him great success. I have the utmost confidence in his integrity and his qualifications.

I am ready to vote.

Mr. HART. Mr. President, will the Senator from Mississippi yield me some time?

Mr. EASTLAND. How much time? Four minutes?

Mr. HART. Four minutes.

Mr. EASTLAND. I yield 4 minutes to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized for 4 minutes.

Mr. HART. Mr. President, I appreciate the action taken a moment ago by the distinguished Senator from Nebraska (Mr. HRUSKA) in inserting the three documents into the RECORD.

Absent a statute, as the Senator from Illinois has said, to establish the office of a Special Prosecutor as separate and apart from the executive, we have attempted, by this exchange of correspondence, to make as clear as possible the degree of his independence.

But the hard truth is that when it comes up, it will be up to BILL SAXBE—even before the President—in any effort to trim back the actions and decisions of Mr. Jaworski, or before Mr. Jaworski and the Senate.

I am satisfied, given the exchange that occurred in the course of rather extensive hearings, that BILL SAXBE will be for Mr. Jaworski.

Having said that, I know that we might as well recognize we will be regarded tonight as "the boys in the club" taking care of our own personal club problem.

Politicians never have been a very believable lot. Particularly is that true at this moment. There is nothing that any of us can say that will allay the suspicion across the country that we are doing this perhaps in haste, and really only because we know the man and he is one of us. Our denying that will not change anyone's mind but we are acting properly, I think.

The person whose believability is least in this country at the moment is the President. That is not because of anything I have said, or am saying now, but because of things the President has said or failed to say, or has done or not done. Our actions here tonight cannot help that. But it cannot harm our conviction that if down the road the White House tries to lean on Mr. Jarowski, BILL SAXBE will resist and resist publicly. For that reason, I intend to vote for the confirmation of his nomination.

Mr. BROOKE. Mr. President, shortly the Senate will vote on the nomination of Senator WILLIAM B. SAXBE to be Attorney General of the United States.

I am pleased to be able to speak in support of the confirmation of Senator SAXBE.

I believe Senator SAXBE is eminently qualified to serve as the Nation's Attorney General, the highest law enforcement official in the country.

A candidate for this position must possess many qualifications for the job, but the two most important are competence and integrity. And BILL SAXBE has them both in abundance.

Senator SAXBE has had a distinguished career as a public servant. He was the attorney general of the State of Ohio for 6 years. In this office, he attained a reputation as one of the finest law enforcement officials Ohio ever had.

As the senior Senator from Ohio, BILL SAXBE has continued to perform outstandingly. He has demonstrated considerable legislative skills and his opinion on issues vital to the country are carefully listened to.

But in addition to the reputation for competence that he has so justly earned, he has also achieved an enviable reputation for independence. And this quality, above all, will serve him well as Attorney General of the United States.

Perhaps never before in our history has our country suffered from such a crisis of confidence in its leaders and its political institutions. This loss of faith has especially affected our legal institutions. Many Americans whether our concept of equal justice for all is applicable in this day and age.

To help restore the confidence of the American people, the Senate must give the American people someone they can trust. This man is WILLIAM SAXBE.

His independence will insure that the Department of Justice will once again pursue the cause of justice thoroughly and relentlessly.

The challenge is great, but I believe that BILL SAXBE is the person who can meet and conquer this challenge.

The only regret I have in voting for the confirmation of BILL SAXBE is that the Senate is losing an excellent Senator.

But weighed against the advantages the country will soon gain, I am happy to have to make this sacrifice.

Goodby and good luck, BILL.

Mr. KENNEDY. Mr. President, the nomination of a new Attorney General during these troubled times confers upon each of us the most awesome of responsibilities. The Justice Department in the recent past has been rocked by scandal and loss of morale. One Attorney General resigned and was subsequently indicted; the next Attorney General resigned under a serious cloud. More recently, two courageous officials of the Department were forced to resign rather than carry out the illegal and shocking dismissal of the Watergate Special Prosecutor.

Against this background, the President has nominated our distinguished colleague, Senator SAXBE, to be the Nation's next Attorney General. When that nomination was originally announced, I expressed reservations that confirmation of Senator SAXBE might violate article I, section 6, clause 2 of the Constitution, which prohibits any Senator from assuming a civil office which was created or whose emoluments had been increased during that Senator's term of office. Legislation was proposed and ultimately enacted by the Congress and signed into law by the President; this statute sought to cure that defect by reducing the emoluments of the office of Attorney General to what they had been at the time Senator SAXBE commenced his term in the Senate.

While I had expressed reservations about the constitutionality of this remedial legislation, I note that, as finally enacted and signed into law, it contains provisions for an expedited constitutional challege to the appointment of Senator SAXBE. Thus any possible confusion or disruption which could be caused by Senator SAXBE taking office under some constitutional doubt can be expected to be quickly resolved; accordingly, I am prepared to leave the resolution of the constitutional issues to the courts.

In the absence of any long-range constitutional objections, then, I can affirm my support for the nomination of Senator SAXBE. He has been a respected and effective Senator, one with whom it has been a pleasure to serve. I believe that, in this time when the Justice Department needs leadership and direction, Senator SAXBE can bring to his new office the fine qualities which he has displayed as a distinguished Attorney General of Ohio. Evidence of the sensitivity with which Senator SAXBE will conduct himself as Attorney General came during the hearings before the Senate Judiciary Committee, when Senator SAXBE pledged to remove himself from any decisions concerning the Kent State investigation, since his prior association with the State government in Ohio and his present position with the State National Guard might detract from the appearance of complete impartiality which such an investigation must convey to the American people. I applaud him for that decision and believe that it speaks well for the manner in which Senator SAXBE will carry out his duties as Attorney General.

Finally, Mr. President, I should note that, when Senator SAXBE's nomination was before the Judiciary Committee, a number of my colleagues joined with me in requesting Presidential assurances of noninterference and cooperation with the Special Prosecutor's investigation. Such assurances are essential if Mr. Jaworski is to carry out his duties fairly, impartially, and fully. Senator SAXBE recognizes the importance of independence for the Special Prosecutor's office, and I am confident that he will carry out his pledge to the Judiciary Committee to do everything he can to see that such independence is maintained. But, at the same time, the importance of Presidential assurances is equally clear. We thought we had such assurances when Mr. Richardson and Mr. Cox assumed office; when Mr. Cox was dismissed, we discovered that the President had not been personally committed to the provisions of the Special Prosecutor's charter. We should not let such a situation arise again. So I wish to reiterate the Judiciary Committee's request that those assurances be conveyed to the Senate, and I look forward to an early report from the distinguished minority leader, who has graciously consented to seek appropriate assurances from the White House.

And so, Mr. President, because I am satisfied that any constitutional issues arising from this appointment can be expeditiously resolved, and because I have confidence that Senator SAXBE has the personal qualifications, credentials, and sensitivity to be an excellent Attorney General, I am pleased to cast my vote in favor of confirmation.

Mr. STENNIS. Mr. President, I regret that circumstances do not permit me to be present for the confirmation vote of the Honorable WILLIAM SAXBE to be the Attorney General of the United States, a vote that I believe will be overwhelmingly in favor of confirmation. If present, I would vote in favor of his confirmation.

First, I want to congratulate the Senator for his appointment and for the opportunity of broad and high service that the filling of this office will bring him. I predict that he will be an outstanding success in performing his duties. He is a man who makes decisions, is firm in his convictions and courageous in carrying out what he considers his duties.

Also, I want to especially thank him for the fine work he has done as a Member of the Senate Armed Services Committee. He has been a willing and effective worker and has always carried his part of the load. He always made contributions of a constructive nature to all problems coming before us. A fine lawyer, an excellent debater and, I am sure a good administrator, I feel that he will render a great service as head of the Department of Justice in these uncertain times.

Certainly, I have confidence in him as a man and wish him well in every way in his new office and in the years ahead.

Mr. BURDICK. Mr. President, I rise in opposition to the nomination of our esteemed colleague, WILLIAM SAXBE. Mr. SAXBE is eminently qualified for this appointment, and there is no question about his legal ability, integrity, or fitness for the office. I shall vote against the nomination, because I believe the appointment is barred by the Constitution, and this impediment cannot be removed by a legislative enactment.

Mr. NELSON. Mr. President, after President Nixon announced his intention to nominate Senator SAXBE as Attorney General, a question arose as to whether the Senator from Ohio is rendered ineligible for the office by article I, section 6, clause 2 of the U.S. Constitution. That provision states as follows:

> No Senator or Representative shall during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .

Senator SAXBE's present elected term commenced on January 4, 1969. Sometime shortly after that date, the President forwarded to the Congress a recommendation that the salary of the office of Attorney General be increased from $35,000 to $60,000—Senator SAXBE voted on February 4, 1969, to have that salary increase implemented—CONGRESSIONAL RECORD, volume 115, part 2, page 2716. The salary increase was subsequently approved by the full Congress and took effect.

If Senator SAXBE's nomination to be Attorney General were confirmed by the Senate at a salary of $60,000, he would assume a civil office whose emoluments have increased during his elected term. This result would seem to have been in direct conflict with article I, section 6, clause 2 of the Constitution.

Accordingly Congress enacted a law, S. 2673, to remove the constitutional obstacle to Senator SAXBE's nomination as Attorney General. This law repeals the salary increase for the Attorney General and restores the salary of $35,000, the figure operative at the time Senator SAXBE commenced his elected term. There has been much discussion on the floor of the Senate and in testimony before the Senate Judiciary Committee as to whether the constitutional obstacle to Senator SAXBE's nomination can, in a manner consistent with the Constitution, be removed by statute.

I have concluded that the obstacle to Senator SAXBE's nomination can be constitutionally removed by statute. I will, therefore, vote in support of the nomination. This decision is based on a careful review of constitutional history, the relevant precedents, and applicable legal arguments.

I. CONSTITUTIONAL HISTORY AND THE INTENT OF THE FRAMERS

In determining whether the constitutional obstacle to Senator SAXBE's appointment can be removed by statute, it is first necessary to examine the intent of the framers in establishing that obstacle. It is our responsibility of course to insure that the purposes of the Constitution are served in a manner consistent with its provisions.

An appreciation of purposes is almost always a prequisite to any understanding and enforcement of the Constitution's commands. Justice Joseph Story articulated this rule of constitutional interpretation almost a century ago:

> The mischief intended to be removed or suppressed or the cause or necessity of any kind which induced the enactment of a law are important factors to be considered in its construction. *The purpose for which the law was enacted is a matter of prime importance in arriving at a correct interpretation of its terms* . . .
>
> The reason and spirit of the law, or the causes which led to its enactment, are often the best exponents of the words, and limit their application . . .
>
> Story, *Commentaries on the Constitution of the United States* Vol. 1, pp. 305–06 (italic added).

The thrust of Justice Story's comments is that constitutional provisions should be interpreted and applied in a manner designed to serve the purposes of the framers. Constitutional provisions should not be interpreted and applied in a rigid manner which loses sight of those purposes.

This view is reflected in Supreme Court decisions issued almost from the beginning of our Republic. In *McCulloch* v. *Maryland* (17 U.S. 316, 406, 415 (1819)), for example, Chief Justice John Marshall remarked that the Constitution necessarily embodies only broad principles; the Constitution does not detail the meaning or reach of those principles. Consequently, said Marshall, the efficacy of the principles in any particular circumstances requires a sensitivity to the purposes to be served by those principles:

> A Constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. . . . [W]e must never forget that it is a Constitution we are expounding.

In the Legal Tender cases, 12 Wall. 457, 531 (1871), the Court likewise stated:

> Nor can it be questioned that when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the objects for which those powers were granted. This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered.

Reference to purpose alone, however, is not always sufficient for a proper interpretation and application of constitutional provisions. On certain occasions the Court has also stressed the value of a strict construction of constitutional provisions. The Court's opinion in *Lake County* v. *Rollins*, 130 U.S. 662 (1889) has been cited frequently to that effect. In that opinion, which concerned the interpretation of a State constitution, the Court underscored the value of adhering to unambiguous language contained in the document. But the Court made clear that, in any event, the ultimate goal was to honor the purposes to be served by the language:

> The object of construction, applied to a constitution, is to give effect to the intent of its framers, and of the people in adopting it.
>
> 130 U.S. at 670.

This object of construction has governed subsequent resolutions of constitutional questions as well. Thus, in *United States* v. *Classic*, 313 U.S. 299 (1941), the Court was asked to decide whether article I, section 4 endowed Congress with the power to regulate primary elections for Federal office. Before answering the question in the affirmative, the Court outlined the historic rule of construction:

> To decide [the question] we turn to the words of the Constitution read in their historical setting as revealing the purpose of its framers, and in search for admissable meanings of its words which, in the circumstances of their application, will effectuate those purposes.

Over the years, the Court has not diverged from this principle of constitutional interpretation. In determining the meaning of the Constitution's provisions, the Court continues to respect the original purposes to be served by those provisions. As Justice Arthur Goldberg stated in his concurring opinion in *Bell* v. *Maryland*, 378 U.S. 226, 289 (1964):

> Our sworn duty to construe the Constitution requires . . . that we read it to effectuate the intent and purposes of the Framers. We must, therefore, consider the history and circumstances indicating what [the provisions in question] were in fact designed to achieve.

This long history of constitutional interpretation defines the responsibility of Congress in deciding whether remedial legislation can constitutionally remove the obstacle to Senator SAXBE's nomination. It is incumbent upon us to determine whether that law, and the subsequent confirmation of Senator SAXBE, would further or subvert the framers' purposes in adopting article I, section 6, clause 2—the emoluments clause.

A review of the debates at the Constitutional Convention in 1787 makes clear that the emoluments clause was intended to serve two basic purposes. On the one hand, it was designed to discourage individuals from using their seat in Congress as but a stepping stone to high office in the Government where the compensation would be greater. On the other hand, the emoluments clause was intended to discourage the Executive from using the enticement of public office as a means of securing favorable votes or action from congressional representatives. In a word, the emoluments clause is to be a defense against corruption in Government where public offices and public moneys can be used for improper purposes. See Farrand, "The Records of

the Federal Convention," volumes I, II (1966).

These two purposes of the emoluments clause were articulated in the Federalist Papers. In No. 55, James Madison, the sponsor of the clause in the constitutional debates, discussed the dangers to public liberty in granting political power to a select few in the Congress. Madison observed that corruption in the national legislature would require numerous individuals to act in "mercenary and perfidious combination." In Madison's view, this seemed unlikely since he presumed the Congress would generally attract the most honorable of individuals. Madison then added:

> But, fortunately, the Constitution has provided a still further safeguard. The members of Congress are rendered ineligible to any civil office that may be created, or of which the emoluments may be increased, during the term of their election. No office therefore can be dealt out to existing members but such as may become vacant by ordinary casualties: and to suppose that these would be sufficient to purchase the guardians of the people, selected by the people themselves, is to renounce every rule by which events ought to be calculated, and to substitute an indiscriminate and unbounded jealousy, with which all reasoning must be vain. (Emphasis added.)

Thus, in Madison's view the emoluments clause minimized the risk of corruption. For it prohibited any legislator from benefitting by his action, or those of his colleagues, in creating new offices or in increasing the emoluments of existing offices.

In No. 76, Alexander Hamilton examined how the emoluments clause could be an equally effective deterrent to the Executive's attempts to bribe legislators with promises of lucrative Government appointments. Of particular concern here was the Senate's role in giving its advice and consent to the President's appointments. Many feared that the Chief Executive could use the lure of public office to secure favorable Senate action. Hamilton thought it unlikely that this ploy would succeed since, like Madison, he believed that the Senate would house men of integrity. But Hamilton did not rest his defense on integrity alone:

> Nor is the integrity of the Senate the only reliance. The Constitution has provided some important guards against the danger of executive influence upon the legislative body. It declares that "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office."

In sum, the emoluments clause was intended as a bulwark against corruption in the Congress. No legislator could hope to profit personally by voting to create a new Federal office. Nor could he expect to profit personally if he voted to increase the emoluments of an existing office. As Justice Story concluded:

> The reasons for excluding persons from offices, who have been concerned in creating them, or increasing their emoluments, are to take away, as far as possible, any improper bias in the vote of the representative, and to secure to the constituents some solemn pledge of his disinterestedness.
>
> Story, *Commentaries on the United States Constitution*, Sec. 864.

II. THE HISTORICAL PRECEDENTS

In the past, the purposes of the emoluments clause have been the principal determinants as to whether a legislator could constitutionally be appointed to Federal office. These historical precedents provide ample support for upholding the constitutionality of S. 2673 as a means to remove the obstacle to Senator Saxbe's appointment as Attorney General.

In 1876, for example, Senator Lot M. Morrill was nominated to be Secretary of the Treasury. Senator Morrill's term did not expire until 1877. The salary for the Treasury position was increased from $8,000 to $10,000 in 1873 and then reduced in 1874 to $8,000. A literal reading of the emoluments clause would have barred Senator Morrill's appointment. For the emoluments of the office to which he was appointed had been increased during his term. But clearly the purposes of the emoluments clause did not require that he be held ineligible. Senator Morrill was confirmed by the Senate without constitutional challenge.

Another appointment involving the emoluments clause transpired in 1909. Senator Philander Knox—whose term began in 1905 and was to expire in 1911—was nominated to be Secretary of State. The salary for that position had been raised by Congress from $8,000 to $12,000 in 1907. To avoid application of the emoluments clause, Congress passed a law comparable to S. 2673 so that Senator Knox could not profit by the salary increase (35 Stat. 626). In adopting this measure, Congress relied on the reasoning of Assistant Attorney General Russell, who argued that—

> If the increase is made . . . and then unmade, he cannot get, or hope for, anything more than if there had been no such increase (43 Cong. Rec. 2403).

Similar reasoning prevailed when Senator Hugo Black was appointed to the Supreme Court in 1937. During his term, the retirement benefits of Supreme Court Justices—who could retire at the age of 70—were strengthened by Congress. The question was whether this increased emolument rendered Senator Black ineligible for the Court appointment. The Attorney General argued forcefully that Senator Black's appointment did not conflict with the emoluments clause:

> Inasmuch as Mr. Black was only fifty-one years old at the time and so would be ineligible for the "increased emolument" for nineteen years, it was not *as to him* an increased emolument. (See Corwin, *Annotated Constitution* 133; *Ex Parte Albert Levitt*, 302 U.S. 673 (1937); *N.Y. Times*, Aug. 14, 1937, p. 1, Col. 3.)

The Senate apparently agreed with this reasoning, and, we all know, Senator Black was confirmed as a Supreme Court Justice.

These precedents, of course, do not suggest that the constitutional provisions can be ignored at will by Congress or the President. Nor do they imply that there must be evidence of collusion or other wrongdoing before the proscription applies.

Indeed, in at least two cases a Senator was denied appointment to Federal office in the absence of any such evidence. (See 21 Op. Atty. Gen. 211 (1895); 17 Op. Atty. Gen. 365 (1882).) In one of these cases the emoluments for the respective office had been increased during the respective Senator's term. In the other case a new office had been created during the appointee's elected term. But in the former case Congress did not make any attempt to deny the appointee the benefits of the salary increases. And in the latter case, Congress could not avoid application of the relevant provision unless it abolished the very office to which the congressional representative had been appointed. Consequently, the purposes of the article I, section 6—to avoid suspicion that there might have been collusion to secure those benefits of public office—required that both Senators be held ineligible. Because these two examples did not involve remedial legislation, they do not undermine the relevance of the other historical precedents to Senator Saxbe's nomination.

Of course, historical precedents alone cannot guarantee the constitutionality of S. 2673 as a means to remove the constitutional obstacle to Senator Saxbe's appointment. As the Supreme Court stated in *Powell* v. *McCormack*, 395 U.S. 486, 546–47 (1969):

> [A]n unconstitutional action . . . taken before does not render that same action any less unconstitutional at a later date.

It is an entirely different matter, however, when the historical precedents are consistent with recognized constitutional purposes. Even the Court in Powell against McCormack acknowledged that historical precedents may be significant in elucidating the framers' intent.

This proposition is a particular significance in determining the efficacy of S. 2673 in removing the constitutional barrier to Senator Saxbe's appointment. As discussed earlier, the historical evidence shows that the emoluments clause was designed to safeguard against the suspicion of corruption in the legislative branch. This view is reinforced by an analysis of the historical precedents involving an application of the emoluments clause. Those precedents clearly indicate that the purpose of the emoluments clause can be satisfied by denying any increases in emoluments to an appointee who served in Congress when they were enacted. Therefore, since Senator Saxbe. has been denied the benefits of any increased emoluments during the term for which he was elected, his nomination satisfies both the spirit and the letter of the Constitution.

III. APPLICABLE LEGAL ARGUMENTS

Some may argue that the language of the emoluments clause is clear and that resort to constitutional purposes of historical precedents is unnecessary. The strength of this argument is undermined by two basic observations.

First, the language of the emoluments clause is not entirely clear. For example,

does the language become operative if an emolument is increased for 1 day, but decreased long before the appointment of a sitting congressional representative? Likewise, consider the problems if, after a Member of Congress is nominated and confirmed for a Federal post, Congress increases the emoluments of the office. Must the Member then resign his post—or does the emoluments clause apply only to situations in which the emoluments have been increased before the nomination and confirmation?

The ambiguities of the emoluments clause were considered in some detail by William W. Van Alstyne, a professor of constitutional law at Duke University, in his testimony before the Judiciary Committee. The relevant portions of his statement merit quotation:

> The language of Article I, section 6, clause 2 is, of course, not clear. . . . One might read the phrase "the Emoluments whereof *shall have been* increased during such time" as concerned to know only whether, as an historical dataum, an increase was one voted regardless of whether it was shortly discontinued and of no possible profit to a nominee whose name is subsequently submitted to the Senate. To insist upon that reading, however, is at once too broad and too narrow as well. On the one hand, it would disregard the sole function to remove temptation in voting for an increase that one might personally anticipate receiving, it ignores the impact of subsequent legislation, and it offends the deliberate purpose of the framers of the Constitution to provide for the continuing eligibility of Members of Congress for appointment to an existing office where nothing they nor their colleagues have previously done can serve to make that office more attractive than otherwise. It is, at the same time, too narrow a reading as well: the history of the clause also makes clear that it was the drafter's purpose to forbid a Member of Congress from benefiting from any subsequent increase in the emoluments of the office to which he is appointed, for the balance of the time for which he was elected to Congress. Yet this intention would be disrespected if the clause were read as being concerned solely with a single past event, i.e. an increase which "shall have" occurred as of the date of appointment.
>
> (Quoted in 119 CONG. REC. pp. 37844–37845.)

Professor Van Alstyne's comments demonstrate that language which seems clear may be riddled with ambiguities.

But even the clearest language may not be sufficient to define the reach of any constitutional provision. A second legal observation tempers the inclination to rely exclusively on the words themselves: the courts will rarely, if ever, apply a constitutional provision literally if it will produce an unintended or patently unreasonable result. Justice Story summarized this legal precept in his Commentaries:

> The rules then adopted are, to construe the words according to the subject-matter, in such a case as to produce a reasonable effect, and with reference to the circumstances of the particular transaction. Light may also be obtained in such cases from contemporary facts or expositions; from antecedent mischiefs, from known habits, manners, and institutions; and from other sources almost innumerable, which may justly affect the judgement in drawing a fit conclusion in the particular case.
>
> Story, *Commentaries on the United States Constitution*, 306–07.

The significance of this legal precept is clear. The law is not applied in a vacuum, and one should not be insensitive to the consequences which the law's application has for people and the welfare of society generally.

This proposition underlies judicial interpretations of various constitutional provisions even when their meaning seem clear and absolute. Reference to even a few cases demonstrates the point.

The first amendment to the Constitution, for example, provides that—

> Congress shall make *no* law respecting an establishment of religion, . . . (Emphasis added.)

These words, if read literally, clearly provide an absolute prohibition to laws which would support the establishment of a religion. But the Supreme Court has held on numerous occasions that the seemingly "absolute" prohibition was not intended to be absolute. For example, *Everson* v. *Bd. of Education*, 330 U.S. L 17–18 (1947) As the Court stated in *Committee for Public Education* v. *Nyquist*, No. 72–694 (June 25, 1973), slip. op. at 2–3,14:

> Yet despite . . . the "sweep of absolute prohibition" of the [First Amendment] Clauses, this Nation's history has not been one of entirely sanitized separation between Church and State. It has never been thought either possible or desirable to enforce a regime of total separation, and as a consequence cases arising under these Clauses have presented some of the most perplexing questions to come before this Court. . . .
>
> What our cases require is careful examination of any law challenged on establishment grounds with a view to ascertaining whether it furthers any of the evils against which that Clause protects.

This reliance on purpose rather than language is also evident in interpretations of the free speech clause of the first amendment. The amendment states that—

> Congress shall make no law . . . abridging the freedom of speech. . . (Emphasis added.)

Again, the words, if read literally, establish an absolute prohibition to any law restricting speech. But the Court has held that the constitutional prohibition should be ignored if necessary to avoid a bad result—so that one could not, for instance, be free to shout "Fire" in a crowded theater. *Schenck* v. *United States*, 249 U.S. 47, 52 (1919). As Justice Louis Brandeis observed in his concurring opinion in *Whitney* v. *California*, 274 U.S. 357, 373 (1927):

> But, although the rights of free speech and assembly are fundamental, they are not in their nature absolute. (See also *Kovacs* v. *Cooper*, 336 U.S. 77 (1949); *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947).)

Purpose rather than language also governs interpretations of the fifth amendment to the Constitution. That amendment provides that—

> No person . . . shall be compelled in any criminal case to be a witness against himself. . . .

Read literally, the amendment's protections should apply only to criminal proceedings. Such an interpretation, however, would subject individuals to considerable risks of self-incrimination in other kinds of proceedings. Again, purpose rather than language prevails. The Court has held that the fifth amendment's protections may be invoked in any official State or Federal proceeding—even those of a nonjudicial character, such as congressional hearings. (*Malloy* v. *Hogan*, 378 U.S. 1, 11 (1964); *Hoffman* v. *United States*, 341 U.S. 479, 486–87 (1951).)

As one last example, reference should also be made to the sixth amendment to the Constitution. That amendment provides, among other things, that—

> In *all* criminal prosecutions, the accused shall enjoy the right . . . to have assistance of counsel for his defense. (Emphasis added.)

Here, too, the language is unambiguous. It guarantees the right to counsel to every accused in any criminal prosecution. Despite this clear, unambiguous language, the right to counsel does not extend to all criminal prosecutions. The Supreme Court has held that the right to counsel can be enjoyed only by those who face a possible loss of life or liberty—even though the language of the amendment neither states nor intimates such a qualification of the right to counsel. (For example, *Johnson* v. *Zerbst*, 304 U.S. 458, 463, 465 (1938). The sixth amendment right to counsel does not apply to petit criminal offenses where the only possible sanction is a fine. See *Argersigner v. Hamlin, Sheriff* 407 U.S. 25 (1972). In delineating this limitation, the Court has looked to the purpose rather than the language of the sixth amendment.

Given this rule of constitutional interpretation, our decision on the constitutionality of Senator SAXBE's nomination should not be determined solely by reference to the language of article I, section 6, clause 2. If read literally, that language might justify a conclusion that Senator SAXBE should be ineligible for Cabinet appointment even though he will not benefit by the increase in emoluments for Cabinet officers. But this result seems patently unreasonable. It is especially unreasonable since Senator SAXBE'S salary will decrease if he is confirmed as Attorney General.

Surely, in their wisdom, the Founding Fathers did not contemplate that the Constitution's purposes would be subverted by its language. They did not exalt form over substance. They created instead an organic document whose purposes could find expression in future times and unanticipated circumstances. This, in fact, is the genius of our Constitution. And it is this genius which underlies the reasonableness—and the constitutionality—of S. 2673 as a means to remove the constitutional obstacle to Senator SAXBE'S appointment.

IV. CONCLUSION

The framers' never intended the emoluments clause to discourage the appointment of congressional representatives to Federal office. Indeed, James Madison, James Wilson, and other participants in the constitutional debates presumed that the Congress would be a vital source of talent to assure excellence in executive positions. Charles Pinckney, for example, stated that—

The Senate might be supposed to contain the fittest men. He hoped to see that body become a School of Public Ministers, a nursery of statesmen. (Farrand. Vol. II, p. 283.)

The framers' were concerned, however, that the Congress be free of the reality and appearance of corruption. Public faith in our political system, they believed, required no less. The framers' concern found expression in, among other things, article I, section 6, clause 2. The emoluments clause of this provision, like its other features, was adopted as a means to minimize the risk that a congressional office might become merely a tool for an individual to satisfy personal greed and ambition.

In deciding the fate of Senator SAXBE's nomination, we should do justice to the meaning of the Constitution. We should not invoke its language to reach an unreasonable and unintended result. For as Dean Roscoe Pound, of the Harvard Law School, observed many years ago:

Law is social engineering and it must be judged by the results it achieves . . . not by the beauty of its logical processes.

For these reasons, then, I believe the substantial weight of the argument supports the constitutionality of Senator SAXBE's confirmation as Attorney General. But, in any event, the law repealing the salary increase for that Cabinet post provides for an expeditious resolution of the matter by the Supreme Court. Consequently, any constitutional question concerning Senator SAXBE's appointment will be disposed of in a timely manner.

Mr. FONG. Mr. President, on November 28, as the ranking minority member of the Senate Post Office and Civil Service Committee and as a member of the Senate Committee on the Judiciary, it was my privilege to manage the time on S. 2673, a bill to insure that the compensation and other emoluments attached to the Office of Attoney General once again became those which were in effect on January 1, 1969.

I welcomed the news when it first broke that the President intended to nominate the distinguished Senator from Ohio, WILLIAM B. SAXBE, to be Attorney General of the United States.

It was my firm belief that BILL SAXBE would be an outstanding Attorney General.

Therefore, it was no burden, to help my colleagues in their determination to enact S. 2673 so that the ineligibility of BILL SAXBE to the Office of Attorney General be constitutionally removed. The impediment under article I, section 6, clause 2 of the Constitution arose as a result of an increase in the emolument of all Cabinet officers, including the Attorney General's in 1969, after Senator SAXBE took his oath of office as a Senator from the State of Ohio.

As you recall, S. 2673 passed the Senate on November 28 by a vote of 75 to 16.

After passage of the bill by the House and a few other complications, all of which happily were resolved, on December 10, 1973, President Nixon signed it into law as Public Law 93–178 and late that very day, Monday, December 10, the nomination of BILL SAXBE to be Attorney General came to the Senate.

Hearings were held on the nomination before the Senate Committee on the Judiciary on December 12.

These hearings have confirmed and made a matter of public record what I, and I am sure my colleagues, have known for a long time—BILL SAXBE is eminently qualified to serve in this position of vital responsibility.

He has a broad range of experience.

He has been in the military service of our country.

He has served in the Ohio House of Representatives.

He has served in the U.S. Senate.

He has been a member of the bar since 1948.

And, even more importantly, he was attorney general of Ohio 1957 to 1958 and 1963 to 1968.

Having served as attorney general of his native State, he has the administrative and organizational ability to give much needed direction to the Department of Justice.

His well-rounded experience, dedication, and ability will restore a sense of stability and direction to the present troubled administration of the Department of Justice and thus will, I am certain, be what is needed to bolster morale throughout that Department.

We in the Senate will miss BILL SAXBE, his depth of perception, his dedication to hard work, his willingness to fight the good battle.

But, BILL will go on fighting with the same competence and dedication to justice. Under his administration of the Department of Justice true law and order will, I am certain, be the rule throughout this country.

Mr. President, it is a privilege for me to vote for the confirmation of the nomination of WILLIAM B. SAXBE to be Attorney General of the United States.

I join in wishing him great success and Godspeed in his new undertaking.

Mr. PROXMIRE. Mr. President, I will vote against the nomination of my colleague, Senator WILLIAM SAXBE, to be the next Attorney General.

I do not do so, however, out of any feeling of ill will toward my colleague from Ohio. BILL SAXBE has been a good Senator and a good colleague. Moreover, prior to coming to the U.S. Senate, BILL SAXBE did a competent job as attorney general of Ohio. If it were not for the constitutional provision which I will discuss, I would unhesitatingly consider him qualified to be U.S. Attorney General, and I would support him.

Unfortunately, Mr. President, there is a clear constitutional provision which governs this situation. This provision, in my view, bars Senator SAXBE from the attorney generalship at the present time.

The Constitution, in article I, section 6 provides:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

In 1969, shortly after Senator SAXBE began his first term in the Senate, the Senate voted to increase the salary of the Attorney General from $35,000 to $60,000. Senator SAXBE voted for the increase. It is clear that this constitutes an increase in the emoluments of the office, and the Constitution would bar a Senator from taking this office during his term.

In an attempt to get around this problem, S. 2673 was introduced. That legislation, which has now become law, sets the salary for Attorney General back to $35,000—the level that prevailed on January 1, 1969. The decrease is to remain effective until January 1, 1975, when the salary will revert to the higher level of $60,000.

Proponents of Senator SAXBE argue that this legislation removes the constitutional bar, and that Senator SAXBE may take the office of Attorney General.

Mr. President, I cannot accept this view. The provision in article I, section 6 is regarded by most constitutional experts as a mechanical clause, not a functional clause. This means that this is not the type of clause—such as due process, or equal protection—where one looks behind the words to the intent of the framers, and interprets the clause in light of the given existing situation. Rather, this clause is mechanical in the same sense as the provision which requires U.S. Presidents to be over 35 at the time they take office; such clauses admit of no interpretation, and no one would suggest that an exceptionally mature 34-year-old would be permitted to take office. By the same token, the emoluments clause does not admit of interpretation either. If the emoluments for an office have been increased, then the bar applies; the Constitution does not say "unless you set the emoluments back to their former level."

But beyond that, the clause's intent is violated here as well. The legislation which changes the salary applies only until January 1, 1975; after that date, the higher salary goes into effect again.

Thus, assuming that Senator SAXBE takes office as of the first of next year, he will reap the benefits of the higher $60,000 salary after serving for only 12 months at the lower salary. And this higher salary will be as a direct result of his vote as Senator in 1969. Thus, Senator SAXBE will be the direct beneficiary of the increased emoluments—the very thing the framers sought to guard against.

Mr. President, I reluctantly conclude that it would be unconstitutional for Senator SAXBE to take the office of Attorney General under these circumstances, and accordingly I will vote against his confirmation.

Mr. STEVENSON. Mr. President, I will reluctantly vote against the confirmation of our colleague WILLIAM SAXBE, for Attorney General, and I say "reluctantly" because I have much respect and affection for Senator SAXBE.

I do so for one overriding reason. I believe the appointment of Senator SAXBE is unconstitutional.

Article I, section 6, paragraph 2 of the Constitution states:

No Senator or Representative shall, during the term for which he was elected, be appointed to any civil office under the Authority of the United States . . . the Emoluments

whereof shall have been increased during such time.

In 1969, shortly after Senator SAXBE entered the Senate, the salary of the Attorney General was raised by concurring congressional action from $35,000 to $60,000. It is disputed by no one that if no further congressional action were taken between the 1969 pay raise and Senator SAXBE's appointment, that appointment would be unconstitutional under this article.

Between the time President Nixon announced his intention to appoint Senator SAXBE in early November and Senator SAXBE's actual appointment just over a week ago, Congress passed and the President signed the so-called Saxbe pay bill. Although Senator SAXBE was not mentioned by name in this legislation—which reduced the salary of the Attorney General to $35,000—the legislation was clearly aimed at curing Senator SAXBE's constitutional disability.

I do not believe that any legislation short of a constitutional amendment can cure that disability. The language of the Constitution is clear. It allows of no exceptions and provides for no waivers—and for sound reasons. Members of Congress should not be permitted to benefit personally from the legislation they adopt. The Constitution does not admit that emoluments increased can thereafter be decreased. The bill to decrease the Attorney General's pay was special legislation intended to benefit one Member of this body. I voted against it—as it is precisely the kind of legislation the Constitution was intended to guard against.

I realize that my colleagues in the Senate by a vote of 75 to 16 passed the pay bill and that the bill was also passed overwhelmingly in the House. Thanks to an amendment added by Senator BYRD of West Virginia, the constitutionality of the Saxbe nomination may be quickly challenged. This amendment may have encouraged some Members to vote for the pay bill in the belief that there could be a definitive resolution of this question by the Supreme Court. Likewise, the passage of the Saxbe pay bill may encourage Members to vote for Senator SAXBE'S confirmation today in the knowledge that the Supreme Court will settle the constitutional matter.

But I do not believe we in the Senate should buck this matter to the Court. We have a duty to uphold the Constitution, as we are best able to interpret it. I do not believe that the pay legislation cures the constitutional problem. As Prof. Philip Kurland, a noted constitutional scholar, said in the Senate Judiciary Committee hearings on the pay bill:

> I think it (this type of remedial legislation) constitutes a violation of the specific language (of the Constitution) if it results in the qualification of a person otherwise disqualified, and I think it would also fly in the face of the intent of the framers in putting this provision into the Constitution.

The Court may settle this matter in favor of Mr. SAXBE. But I will not cast my vote today in favor of a nomination procured by a backdoor amendment to the U.S. Constitution.

Mr. TUNNEY. Mr. President, I am compelled to vote against the confirmation of my colleague, William SAXBE, to be Attorney General, because of my personal belief that his nomination is unconstitutional under article I, section 6, clause 2 of the Constitution.

That section reads in part:

> No Senator . . . shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States . . . the Emoluments whereof shall have been increased during such time.

This clause means that since the salary for the Attorney General was increased during Senator SAXBE's term in the Senate, he cannot now be appointed to the Office of Attorney General. As I read it, this is true even if Congress passes—as it has—remedial legislation to lower the salary of the Attorney General to its level when Senator SAXBE was elected to the Senate. There is no section of the Constitution that permits such remedial legislation.

At a time when there is so little confidence and respect for the rule of law, we cannot appear to be tampering with the plain meaning of the words of the Constitution for any man—be he President or nominee for a Cabinet position or Senator or taxpayer.

In addition, since a Court test of Senator SAXBE's appointment is virtually a certainty, he will enter office with a cloud over his head until the Supreme Court has ruled definitively on the issue. Such a ruling—under the expediting provisions of the Senate legislation—might be accomplished in a few weeks. I would hope so. Nonetheless, at a time when morale at the Department of Justice is at an all time low, it would seem imperative to fill the office of Attorney General with a person whose appointment is not challenged.

These remarks do not impugn the personal fitness or qualifications of my colleague, BILL SAXBE. On other than constitutional grounds, he is qualified. I was impressed with the way he pledged under oath to the Committee on the Judiciary that he will in all ways observe the charter for the special prosecutor. The events of recent months have shocked a Nation, and I will praise BILL SAXBE if he can deliver—as he hopes he can—the personal pledge of the President to abide by that charter. Out of fear that the President would breach the charter again, I was one of the original sponsors of S. 2611, the legislation to create an independent Office of Special Prosecutor outside the executive branch. The leadership has decided not to bring the legislation to the floor—in view of Mr. Jaworski's impressive performance to date and a reluctance to appear to be interfering with it. This decision would seem justifiable only so long as Mr. Jaworski can proceed without interference—a situation which is likely to be best insured if we have personal assurances from the President that he will abide by the charter.

Senator SAXBE has given those assurances on his own behalf without equivocation. Should he be confirmed and should he pass the constitutional test, he, as Attorney General, deserves the same assurances from the President, and so does the Nation.

Mr. HATHAWAY. Mr. President, it is with the greatest reluctance that I must oppose the confirmation of this nomination. I consider WILLIAM SAXBE to be one of the most distinguished Members of this body—a man of intelligence, independence, and integrity, who would be a real addition to the executive branch of our Government at this particular time. But he was a Member of the Senate in 1969 when the annual salary of the Attorney General was raised from $35,000 to $60,000 and the Constitution says—

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the Authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

I am fully aware that the Congress has passed and the President signed legislation which lowered the Attorney General's pay to the pre-1969 level in order to deal with this problem. I am unconvinced, however, that this legislation has done the trick. Without going too deeply into the constitutional question, which has been fully explored by the distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished majority whip (Mr. ROBERT C. BYRD), my conclusion is that the constitutional provision in question does not appear to allow for the kind of qualification of its terms implicit in the pay-lowering legislation. Perhaps an implied exception to the rule stated—"No Senator shall be appointed to any civil office, the emoluments whereof shall have been incresed"—can be developed through the arcane science of constitutional analysis, but the existence of such an exception has escaped this Senator, try as I might to find it.

Which brings me to what is really the point. Of all the times in our Nation's history when we need clear, stable, and legally solid leadership, we are not installing as chief law enforcement officer an individual whose qualifications for the position are constitutionally dubious. To me, this is involving the Senate in the type of thinking that has gotten the President in so much trouble in the Watergate matter—regardless of how a course of action looks to the American people, if it is technically or even arguably legal, go ahead.

Mr. President, the American constitutional system is a fragile thing, held together by mutual interest, voluntary compliance with law and trust in the governors. I am afraid that the last element—trust—is eroding daily; when it disappears, the Constitution and all of our laws will be nothing—empty words serving only as a monument to our inability to appreciate the intelligence and commonsense of those we are supposed to be governing. And it is just the kind of legal hocus-pocus involved with this nomination which is eroding the people's confidence in their Government. Why, with all the lawyers in the United States, did the President have to choose one whose very right to the office is sure to involve months of controversy and con-

stitutional challenge? Why cannot this administration learn that in public matters the appearance of impropriety is as important to avoid as impropriety itself?

And finally, when will we realize that the currency of public trust which we are expending at such a prodigious rate is not replenishable in our lifetimes? There was a time when the Governors, even in a democratic society, could ignore the feelings of the people on an issue such as this because so few of the people actually knew—or cared—what was being done in their name. That day, gentlemen, is long past.

As proof of this last observation, and as a fitting summation of the point I am trying to make I would like to place in the RECORD at this point a letter from the high school American history class in Greenville, Maine, a little town of several thousand perched beside a million acres of wilderness. The letter speaks poignantly for itself. Sadly, I think it also speaks for the American people.

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

GREENVILLE HIGH SCHOOL,
Greenville, Maine, November 30, 1973.

Hon. WILLIAM HATHAWAY,
Bangor, Maine.

DEAR SENATOR HATHAWAY: It has been brought to the attention of our United States History Class of Greenville High School that you Senators intend to disregard Article I, Section 6, Paragraph 2, of the United States Constitution, which specifically prohibits Senator Saxbe from holding the office of Attorney General of the United States. There is no room for misinterpretation of the Constitution in this matter, and we cannot understand why people who have sworn to uphold the Constitution of the United States are so flagrantly disregarding your obligations.

It seems to us that in this time of moral crisis, you people would show leadership in this matter of our Constitution. If we cannot depend upon the Constitution as our basis of laws for everyone, including Senators, what can we depend upon?

Thank you for your concern in this matter.

Sincerely yours,

Richard A. Gould, Instructor; Roxann Arey, Jan Gauvin, Christina M. Jamieson, Peter M. Cantora, Edwin Budden, Nancy Gilbert, George Lavigne;

Kim Godson, Harold Blanchard, Billy Mason, Elaine Davis, Deborah Bartley, Donna White, Cindy Smith.

Mr. HRUSKA. Mr. President, it is with great pleasure that I take this opportunity to voice my support for WILLIAM B. SAXBE to be Attorney General of the United States.

In nominating Senator SAXBE, President Nixon has abided by the longstanding tradition of selecting an individual with a seasoned and varied experience in the law. Senator SAXBE additionally possesses a broad background in administration and legislation on both the State and Federal levels. As a practicing attorney, as a member of the Ohio Legislature, as a longtime attorney general of Ohio, and as U.S. Senator, he has distinguished himself. As a veteran elected official, Senator SAXBE has gained a perceptive insight into the workings of our democratic system. He has developed a respect for its institutions and an understanding of the needs of the citizenry.

During the past 5 years, we in the Senate have had the opportunity to observe the nominee firsthand. Senator SAXBE has gained a reputation here for ability and integrity. He has proved himself to be knowledgeable, diligent, and loyal to the best interests of his country.

During the hearings on his nomination before the judiciary committee last week, Senator SAXBE was presented with a wide range of direct and penetrating questions. In response, he displayed an admirable and refreshing forthrightness and candor as well as a fine knowledge of law and its enforcement. Senator SAXBE indicated a deep awareness of the various sensitivities of the administration of justice, including the necessity of achieving a fair balance between the rights of citizens and the practical demands of law enforcement. He also stated his unqualified intention to insure the continued independence of the Special Prosecutor and his willingness to work closely with the Congress and its Judiciary Committees on appropriate Justice Department matters.

Senator SAXBE had announced his desire to leave Washington, D.C., at the end of his term and return to the practice of law in his native Ohio. However, when the President asked him to assume the enormous responsibility to head up the Department of Justice, Senator SAXBE, as would be expected from a man with his deep feeling for the Nation's well-being, accepted that challenge. He will carry out that challenge, upon confirmation, and by his direction will insure that the Department of Justice maintains its position as one of our most cherished and highly esteemed institutions.

It is indeed a fortunate occurrence that at this time in our history we have available a man of the nominee's caliber for the office of Attorney General. It is not said lightly that his qualifications and talents are well tailored to present requirements for this high office. Senator SAXBE will bring to the Department of Justice integrity, independence, and a vast experience in the law. That Department is presently much in need of a leader with those qualities. Hence, the Senate should speedily confirm Senator WILLIAM SAXBE as Attorney General of the United States.

Mr. President, during the course of the hearings, Leon Jaworski appeared as one of the witnesses. He sat at the witness table with the nominee. At that time he stated the terms of his appointment. He was requested to address a letter to the President in which he would indicate the text of his testimony.

That was done in a letter of transmittal dated December 14, 1973. On December 17, 1973, there was a reply to that letter signed by J. Fred Buzhardt, Special Counsel to the President. I ask unanimous consent to have these three documents printed in the RECORD.

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

THE WHITE HOUSE,
Washington, D.C., December 17, 1973.

Hon. LEON JAWORSKI,
Special Prosecutor, Watergate Special Prosecution Force, U.S. Department of Justice, Washington, D.C.

DEAR MR. JAWORSKI: Your letter of December 14 to the President, providing a copy of your testimony relating to the terms of your appointment as Watergate Special Prosecutor, has been received. We appreciate your calling this information to our attention.

Sincerely,

J. FRED BUZHARDT,
Special Counsel to the President.

DECEMBER 14, 1973.

Attention: J. Fred Buzhardt, Esquire.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: In the giving of my testimony to the Senate Judiciary Committee on the nomination of Senator William B. Saxbe for the office of Attorney General, I was asked to state the terms of my appointment as Watergate Special Prosecutor.

I am enclosing the transcript of my answer to that question.

Respectfully yours,

LEON JAWORSKI,
Special Prosecutor.

SPECIAL PROSECUTOR'S TESTIMONY

You have supplied me with that letter. I will read it into the record.

"November 21, 1973, Leon Jaworski, Esq., Special Prosecutor, Watergate Special Prosecution Force, 1425 K Street, NW., Washington, D.C. 20005.

"Dear Mr. Jaworski: You have informed me that the amendment to your charter of November 19, 1973 has been questioned by some members of the press. This letter is to confirm what I told you in our telephone conversation. The amendment of November 19, 1973 was intended to be, and is, a safeguard of your independence.

"The President has given his assurance that he would not exercise his constitutional powers either to discharge the Special Prosecutor or to limit the independence of the Special Prosecutor without first consulting the Majority and Minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

"When that assurance was worked into the charter, the draftsman inadvertently used a form of words that might have been construed as applying the President's assurance only to the subject of discharge. This was subsequently pointed out to me by an assistant and I had the amendment of November 19 drafted in order to put beyond question that the assurance given applied to your independence under the charter and not merely to the subject of discharge.

"There is, in my judgment, no possibility whatever that the topics of discharge or limitation of independence will ever be of more than hypothetical interest. I write this letter only to repeat what you already know: the recent amendment to your charter was to correct an ambiguous phrasing and thus to make clear that the assurances concerning congressional consultation and consensus apply to all aspects of your independence."

Does this letter fully satisfy you as to your independence and as to the assurances "that the President has given," that he will not exercise his constitutional powers either to discharge you or limit your independence without first consulting the Majority and Minority leaders, et al.?

Mr. JAWORSKI. Senator Byrd, this is in line with what I sought. I will be entirely candid and say to you that I sought the maximum of what I could think of at the time, and if I could have thought of some other safeguards, I would have asked for them. I think the matters that you have covered today have been clarifying, and certainly it nails down some matters that someone might have had some doubt about or might have questioned.

I personally have proceeded—I hope I have not been naive. I personally proceeded on the theory that I had complete independence. I will say that I have certainly exercised it in several respects, and no one has undertaken to call my hand. If it should come to pass that someone should and I thought that I was right, I would come to consult the committee that has been set up for such purposes.

Senator BYRD. Say that again.

Mr. JAWORSKI. If anyone should disagree with me as to what I am doing, particularly the President, if he should disagree and I felt that I was within my responsibility, carrying out the functions of my office, I would not hesitate to come to the Committee that has been set up and report to them for the purpose of their knowing exactly what the situation was so that the impasse could be resolved, if possible.

Senator BYRD. Would you also not hesitate, as Professor Cox did not hesitate, to call a press conference and make known to the people of this nation the fact that you were being asked if you were being asked, to do what in your conscience you could not do?

Mr. JAWORSKI. I would make it known. This does not relate to my right to go to court. I would do that without even calling a press conference or going anywhere. I think if I conclude that it is necessary for me to resort to the judicial process, I have been assured that I will have that avenue open to me. I intend to exercise that regardless of what disagreement may arise.

Mr. THURMOND. Mr. President, it is with great pleasure that I rise to commend my distinguished colleague, WILLIAM BART SAXBE, the next Attorney General of the United States. BILL SAXBE's qualifications for this high office are obvious from a brief review of his background.

He began his public service career in 1946 when he was elected to the Ohio House of Representatives. He was reelected to the house three times, became majority leader and served as speaker from 1953–54.

He moved on 2 years later to become attorney general for the State of Ohio, and was reelected in 1962 and 1966. He served as Ohio's chief legal officer longer than any attorney general in State history. BILL was elected to the U.S. Senate in November 1968, and has served in this body with ability and distinction. It has been my pleasure to be personally associated with him on the Armed Services Committee.

BILL SAXBE has not only led a distinguished public life, he has led a distinguished private life as well. He volunteered for the Ohio National Guard in 1937 and was called to active duty 3 years later. He served with the 107th Cavalry, 2d Cavalry Division and 9th Armored Division and, after transferring to the Air Corps, served as a bomber pilot for the remainder of World War II.

After the war, BILL returned to Ohio and enrolled in the Ohio State Law School under the GI bill. He was graduated in 1948 with an LL.B. degree, a year after assuming his seat in the Ohio House. While a member of the legislature, he was called back into service in 1951–52 during the Korean war. He served in the 147th and 148th Infantry, 37th Division and later as assistant chief of staff G–2 of the 37th Division.

Bill has been active in a wide range of civic, professional and sportsman's organizations, and holds honorary degrees from five Ohio colleges—Central State University, Ohio Wesleyan University, Findlay College, Capitol University, and Wilmington College.

Through my personal association with him, I know him to be a man of courage, candor, and capability. I am confident that he will serve the high trust of his new office with the same distinction that he has shown in the past. I wish him every success in his new career.

Senator SAXBE's wife Dolly is a lovely lady and has been an inspiration to her husband throughout his career. My wife Nancy and I rejoice with her in this new position of honor and responsibility to which he has been appointed. She deserves a large measure of credit for his great success.

The VICE PRESIDENT. Who yields time?

Mr. EASTLAND. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time, if there are no further requests for time.

Mr. EASTLAND. I yield back the remainder of my time.

The VICE PRESIDENT. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of WILLIAM B. SAXBE, of Ohio, to be Attorney General? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. SAXBE (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. CRANSTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The yeas and nays resulted—yeas 75, nays 10, as follows:

[No. 591 Ex.]

YEAS—75

Abourezk	Fong	Mondale
Aiken	Fulbright	Moss
Allen	Goldwater	Nelson
Baker	Griffin	Nunn
Bartlett	Gurney	Packwood
Bayh	Hansen	Pearson
Beall	Hart	Pell
Bellmon	Hartke	Percy
Bible	Hatfield	Randolph
Biden	Helms	Ribicoff
Brock	Hruska	Roth
Brooke	Huddleston	Schweiker
Buckley	Humphrey	Scott, Hugh
Byrd, Harry F., Jr.	Inouye	Scott, William L.
Cannon	Jackson	Sparkman
Case	Javits	Stafford
Chiles	Johnston	Stevens
Clark	Kennedy	Symington
Cook	Magnuson	Taft
Curtis	Mansfield	Thurmond
Dole	Mathias	Tower
Dominick	McClellan	Weicker
Eagleton	McClure	Williams
Eastland	McGee	Young
Fannin	McGovern	
	Metcalf	

NAYS—10

Burdick	Hathaway	Stevenson
Byrd, Robert C.	McIntyre	Tunney
Ervin	Muskie	
Haskell	Proxmire	

ANSWERED "PRESENT"—1

Saxbe

NOT VOTING—14

Bennett	Domenici	Montoya
Bentsen	Gravel	Pastore
Church	Hollings	Stennis
Cotton	Hughes	Talmadge
Cranston	Long	

The VICE PRESIDENT. On this vote the yeas are 75, the nays 10, 1 "present." The nomination of WILLIAM B. SAXBE to be Attorney General is confirmed. [Applause.]

Mr. TAFT. Mr. President, I request that the President of the United States be notified of the confirmation.

The VICE PRESIDENT. The President will be notified.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may address the Senate for 1 minute.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SAXBE. Mr. President and Members of the Senate, I am deeply grateful for the confidence that has been expressed in me by both the Committee on the Judiciary and the membership of the Senate. I do not take this confidence lightly. It is my intention to live up to the expectations that you have placed upon me.

I know that those who had reservation about the constitutionality of the salary reduction were genuine in their reservation. They have spoken to me about it, and I recognize this attitude.

Regardless of the outcome, however, and I am confident it will be satisfactory, I want to take this opportunity to express to Members of the Senate my sincere thanks and appreciation, and to pledge to them that my efforts in this office will be for the best of this great country.

I particularly want to thank Senator EASTLAND, the great Senator who handled the matter on the floor, Senator ROBERT C. BYRD, Senator HUGH SCOTT, other members the the Committee on the Judiciary who worked on this matter, and certainly my colleague from Ohio (Mr. TAFT).

I am not going to be far away, and I

hope that I will have the opportunity of meeting many times with my friends in the Senate.

I also wish to mention Senator HRUSKA, the ranking Republican member of the Committee on the Judiciary, who worked very closely with Senator EASTLAND in expediting this appointment.

Thank you.

LEGISLATIVE SESSION

Mr. TAFT. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

ORDER FOR ADJOURMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. That would bring the vote on cloture on Rhodesian chrome to around 12:15 p.m.

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.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which 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.

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 called 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.

DIVISION OF DEBATE ON MOTION TO INVOKE CLOTURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on the motion to invoke cloture under the rule on tomorrow be equally divided between and controlled by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the distinguished senior Senator from Wyoming (Mr. MCGEE).

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

QUALIFICATION OF AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, has any order been entered with respect to the qualification of amendments?

The PRESIDING OFFICER. Not up to this time.

Mr. ROBERT C. BYRD. Mr. President, it has been the normal procedure of late and I assume this would be agreeable to the distinguished Senator from Wyoming I ask unanimous consent that any amendments that are at the desk at the time the vote begins on the motion to invoke cloture be considered as having been read by the clerk so as to be in order under the rule.

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

ORDER TO PROCEED TO CONSIDERATION OF H.R. 8449, FLOOD DISASTER PROTECTION ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the vote to invoke cloture tomorrow, if the motion is not agreed to the Senate then proceed to the consideration of H.R. 8449, an act to expand the national flood insurance program; that the unfinished business at that time be laid aside and remain in a temporarily laid aside status until the disposition of H.R. 8449 or until the close of business tomorrow, whichever is the earlier.

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

Mr. TOWER. Mr. President, reserving the right to object—and I shall not object—it is my understanding that the time on the bill is 1 hour, the time on all amendments is 30 minutes, the time on the amendment of the Senator from Louisiana, however, is 1 hour, and that the time on the bill is to be controlled equally between the majority leader and minority leaders or their designees and by the mover of the amendment and the manager of the bill, or if he be receptive to acceptance of the amendment, it will be under the control of the minority manager of the bill.

Mr. ROBERT C. BYRD. Mr. President, the agreement is in the usual form, and I think the distinguished Senator from Texas (Mr. TOWER) has correctly stated the agreement. It is printed on page 2 of the calendar and, as I say, I think he has substantially reiterated it correctly.

Mr. TOWER. I might say to my distinguished friend from West Virginia that I hope we can perhaps at some point in time secure some reductions of time on the amendments, so we can deal with them with greater dispatch, because the time is more than adequate, and we will try to get some accommodation on that.

Mr. ROBERT C. BYRD. Very well.

Mr. President, I ask unanimous consent that the unanimous-consent agreement as it appears on page 2 of the calendar be inserted in the RECORD at this point.

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

Ordered, That, during the consideration of H.R. 8449 (Order No. 559), the so-called "Flood Disaster Protection Act of 1973," debate on any amendment (except an amendment to be offered by the Senator from Louisiana (Mr. JOHNSTON) on which there shall be 1 hour, and an amendment to be offered by the Senator from Ohio (Mr. TAFT), on which there shall be 1 hour, shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment to an amendment, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That, no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders or their designees: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal. (Dec. 10, 1973.)

ORDER TO PROCEED TO CONSIDERATION OF S. 2776, EFFICIENT MANAGEMENT OF NATION'S ENERGY POLICIES AND PROGRAMS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, pursuant to direction by the majority leader to me, that upon the dispositon of the flood insurance bill, the Senate proceed to the consideration of the bill S. 2776, to provide for the effective and efficient management of the Nation's energy policies and programs.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate will convene at 11 o'clock a.m.

After the two leaders have been recognized under the standing order, the Senate will proceed to the debate on the motion to invoke cloture on the unfinished business, 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.

At the conclusion of the 1 hour there will be an automatic quorum call, and upon the establishment of a quorum the Senate will proceed to vote, by yea-and-nay vote, on the motion to invoke cloture.

If the motion is agreed to, the bill (S. 1868) will be before the Senate until action thereon is completed, and the Senate will proceed to the consideration of that bill to the exclusion of all other business until action on the bill is completed.

If the motion is not agreed to, the Senate will then proceed to the consideration of the flood insurance bill under a time limitation. There will be yea-and-nay votes on amendments thereto

and on final passage of that bill, H.R. 8449.

Upon disposition of H.R. 8449, the Senate will proceed to the consideration of S. 2776, a bill to provide for the effective and efficient management of the Nation's energy policies and programs.

ORDER TO PROCEED TO THE CONSIDERATION OF S. 2776

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in that event, that the unfinished business be laid aside temporarily and remain in a temporarily laid-aside status until the Senate completes action on S. 2776 or until the close of business tomorrow, whichever is the earlier.

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

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and at 6:36 p.m. the Senate adjourned until tomorrow, Tuesday, December 18, 1973, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate December 17, 1973:

DEPARTMENT OF JUSTICE

William B. Saxbe, of Ohio, to be Attorney General.

HOUSE OF REPRESENTATIVES—*Monday, December 17, 1973*

The House met at 12 o'clock noon.

The Reverend C. Wade Freeman, Jr., Capitol Hill Metropolitan Baptist Church, Washington, D.C., offered the following prayer:

So teach us to number our days, that we may apply our hearts unto wisdom.—Psalms 90: 12.

We thank you Father today. Forgive us for being presumptuous in our manner of life, living as if we were to be here forever.

Teach us to remember the importance of our days that we might accomplish Your will in our individual lives. Grant that today Thy holy divine wisdom shall be both sought after by and granted to these Members of Congress of this Christian Nation.

As day-by-day decisions are made, grant that we may live the life revealed to us by Thy Son Jesus.

In whose name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

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

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6186. An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions; and

H.R. 11372. An act to conserve energy on the Nation's highways.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following titles:

S. 1776. An act to amend the Federal Water Pollution Control Act, as amended.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1561. An act to provide that Mansfield Lake, Ind., shall be known as "Cecil M. Harden Lake";

S. 2150. An act to amend Public Law 92-181 (85 Stat. 583) relating to credit eligibility for public utility cooperatives serving producers of food, fiber, and other agricultural products;

S. 2264. An act to provide civil service retirement credit for certain language instructors of the Foreign Service Institute, Department of State;

S. 2509. An act to name structure S-5A of the Central and Southern Florida Flood Control District, located in Palm Beach County, Fla., as the "W. Turner Wallis Pumping Station" in memory of the late W. Turner Wallis, the first secretary-treasurer and chief engineer for the Central and Southern Florida Flood Control District;

S. 2535. An act to designate the Chartiers Creek flood protection project in Allegeny County, Pa., as the "James G. Fulton flood protection project";

S. 2795. An act to authorize the Secretary of the Treasury to change the alloy and weight of the 1 cent piece;

S. 2812. An act to authorize a formula for the allocation of funds authorized for fiscal year 1975 for sewage treatment construction grants, and for other purposes.

S.J. Res. 159. Joint resolution to provide for the designation of the last Sunday in May of each year as "Walk a Mile for Your Health Day".

RESIGNATION AS A MEMBER OF THE HOUSE-SENATE CONFERENCE COMMITTEE ON H.R. 9142, REGIONAL RAIL REORGANIZATION ACT

The SPEAKER laid before the House the following resignation as a member of the House-Senate conference committee on H.R. 9142, Regional Rail Reorganization Act of 1973:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 14, 1973.

Hon. CARL ALBERT,
The Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: Because of personal reasons, it is with the deepest regret that I find it necessary to resign from the House-Senate Conference Committee which will be considering the differences between the Senate and House passed versions of H.R. 9142, the Regional Rail Reorganization Act of 1973.

Thank you for your understanding.

Sincerely,

JAMES HARVEY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Florida (Mr. FREY) as a conferee on the bill H.R. 9142, the Regional Rail Reorganization Act of 1973, to fill the existing vacancy thereon.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11576

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-736)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11576) "making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 25, 39, 44, 69, 78, 85, 88, 93, 96, 99, and 101.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 10, 11, 12, 16, 20, 23, 27, 28, 30, 32, 33, 46, 49, 59, 61, 62, 63, 65, 66, 72, 73, 76, 77, 79, 81, 82, 98, 105, 106, and 107, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"CHAPTER II

"DEPARTMENT OF DEFENSE—MILITARY

"Operation and Maintenance, Navy

"For the exploration at Naval Petroleum Reserve No. 4, $7,500,000 as authorized by 10 U.S.C. 7422."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment to the Senate numbered 9, and agree to the same with an amendment, as fol-