a feasibility study and to accept a gift from the United States Capitol Historical Society;

H.J. Res. 865. Joint resolution authorizing the President to proclaim March 29, 1974, as "Vietnam Veterans Day";

H.R. 1316. An act for the relief of Claude V. Alcorn and 21 others;

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

H.R. 2303. An act to continue mandatory price support for tung nuts only through the 1976 crop;

H.R. 4738. An act to provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado;

H.R. 5760. An act to provide for the striking of medals commemorating the International Exposition on Environment at Spokane, Wash., in 1974;

H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

H.R. 6758. An act to amend chapter 33 of title 28 of the District of Columbia Code relating to usury, and for other purposes; and

H.R. 10806. An act to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes.

On December 31, 1973:

H.R. 8449. An act to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; and

H.R. 11333. An act to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

On January 2, 1974:

H.R. 3733. An act to authorize the American Battle Monuments Commission to assume control of overseas war memorials erected by private persons and non-Federal and foreign agencies and to demolish such was memorials in certain instances;

H.R. 8529. An act to implement the shrimp fishing agreement with Brazil, and for other purposes;

H.R. 9142. An act to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes;

H.R. 11238. An act to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes;

H.R. 11372. An act to conserve energy on the Nation's highways;

H.R. 11575. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes; and

H.R. 11771. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

On January 3, 1974:

H.R. 11576. An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

HOUSE BILL DISAPPROVED AFTER SINE DIE ADJOURNMENT—URBAN MASS TRANSPORTATION ACT

The President announced his disapproval of the following bill with a memorandum of disapproval as follows:

I regret that I cannot approve H.R. 10511, a bill to amend the Urban Mass Transportation Act of 1964. Unfortunately, this bill has evolved so as to become an anti-transit measure.

In its favor is the fact that H.R. 10511 would facilitate the use of Urban Mass Transportation monies for the purchase of buses by allowing such equipment to be used for charter services. Unfortunately, however, the bill would leave in effect the prohibition against using buses purchased with Federal-Aid Highway funds in charter activities. By creating different standards for the purchase of buses from the two programs, the bill would discourage the use of highway funds for mass transit purposes. It would thus undermine one of the central achievements of the Federal-Aid Highway Act of 1973, the provision giving greater flexibility to States and communities in meeting their transportation problems. This we cannot afford.

I strongly supported legislation which applied uniformly to both the Federal-Aid Highway program and the Urban Mass Transportation program. The Senate version of the bill provided flexibility, encouraging bus purchases from both of these funding sources. It is essential that our communities' mass transit companies can use their buses to produce badly needed charter revenues, and I will continue to press for this balanced flexibility.

As we face gasoline shortages and an increasing demand for public transportation, we should do all we can to afford local officials genuine flexibility to use Federal-Aid Highway funds to improve mass transit if they so desire. I am withholding my signature from H.R. 10511 because this legislation would work directly against that objective.

I urge the Congress to act early in the next session to relax the charter prohibition uniformly with respect to both the Federal-Aid Highway program and the Urban Mass Transportation program. If this action is taken promptly, our mass transit systems need not suffer any adverse consequences.

RICHARD NIXON.

THE WHITE HOUSE, *January 3, 1974.*

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS:

H.R. 12150. A bill to amend the Public Health Service Act so as to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis; to the Committee on Interstate and Foreign Commerce.

By Mr. GUNTER (for himself, Mr. LEHMAN, Mr. ROE, and Mr. MATSUNAGA):

H. Res. 762. Resolution creating a select committee to conduct an investigation and study of the role of the oil and gas industry in contributing to the current energy crisis; to the Committee on Rules.

SENATE—*Saturday, December 22, 1973*

The Senate met at 1 p.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

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

Our Father God, who has illumined all history by the shining light of Bethlehem, we thank Thee for its message moving upon our human hearts, that makes us all children again, believing in the herald angels, singing with the watching shepherds, worshipping with the ancient kings.

For such a time as this may its message of "peace on earth, good will toward men" penetrate all hearts and guide all nations, that sin may be forgiven and suffering relieved by the worldwide reign of the Spirit incarnate in the Child of Bethlehem.

When our worship and festivities are over, send us all, like the shepherds and sages of old, back to the daily round different men and women to make different homes and different cities and different nations because we acknowledge the Lord of Life not on one day only but on all days. So let Thy light spread and Thy will be done, and the theme of the angels be the aim of all men.

Through Him who is born to be King of all life. Amen.

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 a bill (H.R. 7684) for the relief of Nicola Lomuscio, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 412) providing for the sine die adjournment of the 1st session of the 93d Congress, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

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

H.R. 3733. An act to authorize the American Battle Monuments Commission to assume control of overseas war memorials

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erected by private persons and non-Federal and foreign agencies and to demolish such war memorials in certain instances;

H.R. 11333. An act to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; and

H.R. 11576. An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILL REFERRED

The bill (H.R. 7684) for the relief of Nichola Lomuscio, was read twice by its title and referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 21, 1973, be dispensed with.

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

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT TO WEDNESDAY, DECEMBER 26, 1973, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 9 a.m. on Wednesday next.

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

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

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

HOUSE CONCURRENT RESOLUTION 412—SINE DIE ADJOURNMENT

Mr. MANSFIELD. Mr. President, I understand that a resolution of adjournment is at the desk. I ask the Chair to lay it before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which the clerk will state:

The legislative clerk read as follows:

H. CON. RES. 412

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1973, they shall stand adjourned sine die.

Mr. MANSFIELD. Mr. President, I wish to offer an amendment which will be in line with what the Senate has agreed to twice this year already.

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

The second assistant legislative clerk read as follows:

On page 1, line 4, strike the period and, insert the following:

"or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

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

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 412), as amended, was agreed to.

Mr. MANSFIELD. Mr. President, the reason for amending the resolution was that twice this year the Senate agreed to the principle it established. It was agreed to on a bipartisan basis among the leadership of the House and the Senate and, incidentally, one of those concurring while he was the Republican leader of the House, is the distinguished Vice President, Mr. GERALD R. FORD.

I want to express the appreciation of the joint leadership to the Senate for the third time this year affirming that principle which, I think, has a great deal of validity so far as this institution and Congress are concerned.

Mr. President, the Senate already has granted permission to adjourn until 9 a.m. on Wednesday next. For the information of the Senate, that would be a pro forma session—in and out. No business would be conducted.

It is the intention of the joint leadership, if agreement cannot be reached, to operate on that basis until noon, January 3, barring, of course, unforeseen circumstances, and on January 3, under the joint resolution passed unanimously by the House and Senate and signed by the President of the United States, the Senate will then stand in recess or adjournment, whichever way one wishes to define it, from noon on January 3, 1974, until noon January 21, 1974.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I know the Senator means this, but I think to be perfectly clear, so far as the suggestion is concerned, if the House accepts the amendment we adopted we will not come in on Wednesday.

Mr. MANSFIELD. Of course. What the majority leader is endeavoring to do, as he tries at all times to do, is to take out a little insurance.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT AND THE ENERGY BILL

Mr. BAKER. Mr. President, it is now 1:40 in the afternoon on December 22. We are apparently unable, at this point at least, even to agree with the distinguished other body on the method and manner we will adjourn sine die and how we will resolve ourselves on the matter of the authority of the leadership of the respective Houses to reconvene the Congress.

We stand, of course, in the shadow of the possibility that the President of the United States may feel the necessity to reconvene the Congress.

I have no idea of what will happen in those respects. I am not sure when we will adjourn sine die, or if we will adjourn sine die, but I have these remarks to make in the spirit of conciliation and in the spirit of this holiday moment.

During this past week I heard strong words in the conference on the energy bill. I was privileged to be a conferee, as was the distinguished Senator from Montana, the Acting President pro tempore. There was hard bargaining. There was extended debate. There were late night sessions and cancellations of plans not only for adjournment, but also for travel arrangements, speaking engagements, and the like, all in recognition of the fact that we were dealing with a matter of the utmost importance.

I suppose that one of the underlying and never-stated questions of the conference was who would have the authority to direct our route through the rocks and shoals of the present energy crisis, how much power would be given to the President and how much power retained by the Congress, the veto right, and the resolution of disapproval that the Congress might retain.

Those were legitimate concerns. Congress must continue to exercise its constitutional powers and be a full participant in this matter. However, the matter of coequal branches of the Government was legitimate as well. Stated in the vernacular, someone has to be the boss.

Someone has to make the tough decisions and have authority to make them stick.

But the note of conciliation that I would like to utter in these final hours of this session of this Congress are that notwithstanding our disagreements, notwithstanding our unfortunate inability to arrive at a mutual understanding between the two bodies in the form of an energy bill, notwithstanding the long hours and tedious work that has apparently now been lost, at least for this session of this Congress, notwithstanding the frayed tempers of the conferees and Members alike, and no doubt as well of the executive department, notwithstanding those things, we have to keep in mind that we still do have a crisis and a problem.

We must confront this crisis and deal with the problem. Our recent inability to deal with it must not harden into polarization.

It is the country that is the hostage and not the Congress and not the White House.

So, when we come back, whether that is tomorrow or next week or the 3d of January or the 21st of January, I hope that both bodies will put aside the emotions of the moment and dampen the fires and the controversies and once again get down to the business of the country.

It would be of small concern for the House to win or for the Senate to win or for the White House to win if people have to burn air in the fuel jets of their furnaces or their automobiles are stationary because they have no fuel. There will be little consolation for the country, or for those who are entrusted with making the policy decisions in this country. We still have an energy shortage. We cannot afford the luxury of winning or losing.

So many things were not done as a result of our failure to pass an energy bill. I was a conferee, not from the Committee on Interior and Insular Affairs, which had primary jurisdiction, but from the Public Works Committee which had jurisdiction over the extensive environmental provisions of this legislation.

I may say on the floor and in the presence of my distinguished chairman, the senior Senator from West Virginia (Mr. RANDOLPH), that I was very pleased at the progress we made concerning the necessity for a continuation of the fight for clean air and water. We did not throw out the baby with the bath water. We accommodated to the realities of the moment. We wrote, I believe, a realistic and practical section dealing with the automotive emissions that continues our forward momentum and progress in this field, and which will add certainly to the standards of the Clean Air Act. Industry will have an opportunity to fully realize the promise of the new techniques and new designs and to provide for improved fuel economy, as well.

I was impressed that the Clean Air Act provisions of the bill which were hammered out in what was, in effect, a subcommittee of the conference were representative of the environmental concerns of the Members of both the Senate and the House. When we brought our agreement on the environmental provisions to the whole conference, it was adopted almost immediately without extensive debate by the full conference.

In this spirit of conciliation, I must say that I do not want to see these sections go down the tube. We worked hard on them and made good progress.

I urge, and I fully expect, that when the next session of this Congress convenes and we pass an energy bill, that we will take into account those matters upon which we reach a satisfactory accommodation as well as those things that are still in hot dispute.

I hope that we can retain the clean air provisions—both the mobile source provisions and those dealing with revision of standards applicable to stationary power sources.

And as far as I am concerned, our temporary failure to succeed in this matter should in no way prevent our doing what needs to be done for the country early in the next session of the Congress. I believe there is a reservoir of good will that is far greater in scope than the reservoir of agony that brought us to this unfortunate situation.

I suppose that these are the last words I will have to say in this session of the Congress. I would like to take this opportunity to express my good wishes and my respect and admiration for all of those with whom I have served, to the distinguished chairman of the Public Works Committee and to the leadership on both sides of the aisle.

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

Mr. BAKER. Mr. President, it is my great privilege to yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I wish to reinforce what the Senator from Tennessee has said in reference to the conference subcommittee's work as we attempted to cope with providing for a continuance of the environmental standards directly attributable to the Clean Air Amendments of 1970. I speak not a pleasantry, but a fact, when I express my appreciation to the Senator from Tennessee (Mr. BAKER) and to the Senator from Maine (Mr. MUSKIE).

As chairman of the Public Works Committee I joined in our effort. We also were privileged to work with Representative PAUL ROGERS of Florida and Representative HASTINGS of New York. There were many hours of consultation toward achieving a clarification of the points involved. During this work there was an undergirding and an understanding among the conferees.

When we went to the conference with the Senate's recommendations, there was a general confidence among the other Members in what had been done.

I certainly agree with what the Senator who has said: we must not, indeed cannot, allow what has been done, from the standpoint of clean air and the quality of life to be tossed aside. The standards under which we have moved forward represent concerted work, over a period of years which was substantial and necessary. Now we are talking about a pause, not a retreat, but a realistic accommodation to the energy crisis. We were proposing to do this on one or more occasions, even prior to the conference action on the emergency energy legislation.

I further endorse what the Senator from Tennessee (Mr. BAKER) has said about the need for the passage of the energy legislation. When this occurs I hope it will incorporate a considerable amount of what was done by the Senate but did not pass the Congress. I said yesterday during the debate on the emergency energy legislation that some parts of that conference report should have been passed by Congress before this session was to conclude. I still believe as I did yesterday, but I also feel called on to say, while the leadership on both sides of the aisle is present in the Chamber, that we should, as quickly as possible, come to grips with this matter again in the next session. Next year we cannot allow this matter to remain unsettled, let us say, until the spring. We should move promptly on our commitment, even though we failed in this instance. The citizens of our country expect us to act more completely and fully than we were able to do in this first session.

It certainly would be my hope that by early February we would be able to act on emergency energy legislation. A delay beyond that date would be unwarranted.

When the Congress returns we must act with reason rather than rancor, if the essential solutions to our immediate energy crisis are to be forthcoming. Toward this objective the administration and the Congress must join forces and work together.

I recall the words of President Nixon in his November 2 message to the Congress when the Chief Executive said—

> As essential as these actions are to the solution of our immediate problem, we must recognize that standing alone, they are insufficient. Additional steps must be taken, and for that perhaps, we must have new legislation.
>
> I am therefore proposing that the Administration and the Congress join forces and together, in a bipartisan spirit, work to enact an emergency energy bill. Members of my Administration have been consulting with appropriate leaders of the Congress for more than two weeks on this matter. Yesterday I met with the bipartisan leaders of the House and Senate and found them constructive in spirit and eager to get on with the job. In the same manner, I pledge the full cooperation of my Administration. It is my earnest hope that by pushing forward together, we can have new emergency legislation on the books before the Congress recesses in December.
>
> Based on previous consultations with the Congress, I have decided not to send a specific Administration bill to the Congress on this matter but rather to work with the Members in developing a measure that would be acceptable to both the executive and legislative branches.

While this spirit of consultation was reflected during the Senate's hearings and markup on the legislation, it was noticeably absent when it came time for action on the conference report.

If early Senate action is to occur next year such consultations will be essential; this Senator pledges his cooperation with the administration. My remaining concern is that the White House respond in kind. I share hope for cooperation.

As a postscript, I must add, that we

cannot forget that there are several measures that have or will become law. The President, I am sure, will sign the 55-mile-an-hour mandatory limitation on the speed of our vehicles. This will provide a tremendous conservation of gasoline, possibly as high as 165,000 barrels a day. It will contribute not only to more pleasant driving, but also to a better safety record in the months ahead. This measure might otherwise be overlooked; however, it was passed by Congress this session. The Congress also has passed Alaska pipeline legislation, the Emergency Petroleum Allocation Act of 1973, and the administration opposed Eagleton amendment to the Economic Stabilization Act of 1973. These measures, which are the positive product of the Congress, have served as the cornerstone of present energy conservation actions proposed by the President.

But the record of the Senate does not stop there; among the various measures which also have passed the Senate in recent months are the Energy Research and Development Policy Act, the National Energy Conservation Act, legislation providing a statutory basis for the Federal Energy Administration. Each of the measures represents an element of a national energy policy, which our country so vitally needs. Yet, none of the measures would be close to enactment without congressional initiative.

Mr. President, again, I commend my colleague from Tennessee (Mr. BAKER) who, as I determined long ago, is not in any sense politically partisan. Throughout our associations on environmental and energy legislation, he is one who has worked with those of my party in the interests of the Nation as a whole, and for the well-being of the American people.

It is appropriate and timely also, Mr. President, that we recognize the leadership of the Senate—majority and minority. These Senators who hold elective positions within the Congress' structure have worked together and cooperated with all Senators in an effective manner. Their efforts have been dedicated toward the enactment of legislation which will benefit all citizens. I know that their record of service will continue in the second session of this 93d Congress as we strive to enact much needed energy measures and other proposals.

Senators MIKE MANSFIELD and ROBERT C. BYRD, with Senators HUGH SCOTT and ROBERT GRIFFIN, have the appreciation and trust of their colleagues.

Mr. BAKER. Mr. President, I thank the distinguished chairman for his remarks and for his appropriate observations on the accomplishments of the Public Works Committtee. It is a great privilege to serve, as the ranking Republican of the committee, with the distinguished Senator from West Virginia.

I am pleased to follow in the great tradition of bipartisan cooperation in that committee, which dates back to 1967 when I first came to the Senate, and the distinguished Senator from Kentucky, John Sherman Cooper, was the ranking Republican. I was impressed then, and I have continued to be impressed, by the bipartisan spirit in which that committee works.

Mr. President, I shall not prolong these last minutes, but shall merely say that I thoroughly agree with the observations of the distinguished chairman of the committee. I think that by taking the actions we have taken with regard to the environment provisions of this energy legislation we have put the country on notice that we intend to move in this field. We have disclosed through the conference report, which unfortunately we are not adopting, our work product.

Some of the uncertainty regarding clean air standards is dissipated, for surely both the country and industry, especially the automobile industry, understands the direction in which we are moving, and we shall continue to move in a direction which will benefit the entire country.

I reiterate that I hope we will lay our disappointment aside, and that when we return, we will pass this legislation, because not only the Senate, the House, and the President, but the whole country will be the loser if we do not.

Mr. LONG. Mr. President, I wish to express my supreme disappointment that the Senate and the House have not been able to come together in agreement on an energy bill.

Last night the distinguished majority leader expressed a wish that the Senator from Louisiana join with those who were conferring with Senators on the Republican side in the Vice President's ceremonial office, to help to work out a compromise. I think the RECORD might as well reflect at this point that I was pressing those who opposed the conference, to move toward a middle ground, as well as with those who were expressing themselves in favor of the conference report, and in supporting the chairman of the committee, the distinguished Senator from Washington (Mr. JACKSON), that both sides should make concessions.

I think that those who agreed with the administration, in general, and those who seriously objected to the conference report were willing to yield on all but about four of those points. The manager of the bill, the distinguished Senator from Washington (Mr. JACKSON) and his colleagues were willing to come to terms on a number of items, and there was some agreement that the others were willing to yield.

So the Senate did a very fine job of resolving those things in ways that men of honor could advance something which could promote the national interest.

I am an admirer of the chairman of the Committee on Interstate and Foreign Commerce, of the House of Representatives, Mr. STAGGERS. As one who admires him, I am very much disappointed that we were not able to come to terms with him. Unfortunately, it appears that his position was completely adamant on one item. We were never completely rigid about it, speaking for myself. We still are willing to consider it and try to reach a point where we can reconcile our differences.

Unfortunately, the press reports indicate that the chairman of the House Committee on Interstate and Foreign Commerce said that the Senate was trying to run over the House, to treat it as though it were a doormat. I hope the chairman of the House committee will read my remarks and learn that we did all that we could do to get the Senate to agree on something and were trying to get the House to agree. We tried to get the House to agree to a compromise, but it was impossible to do so.

So far as I can determine, in talking to my colleagues in the House, and so far as the record will reveal, there was no opportunity for Members of the House of Representatives to grasp all of the good will at Christmastide that went into the proposed Senate compromise. We regret very much—I am sure that I do—that very little of our good intentions were understood by those in the House of Representatives. In fact, I do not believe it was even suggested for a moment that we had men of good will on this side. We are still that way, and I hope that the spirit of the yuletide season will penetrate to the House of Representatives, as indeed it has in the Senate, and that between now and the first of the year those who have exercised tremendous power in the House will be in a more conciliatory mood.

I asked my friend, JOE WAGGONNER, who serves on the Ways and Means Committee, how it could possibly have been that the Commerce Committee in the House could ever have been accorded the power to pass a so-called excess profits tax law or a Renegotiation Act. The best information I could obtain is that it never occurred to anyone on the Ways and Means Committee of the House that the Rules Committee would grant such an extraordinary rule, that the committee, which did not have jurisdiction of tax or renegotiation measures, would be permitted to take such a matter to the floor without at least according those on the tax-writing committees the opportunity to share the floor and be heard.

Nevertheless, that is how it was. So the Commerce Committee became the tax committee on this, having drafted the first tax law that that committee had drafted in many years—perhaps the first time it has ever drafted a tax law. That committee has been totally unyielding on it. Apparently it was yielding to the point that they were willing to eliminate coal from their Renegotiation Act. I understand—and I will stand corrected if the record proves me wrong—that the chairman of the Commerce Committee, coming from a coal-producing State, did support the measure to eliminate coal from the Renegotiation Act which he would impose on oil.

That really does not get to the real problem. The problem is that one-third of our oil must be imported. We cannot except anyone to sell us world market oil at a price below the world market price. I know that the Commerce Committee of the House can do a fine job of regulating the activities that occur within the United States. I have never seen it proved that the Commerce Committees of Senate or House, or their joint efforts, can do very much about regulating foreign countries. I will

await with interest to see it demonstrated if they can regulate Nigeria, Venezuela, Iraq, Iran, or Saudi Arabia. If they want to try it, I am willing to give them my support and my help, provided they will not exert their efforts to regulate foreign nations on a measure as vital as the energy bill which must become law.

That is basically what much of the problem is. We may have to pay a higher price for oil. We may have to pay a higher price for liquefied natural gas during the period of the blockade and the emergency in order to acquire what we can to keep Americans warm. It would be unfortunate if Americans, willing to pay any price to obtain fuel to heat their homes, to carry on their businesses, and to move around, found themselves in a situation where they cannot obtain fuel at any price.

I fear, Mr. President, that that may be what will develop between now and next spring, if the emergency becomes sufficiently acute.

I am convinced that Congress will measure up. Unfortunately, at this point, we do not have enough of an emergency on our hands for statesmanship to reach its zenith. However, I am fully convinced that when the emergency is sufficiently with us, Members of the Senate and our colleagues in the House will prove that they are equal to the task.

Some time ago I said that I really did not think the Senate has the power to destroy this country. I stated that facetiously. I really feel that way about Congress. I do not think Congress has the power to destroy a nation as great as this one—certainly not by neglect. One reason is that Members of the Senate and House react when the emergency becomes acute. We will, in my judgment, measure up to the problem that faces us.

As the chairman of the tax-writing committee, I expect to recommend to that committee and I have strong hope the committee will vote for a measure which does tax excess profits achieved during the energy crisis. But I would hope very much that whatever measure we will write will encourage people to produce more energy, and provide us with more fuel, and that it will be a measure that sees that the purpose should be to achieve more production, greater wealth for this country and, at the same time, to tax those who have some gains to which they are not rightfully entitled. If the details can be worked out, I believe that the Finance Committee and the Ways and Means Committee are capable of working it out.

I regret to say that the effort by the Commerce Committee thus far has fallen short of the target. For example, in their initial effort to write a renegotiation and an excess profits tax law, they set as their base a number of years which from the point of view of the domestic industry were depressed years. Obviously, an excess profits tax should be based on the excess over a fair profit, not the excess over a depressed year. Then, having failed to write language that would properly describe an excess profit, they sought to turn over to a single man, the so-called Administrator, the right to say what he thought the excess profit should be.

It has never been my experience that one man could write a tax law or a Renegotiation Act as well as the broader responsibility of a committee. I would hope that in the days ahead, as passions cool and as the yuletide season gains hold on Senators and Members of the House, the impasse in which we find ourselves will dissolve into the kind of good will which we wish every man and woman in the coming year.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the resolution (H. Con. Res. 412) providing for the sine die adjournment of the first session of the 93d Congress.

VITIATION OF SENATE ACTION ON SENATE CONCURRENT RESOLUTION 62

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate action on Senate Concurrent Resolution 62 be vitiated.

The ACTING PRESIDENT pro tempore. Is there objection. The Chair hears none, and it is so ordered.

VITIATION OF ACTION ON ADJOURNMENT RESOLUTIONS

Mr. MANSFIELD. Mr. President, if there are any other resolutions at the desk covering the same subject, advocated by the leadership, I ask unanimous consent that they be vitiated, also.

The ACTING PRESIDENT pro tempore. Without objection, action on all such resolutions, if any, will be vitiated.

ADJOURNMENT SINE DIE—MESSAGE FROM THE HOUSE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the resolution (H. Con. Res. 412) entitled "concurrent resolution providing for the sine die adjournment of the first session of the Ninety-third Congress."

VITIATION OF ORDER FOR A PRO FORMA SESSION ON WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order under which the Senate would come in on a pro forma basis on Wednesday next to be vitiated.

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

U.S. POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA

Mr. MANSFIELD. Mr. President, when Secretary of State Kissinger was last in Peking, he went to considerable length to emphasize that the new U.S. policy with respect to the People's Republic of China was here to stay. As I recall, he stressed that whatever might be churned in our internal political mills, it would affect, in no way, the continuance of the détente with that nation.

The Secretary of State, of course, cannot speak for the next President of the United States anymore than a Member of the Senate can do so. Nevertheless, in my judgment, Mr. Kissinger was on eminently sound grounds in stressing the bipartisan nature of present U.S. policy. As a Democrat, I acknowledge readily that it was a Republican President and his assistant who took the first significant official step toward rapprochement with China after a protracted separation. Mr. Kissinger's laying of the groundwork was exemplary diplomacy and Mr. Nixon's visit to China was immensely effective summit contact. Both are to be commended for a wise and long overdue initiative. In retrospect, I cannot recall that any Democratic Member of the Senate was hostile to or in any way opposed this step which was taken in the closing period of the first Nixon administration. On the contrary, the President proceeded from a base of assured support in the Congress. Insofar as the Senate is concerned, individual Members had been suggesting for years prior to the official initiative that it was time for a change in China policy. Speaking for myself, the President knew that he could count on full support because, with his knowledge and collaboration, I had been trying for several years—beginning back in the Johnson administration—to open the doors to renewed contact with China.

So with that background and with the bipartisan congressional visits which have since taken place, the new China policy can be said to have put down deep bipartisan roots. I would note, for example, that during the first congressional visit to China, shortly after that of the President's, both the minority leader (Mr. SCOTT) and I endorsed fully the policy which Mr. Nixon had set. The same was true in the case of the visit of the assistant Republican leader (Mr. GRIFFIN) and the subsequent House leadership, a visit which included, I might note, the participation of the distinguished President of the Senate, Vice President FORD, who would, of course, succeed to the Presi-

dency in the event of a vacancy in that office during the next 3 years. I would note, too, that Vice President FORD has indicated that if by some chance he were to be called to the Presidency, he would retain the services of the present Secretary of State.

Beyond the next 3 years, Mr. President, we are dealing with the unknowns of domestic policies, not to speak of those of international politics. As I said, no one can speak for the next President of the United States. I would venture to suggest, however, that if the rapprochement continues to unfold as it has to date, it is inconceivable that any administration—Republican or Democratic—which takes office after the elections of 1976 would fail to stay with present China policy. Indeed, it may even be that the pace of reconciliation would be accelerated. Certainly, I cannot envision at this time an acceptable alternative to that policy and it is doubtful that the preponderance of the people of the Nation or the Congress would sustain any other.

So, again, let me say that I think that the President and his Secretary of State are on the right track with regard to China and both are to be commended for pursuing it. I am persuaded that the logic of the international situation and the realities of our political process are very likely to keep it going in the same direction under any successor President—Democrat or Republican. In my judgment, only unforeseen and extraordinary developments in Asia can deflect this Nation from that policy. In the long run, the rapprochement of the People's Republic of China and the United States is too full of constructive significance to both nations to be derailed by internal political adjustments in either nation.

Mr. HUGH SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. HUGH SCOTT. Mr. President, I am very happy that the majority leader has made this very important point pertaining to our current and future relationships with the People's Republic of China.

There have been visits now by a number of Senators to the People's Republic, including the distinguished majority leader and myself, the distinguished assistant minority leader (Mr. GRIFFIN), and the distinguished Senators from Washington (Mr. MAGNUSON), Alabama (Mr. SPARKMAN), and Wyoming (Mr. MCGEE), as well as a number of Members of the House. Therefore, the bipartisan spirit of continued coordination and a move toward normalization of relationships is expressed by the visits and the views of the Members of both parties in Congress, as well as by the actions taken by the Chief Executive.

I think it is very reasonable to assume that no matter who may occupy the office of the Presidency in the future and no matter who may hold the positions we now hold in Congress—I mean by that the body generally, of the Senate and the House—a continuance of a good bipartisan relationship can be expected.

We have found the people of the People's Republic of China to be cordial in their approach to us, frank in their relationships, and cordial to us as visitors. We, in the Senate, have acted as hosts for a number of visitors from the People's Republic of China, and they have reciprocated in entertaining a number of Americans, individuals and groups, as they visited the People's Republic of China.

So, having had for a good part of my life a very strong and personal interest in the history and the development and the culture of China, I am especially pleased that the distinguished majority leader has mentioned this relationship. I think it bids fair to improve and to be widened. It is my hope that many Americans will be able to see for themselves the People's Republic of China, as the facilities of that nation expand for the purpose of receiving and entertaining visitors.

So I thank the distinguished majority leader. I am sure that neither he nor I will ever regret our latest trip to the People's Republic. We both had been there before. I certainly look forward to another visit there at an early opportunity.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. President, before I call up the resolutions which accompany an adjournment resolution, I would suggest the absence of a quorum.

Mr. LONG. Mr. President, will the Senator withhold that for a moment?

Mr. MANSFIELD. Yes.

Mr. LONG. Mr. President, I believe the Senator is going to make a motion that would not be debatable. I wish to say before we leave that having observed this body for many years, dating to the days when my father served here, it has been my impression that there has been no leader of the Senate who has been more thoroughly considerate of all Senators and who has done more to bring together people than the distinguished Senator from Montana.

In my opinion, not having known all the majority leaders, but having known some great ones, he is the greatest majority leader the Senate has ever had.

There are differences that remain between the House and the Senate, but no differences among Senators; they have all been resolved in this Congress. A great deal of that is the complete responsibility and achievement of our distinguished and able majority leader, the Senator from Montana.

In these days of sparse attendance, when I see only a few faithful on the floor, I feel that the Senate is particularly fortunate to have great leadership on both sides on the aisle: our distinguished and able assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD); the distinguished minority leader, the Senator from Pennsylvania (Mr. HUGH SCOTT); the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN). I really think there never has been a time in the history of the Senate when men of good will have worked together more diligently, sincerely, earnestly, and effectively for the ultimate good of this Nation. I only regret it has not been possible in all cases for the good will to penetrate the other body. But I hope that starting in January even that will be possible.

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

Mr. MANSFIELD. I yield.

Mr. ALLEN. Mr. President, I, too, would like to join in the praise that has been given to the leadership on both sides of the aisle, and particularly to the distinguished majority leader for his leadership as the majority leader, to the joint leadership; and certainly the distinguished majority whip, the Senator from West Virginia (Mr. ROBERT C. BYRD), at whose feet I have learned and served here in this body.

I have served under only one majority leader, being a freshman Member of the Senate, but I recall that one of the first statements I made on the floor in the Senate when I saw the fair-minded, statesmanlike manner in which the majority leader was conducting the duties of his office, was that the majority leader was growing in my esteem by leaps and bounds. That has been almost 5 years ago and he has continued to grow in my estimation. One thing that I appreciate so much in the majority leader is that he is anxious that every Member of the Senate have an opportunity to have his way and speak out on the issues before the Senate. He is fair-minded; he certainly has great qualities of leadership. He is loved by every Member of the Senate.

I have not always agreed with the majority leader. On occasion when I have voted as the majority leader has voted, I have jokingly said to him, "I am following my leader on this occasion."

But irrespective of whether we vote together on the issues, I know that the people of the State of Alabama are going to have their opportunity to be heard through their two Senators.

So we appreciate this courtesy, this gentlemanly conduct, and treatment that we have always received in the Senate.

I never have had the pleasure of knowing a person who was fairer, who was more dedicated to the public interest as he sees it than is the distinguished majority leader.

I cannot let the opportunity go by without commending the majority leader, the assistant majority leader, the distinguished Republican leader, the assistant Republican leader, and the joint leadership, who give those with differing views an opportunity to be heard in the Senate.

Speaking for the people of Alabama, we are appreciative of this courtesy.

Mr. MANSFIELD. I thank the distinguished Senator for his words are most pleasant, but I must say I feel embarrassed.

Mr. HUGH SCOTT. Mr. President, I would not want to extend indefinitely the embarrassment of our friend, the distinguished majority leader. I have on recent occasions spoken more at length on the same subject but I would like to say here one more time that the relationship which I have enjoyed with the distinguished majority leader and the distin-

guished assistant majority leader, and the distinguished assistant minority leader has been cordial, cooperative, very happy, interesting, and a worthwhile experience for me. We have been dealt with at all times with total integrity and the utmost understanding of our problems.

We have said before how fortunate we are in having the opportunity on this side to deal with leaders of the caliber of the men who represent the majority in the Senate. We have contained our differences within those essential and tolerable limits of mutual respect and mutual recognition, but this is a body wherein debate flourishes, but flourishes for the sole purpose of ascertaining what is the best and most effective way by which we may discharge our common duties, and involves, too, a continuing search for the truth through the maze of opinion and how imperfect we may be in this exercise. But the fact that we are able to do it within the finest traditions of the Republic is to me indeed a very reassuring and pleasant thought with which to end our present session of the Congress.

Mr. MANSFIELD. I appreciate all those remarks but I am glad that those outside the leadership, like the distinguished Senator from Louisiana (Mr. LONG) and of the distinguished Senator from Alabama (Mr. ALLEN), have taken in the whole leadership collectively on both sides of the aisle because what has been done in this body has been a joint effort and with a lot of understanding and cooperation between Democrats and Republicans, and that has all been forthcoming.

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

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

The legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

The routine morning business transacted during the day is printed at this point in the RECORD by unanimous consent.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) on today, December 22, 1973, signed the following enrolled bill which had previously been signed by the Speaker of the House of Representatives:

S. 2812. An act to amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities;

H.R. 8449. An act to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes;

H.R. 8529. An act to implement the shrimp fishing agreement with Brazil;

H.R. 11238. An act to amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; and

H.R. 11771. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

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. JOHNSTON (for himself and Mr. HASKELL):

S. 2860. A bill to amend the Natural Gas Act to extend its application to the direct sale of naural gas in interstate commerce, to provide that fair market value shall be the just and reasonable rate for new sales in interstate commerce, and to require full cost rates for industrial sales in interstate commerce. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. HASKELL):

S. 2860. A bill to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, to provide that fair market value shall be the just and reasonable rate for new sales in interstate commerce, and to require full cost rates for industrial sales in interstate commerce. Referred to the Committee on Commerce.

NATURAL GAS AMENDMENTS OF 1973

Mr. JOHNSTON. Mr. President, I am pleased today, on behalf of myself and the junior Senator from Colorado (Mr. HASKELL), to introduce amendments to the Natural Gas Act that will, I believe, provide a basis for solution to at least a part of the energy crisis.

Mr. President, in my judgment, the time has come to seek a compromise that will allow this Nation to begin to seek self-sufficiency in its natural gas supply. Like most compromises, it will be satisfactory to none but tolerable by all those who, in good faith, seek a solution to seemingly irreconcilable differences. Those who believe in continued regulation, yet admit that regulation has not been a success in natural gas, must reconcile with those who believe in no regulation at all, yet admit that an uncontrolled price in times of acute shortage may result in an unjustified price. I believe the bill that I am introducing today accomplishes these objectives.

We must face the fact that the present situation with respect to natural gas is intolerable to the national interest. We clearly need to expand the supplies of natural gas available to our citizens and, at the same time, to assure that our natural gas resources are more efficiently used. Those who have seen the intrastate market bid away gas that otherwise might have gone to the interstate market can agree that market conditions must be brought into balance—but one school of thought would visit the failure of Federal regulation of the intrastate market by eliminating price competiton, while the other would free the interstate market to compete with intrastate bidders without regulatory supervision. People of good will will acknowledge that there is a middle ground—a compromise that retains regulation only of the interstate market but permits competitive bidding at fair market value, with adequate consumer protection.

All of us recognize that, first and foremost, it is the consumer whom we must protect, and it is well to concede that neither school of natural gas thought has adequately considered the plight of the homes, the schools, and the hospitals that need natural gas. These important users of natural gas need an assured supply at the lowest cost. For years these domestic and commercial consumers have paid far too much for their gas in relation to the price paid by industrial consumers of our interstate lines. These industrial consumers were afforded the opportunity to buy large quantities of gas at rates a fraction of the homeowner's cost. Even in the 1960's these industrial consumers were guaranteed "sweetheart" rates cheaper than coal or any competing fuel by the Federal Power Commission, and this was justified on the grounds that "loads were balanced" or "more economical pipelines could be built" or "lower unit costs were available to housewives." In that period of time, many electric utilities switched from coal or oil to gas, in whole or part, simply because it was cheap. And it was cheap only because the Federal Power Commission set far too low a price at the wellhead and compounded its error by loading a disproportionate cost on the homeowners.

Whatever justification there may have been for this policy disappeared when interstate pipelines began to shut off or curtail their customers for want of gas supply. Therefore, with threats to health, safety, welfare and jobs, we in the Congress must focus first on supply. But we must not forget price, and that price can be controlled, not by asking the Federal Power Commission to regulate more, but by requiring industrial consumers to pay the full cost of all new gas supplies, thereby leaving the older, cheaper supplies for homeowners. We must also reverse the trend of those electric utilities who switched to gas to take advantage of inexpensive natural gas. The interstate pipelines will soon find the market clearing level when their industrial customers, direct and indirect, refuse to take gas and find that, after all, other fuels and environmental controls are not so bad after all. In the meantime, new supplies can be encouraged, while homeowners are insulated from risk of failure on the part of those who say—"get supplies at any price"—and those who say—"hold the price for any supplies."

The compromise that is contained in the legislation that I am introducing today involves the following general provisions:

First. New gas is defined as gas first dedicated for sale in interstate commerce after the effective date of the act. This means that only natural gas brought

to market for the first time, or gas sold to an interstate pipeline upon the expiration of an intrastate contract, after the effective date of this legislation would be eligible for the "fair market value" regulatory approach of this legislation, thereby avoiding any claim of windfall profits by legislation.

Second. An opportunity for a hearing is afforded any affected consumer or consumer group who wishes to establish that the rate proposed to the Federal Power Commission by an interstate pipeline and an unaffiliated natural gas company is not the fair market value of that gas, defined as the price set by an unaffiliated buyer and seller. An affiliated producer is required to establish that the price set in his contract with his affiliate is no higher than fair market value, as defined. Should the Federal Power Commission determine that the contract price was not the fair market value, the producer will be required to cease the sale.

Third. To ease the administrative burden on the Federal Power Commission, the Commission may, by rulemaking, establish a prima facie fair market value on a nationwide basis, subject to judicial review, and decline to hold hearings unless the contract price exceeds the prima facie standard. To eliminate uncertainty, the new gas rate set in AR70–1, unless modified or set aside upon judicial review, will constitute the first prima facie fair market value.

Fourth. The Commission will retain abandonment jurisdiction over all gas sold in interstate commerce from the time a certificate is accepted, but producers will be permitted to collect the contract prices for old gas after the contracts expire. The Commission would be permitted to authorize a higher rate upon showing of need for special relief to avoid waste, premature abandonment, or confiscation, or upon showing that additional developmental drilling will be undertaken by the producer if a higher rate is permitted.

Fifth. All costs of purchased new gas will be recorded in a separate account by interstate pipelines, and the Commission, by appropriate allocation and rate design, will assure that all industrial customers will pay the full cost of the new gas, including fully allocated fixed and variable costs allowed the pipeline in its cost of service, with all savings in the cost of service thus achieved being used to reduce rates to residential, commercial, feedstock, process users, and plant protection customers.

Mr. President, I believe that the legislation that Senator Haskell and I are introducing today will meet the challenge of both providing incentives for developing much-needed new supplies of natural gas and protecting the legitimate interests of the consumers of this country. I strongly urge its prompt consideration and passage.

I ask unanimous consent that the bill be printed 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. 2860

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 "Natural Gas Amendments of 1973".

SEC. 2. Subsection (b) of section 1 of the Natural Gas Act (15 U.S.C. 717(b)) is amended by striking out "for resale".

SEC. 3. Subsection (6) of section 2 of the Natural Gas Act (15 U.S.C. 717a(6)) is amended by striking out "for resale".

SEC. 4. Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended by adding the following subsections:

"(10) 'Fair market value' means the rates and charges made, demanded or received by agreement (except indefinite pricing clauses, if any) between a willing natural gas company that transports and sells natural gas in interstate commerce and a willing natural gas company that sells, but does not transport, natural gas in interstate commerce, neither of which natural gas company is affiliated with the other.

"(11) 'Definite pricing clause' means a provision in a producer contract which—

"(A) sets forth the price to be paid for natural gas delivered under such contract in terms of specific monetary units, including charges for specific supplemental services to be performed by the producer, without reference to any other contract, price, or circumstances, including, in addition to the initial price, any increases in the initial price, by specific amounts which shall become effective at definite future dates, or which become effective upon establishment of prima facie fair market value by the Commission;

"(B) changes in the price in order to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes or taxes of a similar type or kind levied after a specific date; and

"(C) establishes the price to reflect changes in the heating value of the gas delivered under such contract.

"(12) 'Indefinite price clause' means a provision in a producer contract, other than a definite pricing clause, under which the price for natural gas sold under the contract may be determined or changed.

"(13) 'Affiliate' means a natural gas company directly or indirectly controlled by, controlling or under common control with another natural gas company. For purposes of this definition, and without limiting the generality of the foregoing, a natural gas company will be deemed controlled by another corporation if a member of the board of directors of the natural gas company (or of a parent of the natural gas company) is also a member of the board of directors of the other corporation (or of a parent of the other corporation).

"(14) A corporation will be deemed a 'parent' of another corporation if the former corporation is the beneficial owner of more than 50 percent of the voting power of the latter corporation.

SEC. 5. Subsections (a) of sections 4 and 5 of the Natural Gas Act (15 U.S.C. 717c(a) and 717d(a)) are amended by inserting at the end of each of those sections the following:

"Provided, however, That (1) the just and reasonable rate for the sale of natural gas first dedicated for sale in interstate commerce on or after the effective date of this Act shall be the fair market value of that gas; (11) if such sale is by a natural gas company to one of its affiliates, the burden of proof of fair market value shall be on the applicant; otherwise, the burden of proof shall be on intervenors in opposition; (111) the just and reasonable rate for the sale of natural gas delivered pursuant to an existing contract that expires on or after the effective date of this Act shall, upon expiration of such contract, be the rate fixed in the expired contract unless, by appropriate order, the Commission authorizes a higher area or individual rate to prevent waste, premature abandonment, or confiscation, to encourage further exploration or development, or to reflect changes in cost and noncost factors in ratemaking, and

"Further provided, That the just and reasonable rate for sales in interstate commerce for industrial fuel use shall be not less than the fair market value of sales of natural gas to the natural gas company that transports natural gas in interstate commerce and the full cost of transportation allocated to firm customers at the same delivery point or zone."

SEC. 6. Subsection (c) of the Natural Gas Act (15 U.S.C. 717f(c)) is amended by inserting at the end thereof the following:

"Provided, however, That no hearing is required prior to certification of sales (but not transportation) of natural gas in interstate commerce for the first time on or after the effective date of this Act, if the rate charged, demanded or received is equal to or less than the *prima facie* fair market value which the Commission may, from time to time, establish by rulemaking without a hearing, in an amount not less than the last new gas rate determined by the Commission in any proceeding completed prior to the effective date of this Act, unless such determination is modified or set aside upon judicial review. and

"Further provided, That the sale of natural gas to a natural gas company for transmission and sale in interstate commerce may be commenced at the proposed rate upon the filing of the application for a certificate and may be continued until the certificate is issued or denied, and, if denied, the sale shall be terminated forthwith without liability for refund."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 22, 1973, he presented to the President of the United States the enrolled bill (S. 2812) an act to amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signatures to the following enrolled bills:

H.R. 9142. An Act to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes;

H.R. 10511. An Act to amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that Act for the acquisition of certain equipment which may be used for charter service in a manner which does not foreclose private operators from furnishing such service, and for other purposes; and

H.R. 11372. An Act to conserve energy on the Nation's highways.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bills.

ADDITIONAL STATEMENTS

OIL PRICE RATIONING AND EXCESSIVE PROFITS

Mr. HUMPHREY. Mr. President, in the last several weeks we have seen gasoline and home heating oil prices rise at shocking rates. Wholesale fuel prices, which are up nearly 50 percent over December of 1972, exploded by 19.3 percent in November alone, the greatest 1-month increase in decades.

Wednesday, the Cost of Living Council increased the ceiling price on crude oil by $1 a barrel. This will soon be reflected in a 2.3 cents-a-gallon rise in what consumers must pay for gasoline and fuel oil.

At this rate, it may soon cost a man on the minimum wage a full day's pay simply to fill his gas tank.

And if these increases to date are not enough of a burden on the American consumer, he can ponder the recent statements by Mr. William Simon, the head of the new Federal Energy Office, to the effect that gasoline prices may have to go up by 30 cents per gallon to achieve the desired reduction in consumption.

Before this policy of "price rationing" goes any further, however, I believe that the administration should explain to the Congress and the public just what real evidence it has on the effectiveness of further large price increases in cutting consumption. This so-called price rationing works a heavy hardship on the working man or the retired person of modest means without offering him any alternative means of essential transportation, and—what is worse—without requiring equal sacrifice by others. The price increases that already have taken place have had considerable shock effect on all but the rich to eliminate unnecessary consumption. The higher prices go, the more people will experience privation in vain without being able to cut back further on use. The administration should tell us why it believes that price increases as great as 30 cents per gallon will continue to squeeze out consumption in addition to simply imposing pain on the consumer. The higher prices go, the more inequitable this form of conservation is to low and middle income Americans.

Moreover, the administration should tell Congress and the public just why it believes that such price increases—with the billions in unearned profit they hand to the oil industry—will motivate those companies to produce more vigorously to end the shortage. Do we have any assurance that each additional billion dollars given to them in profits will get more oil out of the ground and more refineries built in the United States? Or will much of it be used, for instance, to buy out competitors whose supplies are now being chocked off, and thus further to consolidate the grip of the major firms on the structure of the fuels industries?

Mr. President, in regard to oil company profits, which by the way are up 47 percent so far this year, I was delighted to hear Mr. Nixon say Wednesday night that he intends to prevent "windfall profits" through an excess profits tax.

However, I have learned from experience that it is best not to applaud White House pronouncements until one has had a chance to read the fine print.

As chairman of the Consumer Economics Subcommittee, I intend to closely scrutinize the details of this "excess profits" tax proposal and its impact on our consumers. If it is found wanting, a legislative remedy may be needed.

I ask unanimous consent to print in the RECORD a table showing the extent of the oil companies' profit boom during the last several months.

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

INCREASE IN 1973 OIL COMPANY EARNINGS PER SHARE OVER SAME PERIOD OF 1972

[Percent]

Company	3d quarter	1st 9 mo.
Exxon	81	
Union Oil of California	76	56
Mobil	64	38
Getty Oil	73	62
Phillips	42	29
Standard Oil (Indiana)	37	31
Shell	23	
Standard Oil (Ohio)	11	54
Occidental	1957	
Amerada-Hess	500	88
Marathon	37	49
Kerr-McGee	13	40

INDIAN UNEMPLOYMENT

Mr. McGOVERN. Mr. President, on April 9 of this year, Mr. Lloyd Eagle Bull, the secretary of the Oglala Sioux Tribal Council in South Dakota, concluded his statement before the House Subcommittee on Indian Affairs by saying:

And now we have gotten to the real issue. The issue isn't Wounded Knee. It isn't the treaty of 1868. The issue is jobs. . . . I want to tell you that there is nothing more important that you can do for my people than to get a job program for us. We have an unemployment problem which goes back for generations. No wonder that so many people, even young people, lose hope. Get us jobs, and there won't be an Indian problem any more.

Mr. President, I do not believe that the problem of the reservations could be more succinctly stated.

The Federal Government is currently pouring approximately $1 billion per year into the Indian reservations of this country, and in the past 2 years the rate of unemployment and underemployment has been reduced a mere 2 percent—from 57 percent to 55 percent. Fifty-five percent unemployment. I doubt that any one of us in the Congress can possibly comprehend what it is like to live in an environment where the rate of unemployment is 55 percent.

It is inexcusable that a visitor from the Brookings Institution to reservations in the year 1971 would have to describe his observations as follows:

An Indian reservation can be characterized as an open-air slum. It has a feeling of emptiness and isolation. There are miles and miles of dirt and gravel roads without any signs of human life. The scattered Indian communities are made up of scores of tarpaper shacks or log cabins with one tiny window and a stovepipe sticking out of a roof that is weighted down with pieces of metal and automobile tires. These dwellings, each of them homes for six or seven persons, often have no electricity or running water—sometimes not even an outhouse. The front yards are frequently littered with abandoned, broken-down automobiles that are too expensive to repair and too much trouble to junk. The number of unemployed is striking. Everywhere there seems to be dozens of Indians standing around doing nothing.

Indian people should not have to leave the reservation—their friends, relatives, customs, and past to participate along with the rest of the country in the most affluent society in the history of man. We in the Congress formed the reservation boundaries, and now it is our duty and responsibility to try as best we can to bring to the reservation the opportunities we have brought to the other parts of the country. We must make an affirmative and substantial commitment to Indian development; our goal must be to give the Indian people the opportunity for economic parity with other Americans.

I ask unanimous consent that the latest Indian unemployment figures as compiled by the Department of the Interior, Bureau of Indian Affairs, be printed in the RECORD.

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

B. RESIDENT INDIAN POPULATION, LABOR FORCE, UNEMPLOYMENT, AND UNDEREMPLOYMENT: SUMMARY BY AREA: MARCH 1973

[Tabulation of selected items as reported by agencies]

	Population on and adjacent to reservation	Labor force (16 yr. and over)	Unemployment	Rate of unemployment (percent)	Temporary employment	Rate of unemployment and underemployment (percent,
BIA, grand total, population	542,897					
Population reported but not labor force status	30,066					
Total in labor force survey	512,831	167,321	61,678	37	30,213	55
Aberdeen area	48,846	33,141	5,283	40	2,321	58
Albuquerque area	34,952	12,961	4,373	34	1,848	48
Anadarko area	23,713	6,313	2,956	47	966	62
Billings area	30,460	8,259	3,259	39	769	48
Juneau area	61,026	19,878	12,461	63	2,906	78
Minneapolis area	22,052	6,660	2,546	38	1,256	57

	Population on and adjacent to reservation	Labor force (16 yr. and over)	Unemployment	Rate of unemployment (percent)	Temporary employment	Rate of unemployment and underemployment (percent)
Muskogee area	62,538	22,572	3,784	17	4,546	37
Navajo area	136,686	47,317	16,567	35	9,845	56
Phoenix area total population	(50,879)					
Population reported but not 1/f status	41					
Total in labor force survey	50,838	16,415	5,876	36	2,814	53
Portland area	25,395	8,325	2,997	36	1,526	54
Sacramento area total population	(36,255)					
Population reported but not 1/f status	30,025					
Total in labor force survey	6,230	1,858	910	49	420	72
Southeast area	10,095	3,622	666	18	996	45

C. RESIDENT INDIAN POPULATION, LABOR FORCE, UNEMPLOYMENT, AND UNDEREMPLOYMENT; SUMMARY BY STATE: MARCH 1973

Alaska	61,026	19,878	12,461	63	2,906	77
Arizona	114,178	38,504	13,574	35	7,516	55
California, total population	(37,582)					
Population reported but not labor force status	30,025					
Total in labor force survey	7,557	2,406	1,176	49	469	68
Colorado	1,745	595	219	37	152	63
Florida	1,594	605	160	26	212	61
Idaho	5,105	1,795	591	33	331	51
Iowa	575	150	32	21	26	38
Kansas	917	232	31	13	40	30
Louisiana	182	59	20	34	10	51
Michigan	2,252	715	274	38	113	54
Minnesota	11,273	3,359	1,390	41	673	61
Mississippi	3,379	1,088	72	7	433	47
Montana	25,922	7,183	2,743	38	684	48
Nebraska	2,492	1,012	520	51	276	78
Nevada, total population	(4,662)					
Population reported but not labor force status	41					
Total in labor force survey	4,621	1,375	443	32	339	57
New Mexico	92,963	33,063	11,396	34	6,000	52
North Carolina	4,940	1,870	414	22	341	40
North Dakota	14,881	4,118	1,766	43	454	54
Oklahoma	85,228	28,628	6,707	23	5,470	42
Oregon	2,833	808	196	24	37	28
South Dakota	31,579	8,036	2,999	37	1,593	57
Utah	7,391	2,535	892	35	435	52
Washington	17,708	5,795	2,236	38	1,174	58
Wisconsin	7,952	2,436	850	35	444	53
Wyoming	4,538	1,076	516	48	85	56

D. RESIDENT INDIAN POPULATION, LABOR FORCE, UNEMPLOYMENT, AND UNDEREMPLOYMENT; BY STATE AND RESERVATION[1]: MARCH 1973

Alaska (including all Indians and Natives)	61,026	19,878	12,461	63	2,906	78
Juneau area:						
Anchorage Agency	17,940	5,324	3,957	74	756	88
Bethel Agency	12,993	4,672	3,452	74	782	91
Fairbanks Agency	9,415	2,606	1,706	65	269	75
Nome Agency	9,777	3,480	1,897	54	515	69
Southeast agency	10,901	3,796	1,449	38	584	53
Arizona	114,178	38,504	13,574	35	7,516	55
Navajo area (including Alamo, Canoncito and Navajo—New Mexico and Utah part[11]	(136,686)	(47,317)	(16,567)	(35)	(9,845)	(56)
Estimated Arizona part—Navajo part (57 percent)	71,077	24,605	8,615	35	5,119	56
Phoenix area:						
Colorado River Agency, part (see also California):						
Cocopah	360	153	107	70	19	82
Colorado River (including California part)	(1,581)	(542)	(201)	(37)	(50)	(46)
Estimated Arizona part (98 percent)	1,549	531	197	37	49	46
Fort Mohave (including California part)	(387)	(148)	(42)	(28)	(11)	(35)
Estimated Arizona part (22 percent)	85	33	10	B	2	B
Fort Yuma (including California part)	(856)	(374)	(214)	(57)	(27)	(64)
Estimated Arizona part (3 percent)	26	12	7	B	1	B
Fort Apache Agency	7,200	2,321	1,395	60	226	70
Fort McDowell (area office)	340	89	5	6	10	17
Hopi Agency:						
Kaibab	153	55	23	42	8	56
Hopi	6,567	1,982	980	49	312	65
Papago Agency:						
Gila Bend	273	115	35	30	28	54
Papago	7,703	3,449	1,017	29	702	49
San Xavier	732	313	37	12	91	41
Pima Agency:						
Ak-Chin (Maricopa)	266	64	4	6	10	22
Gila River	8,331	2,311	421	18	500	40
Salt River Agency	2,750	670	50	7	150	29
San Carlos Agency	5,097	1,147	440	38	108	47
Truxton Canyon Agency:						
Camp Verde	342	127	25	20	15	32
Havasupai	363	136	68	50	28	70
Hualapai	870	358	130	36	132	73
Yavapai	94	33	8	B	6	B
California total population	(37,582)					
Population reported but not 1/f status	30,025					
Total in labor force survey	7,557	2,406	1,176	49	469	68
Phoenix area:						
Colorado River Agency, part (see also Arizona):						
Chemehuev	36	16		B	6	B
Colorado River (including Arizona part)	(1,581)	(542)	(201)	(37)	(50)	(46)
Estimated California part (2 percent)	32	11	4	B	1	B
Fort Mohave (including Arizona part)	(387)	(148)	(42)	(28)	(11)	(35)
Estimated California part (78 percent)	302	115	32	28	9	35
Fort Yuma (including Arizona part)	(856)	(374)	(214)	(57)	(27)	(64)
Estimated California part (97 percent)	830	362	207	57	26	64
Nevada Agency, part (see Nevada): Woodfords Community	127	44	23	B	7	B

Footnotes at end of table.

D. RESIDENT INDIAN POPULATION, LABOR FORCE, UNEMPLOYMENT, AND UNDEREMPLOYMENT: BY STATE AND RESERVATION: MARCH 1973—Continued

[Tabulation of selected items as reported by agencies]

	Population on and adjacent to reservation	Labor force (56 yr. and over)	Unemployment	Rate of unemployment (percent)	Temporary employment	Rate of unemployment and underemployment (percent)
Sacramento area:						
Central California Agency:						
Alturas	5	1	----	B	----	B
Berry Creek (no population)						
Big Pine (population only)[5]	50					
Big Sandy (Auberry)	64	22	8	B	7	B
Bishop	849	281	102	36	96	70
Cachil Dehe (Colusa)	40	22	5	B	7	B
Cedarville	7	3	3	B	----	B
Cold Springs	62	17	9	B	6	B
Cortina	8	4	----	B	3	B
Dry Creek	24	1	1	B	----	B
Enterprise (population only)[5]	4					
Fort Bidwell	163	103	32	31	50	79
Fort Independence (population only)[5]	62					
Grindstone	15	3	2	B	----	B
Jackson	12	2	----	B	----	B
Laytonville	112	48	34	B	3	B
Likely (no population)						
Lone Pine	159	87	59	68	6	75
Lookout	4	2	1	B	1	B
Manchester (Point Arena)	56	41	37	B	----	B
Middletown	21	6	3	B	2	B
Round Valley	402	143	87	61	15	71
Rumsey	12	5	3	B	----	B
Santa Rosa (population only)[5]	199					
Sheep Ranch (population only)[5]	1					
Sherwood Valley (no population)						
Shingle Springs (no population)						
Stewarts Point	35	5	----	B	5	B
Sulphur Bank	75	19	7	B	12	B
Susanville	327	142	90	63	28	83
Tule River	296	95	61	64	11	76
Tuolumne	197	43	28	B	10	B
XL Ranch	50	16	2	B	6	B
Other Central California Indians—in counties with trust land [3]	14,206					
Hoopa Agency:						
Big Bend (population only)[5]	10					
Big Lagoon (no population)						
Hoopa Valley	1,553	132	49	37	55	79
Hoopa Valley Extension (population only)[5]	150					
Montgomery Creek (population only)[5]	4					
Resighini (no population)						
Roaring Creek (population only)[5]	5					
Trinidad (population only)[5]	26					
Other Indians (Hoopa Agency)—in counties with trust land.[13]	7,670					
Palm Springs Area Field Office: Agua Caliente (population only)	175					
Southern California Agency:						
Augustine (no population)						
Barona	125	53	25	47	14	73
Cabazon	4	1	----	B	----	B
Cahuilla	23	10	5	B	----	B
Campo	40	21	14	B	5	B
Capitan Grande (no population)						
Cuyapaipe	2	1	----	B	----	B
Inaja and Cosmit (no population)						
La Jolla	41	22	10	B	5	B
La Posta (no population)						
Los Coyotes	51	18	10	B	2	B
Manzanita	6	3	3	B	----	B
Mesa Grande	24	8	5	B	3	B
Mission Reserve (no population)						
Morongo	260	76	8	10	5	16
Pala (Old Pala)	273	114	47	41	5	45
Pauma and Yuima	100	37	28	B	5	B
Pechanga	33	9	3	B	----	B
Ramona (no population)						
Rincon	115	31	16	B	10	B
San Manuel	19	10	2	B	7	B
San Pasqual	21	12	8	B	----	B
Santa Rosa	14	7	2	B	3	B
Santa Ynez	41	22	8	B	9	B
Santa Ysabel	110	30	19	B	6	B
Soboba	185	69	41	59	6	68
Sycuan	31	7	2	B	----	B
Torres-Martinez	43	16	7	B	3	B
Twenty-Nine Palms (no population)						
Viejas (Baron Long)	121	38	24	B	9	B
Other Southern California Indians—in counties with trust land [13]	7,436					
Colorado	1,745	595	219	37	152	63
Albuquerque area:						
Southern Ute Agency	751	279	98	35	80	64
Ute Mountain Agency (including Utah part)	(1,380)	(438)	(168)	(38)	(100)	(61)
Estimated Colorado part (72 percent)	994	316	121	38	72	61
Florida	1,594	605	160	26	212	
Southeast area:						61
Miccosukee Agency [4]	430	195	84	43	56	72
Seminole Agency:						
Big Cypress	377	120	17	14	60	64
Brighton	322	113	26	23	47	65
Hollywood (Dania)	465	177	33	19	49	47
Idaho	5,105	1,795	591	33	331	51
Phoenix area:						
Nevada Agency, part (see Nevada and Oregon):						
Duck Valley (including Nevada part)	(967)	(297)	(102)	(34)	(66)	(56)
Estimated Idaho part (21 percent)	203	62	21	34	14	56
Portland area:						
Fort Hall Agency, part (see also Utah): Fort Hall	2,782	1,142	389	34	252	56
Northern Idaho Agency, part (see also Washington):						
Coeur d'Alene	557	182	65	36	11	42
Kootenai	58	16	11	B	3	B
Nez Perce (Lapwai)	1,505	393	105	27	51	40

Footnotes at end of table.

	Population on and adjacent to reservation	Labor force (16 yr. and over)	Unemployment	Rate of unemployment (percent)	Temporary employment	Rate of unemployment and underemployment (percent)
Iowa	575	150	32	21	26	38
Minneapolis area: Sac and Fox Area Field Office	575	150	32	21	26	38
Kansas	917	232	31	13	40	31
Anadarko area: Horton Agency, part (see also Nebraska):						
Iowa (including Nebraska part) [6]	(260)	(62)	(4)	(6)	(6)	(16)
Estimated Kansas part (63 percent)	164	39	2	B	4	B
Kickapoo [6]	250	59	12	20	12	41
Potawatomi [6]	492	131	16	12	24	31
Sac and Fox (including Nebraska part) [6]	(21)	(5)	(1)	(B)	(–)	(B)
Estimated Kansas part (53 percent)	11	3	1	B	–	B
Other Indian, nonadd (Kansas City, Lawrence, Topeka, and Wichita) [6]	[3]					
Louisiana	182	59	20	34	10	51
Southeast area: Choctaw Agency, part (see Mississippi) Chitimacha [10]	182	59	20	34	10	51
Michigan	2,252	715	274	38	113	54
Minneapolis area: Great Lakes Agency, part (see Wisconsin):						
Bay Mills (including Sugar Island) [12]	1,123	362	127	35	59	51
Hannahville	185	56	35	63	4	70
Isabella (Saginaw)	540	183	78	43	28	58
Keweenaw Bay (L'Anse and Ontonagon) [10]	404	114	34	30	22	49
Minnesota	11,273	3,359	1,390	41	673	61
Minneapolis area:						
Great Lakes Agency, part (see Wisconsin):						
Winnebago (Including Wisconsin part)	(1,664)	(581)	(261)	(45)	(140)	(69)
Estimated Minnesota part (3 percent)	50	17	8	B	4	B
Minnesota Agency:						
Fond du Lac	687	136	86	63	10	70
Grand Portage (Pigeon River)	191	61	29	48	4	54
Leech Lake	2,874	811	324	40	176	62
Mille Lac	757	220	88	40	26	52
Nett Lake (Bois Fort)	669	122	56	46	16	59
Southern Minnesota communities:						
Lower Sioux (Morton)	105	44	13	B	10	B
Prairie Island (Red Wing)	90	36	17	B	8	B
Prior Lake (Shakepee)	60	26	9	B	4	B
Upper Sioux (Granite Falls)	56	23	10	B	7	B
White Earth	2,571	849	306	36	294	71
Red Lake Agency	3,163	1,014	444	44	114	55
Mississippi	3,379	1,088	72	7	433	47
Southeast area: Choctaw Agency, part (see also Louisiana): Choctaw	3,379	1,088	72	7	433	47
Montana	25,922	7,183	2,743	38	684	48
Billins area:						
Blackfeet Agency	6,216	1,353	495	37	82	43
Crow Agency	4,334	1,249	363	29	129	39
Flathead Agency	2,955	1,044	355	34	128	46
Fort Belknap Agency	1,972	669	335	50	61	59
Fort Peck Agency	6,202	1,368	666	49	118	58
Northern Cheyenne Agency (Tongue River)	2,926	1,045	265	25	135	38
Rocky Boy's Agency	1,317	455	264	58	31	65
Nebraska	2,492	1,012	520	51	276	78
Aberdeen area: Winnebago Agency:						
Omaha	1,369	555	305	55	160	84
Santee	357	119	59	50	30	75
Winnebago	660	313	154	49	84	76
Anadarko area:						
Horton Agency, part (see Kansas):						
Iowa (including Kansas part) [6]	(260	(62)	(4)	(6)	(6)	(16)
Estimated Nebraska part (37 percent)	96	23	2	B	2	B
Sac and Fox (Including Kansas part) [6]	(21)	(5)	(1)	(B)	(–)	(B)
Estimated Nebraska part (47 percent)	10	2	–	B	–	B
Nevada, total population	(4,622)					
Population reported but not 1/f status	41					
Total in labor force survey	4,621	1,375	443	32	339	57
Phoenix area:						
Nevada Agency, part (see also California, Idaho, Oregon, and Utah):						
Battle Mountain and city	169	25	4	B	9	B
Carson	171	59	27	46	6	56
Elko and city	327	50	23	46	9	64
Ely and city	112	35	9	B	11	B
Dresslerville	191	65	26	40	4	46
Duck Valley (Including Idaho part)	(967)	(297)	(102)	(34)	(66)	(56)
Estimated Nevada part (79 percent)	764	235	81	34	52	56
Duckwater	80	23	16	B	3	B
Fallon (Paiute) and Colony	224	71	20	28	22	59
Fort McDermitt (including Oregon part)	(407)	(91)	(40)	(44)	(10)	(55)
Estimated Nevada part (87 percent)	354	79	35	44	8	55
Goshute (including Utah part)	(73)	(25)	(7)	(B)	(10)	(B)
Estimated Nevada part (66 percent)	48	16	4	B	7	B
Las Vegas	87	41	21	B	7	B
Lovelock	118	41	5	B	22	B
Moapa	137	56	26	46	13	70
Pyramid Lake	402	119	47	39	24	59
Reno-Sparks	541	133	19	14	15	25
Ruby Valley (population only) [8]	40					
South Fork (Te-Moak) and Odgers Ranch	90	29	12	B	7	B
Summit Lake (population only) [8]	1					
Walker River	452	183	24	13	87	61
Winnemucca	31	11	–	B	5	B
Yerington (Campbell Ranch) and Colony	275	85	35	41	22	67
Yomba	48	19	9	B	6	B
New Mexico	92,963	33,063	11,396	34	6,000	53
Albuquerque area:						
Jicarilla Agency	1,963	856	603	70	22	72
Mescalero Agency	1,987	545	187	34	211	73
Northern Pueblos Agency:						
Nambe	253	83	8	10	24	39
Picuris	173	70	48	68	15	89
Pojoaque	76	21	2	B	6	B
San Ildefonso	354	106	12	11	28	37
San Juan	1,358	452	32	7	110	31
Santa Clara	989	275	33	12	75	39
Taos	1,494	476	58	12	188	51
Tesuque	249	89	12	13	42	60
Ramah-Navajo Agency: Ramah (Navajo Community)	1,427	631	483	76	30	81
Southern Pueblos Agency:						
Acoma	1,980	554	211	38	25	42
Cochiti	488	169	2	25	18	36

Footnotes at end of table.

D. RESIDENT INDIAN POPULATION, LABOR FORCE, UNEMPLOYMENT, AND UNDEREMPLOYMENT: BY STATE AND RESERVATION: MARCH 1973—Continued

[Tabulation of selected items as reported by agencies]

	Population on and adjacent to reservation	Labor force (16 yr. and over)	Unemployment	Rate of unemployment (percent)	Temporary employment	Rate of unemployment and underemployment (percent)
Isleta	2,681	1,216	166	14	172	28
Jemez	1,953	837	195	23	214	49
Laguna	4,883	1,794	307	17	251	31
Sandia	216	94	7	7	9	17
San Felipe	1,645	557	186	33	25	37
Santa Ana	392	225	90	40	26	52
Santo Domingo	2,324	917	428	47	42	51
Zia	508	200	61	30	29	44
Zuni Agency	5,428	2,077	936	45	106	50
Navajo area:						
Alamo (Puertocito) and Canoncito (Navajo Communities); Navajo Reservation (including Arizona and Utah parts) [11]	(136,686)	(47,317)	(16,567)	(35)	(9,845)	(56)
Alamo, Canoncito, and estimated New Mexico part of Navajo Reservation (44 percent)	60,142	20,819	7,289	35	4,332	56
North Carolina	4,940	1,870	414	22	341	40
Southeast area: Cherokee Agency	4,940	1,870	414	22	341	40
North Dakota	14,881	4,118	1,766	43	454	54
Aberdeen area:						
Fort Berthold Agency	2,775	950	337	35	144	50
Fort Totten Agency (Devil's Lake)	1,995	401	246	61	35	70
Standing Rock Agency (including South Dakota part)	(4,868)	(1,266)	(451)	(36)	(115)	(45)
Estimated North Dakota part (56 percent)	2,726	709	253	36	64	45
Turtle Mountain Agency	7,385	2,058	930	45	211	55
Oklahoma (represents former reservation areas)	85,228	28,628	6,707	23	5,470	42
Anadarko area:						
Anadarko Agency (including Kiowa, Comanche and Apache and Fort Sill Apache; Wichita) [11]	9,495	1,626	430	26	189	38
Concho Agency (Cheyenne and Arapaho) [10a]	4,200	1,876	1,126	60	400	81
Pawnee Agency (including Kaw, Otoe and Missouri, Pawnee, Ponca, and Tonkawa) [11]	3,495	1,610	1,195	74	70	78
Shawnee Agency:						
Iowa	148	21	6	B	7	B
Kickapoo	601	135	36	27	42	58
Potawatomi	1,444	229	34	15	79	49
Sac and Fox	996	157	30	19	39	44
Shawnee	853	145	28	19	45	50
Other Indians, tribe not specified	1,458	257	38	15	53	36
Muskogee area:						
Ardmore Agency (Chickasaw)	6,050	2,224	364	16	260	28
Miami Agency (including Eastern Shawnee, Miami, Quapaw, and Seneca-Cayuga) [11]	1,970	495	50	10	45	19
Okmulgee Agency (Creek)	15,480	6,305	687	11	2,205	46
Osage Agency	3,350	1,136	306	27	295	53
Tahlequah Agency (Cherokee)	21,414	6,662	1,554	23	903	37
Talihina Agency (Choctaw)	11,066	4,451	623	14	785	32
Wewoka Agency (Seminole)	3,208	1,299	200	15	53	19
Oregon	2,833	808	196	24	37	28
Phoenix area:						
Nevada Agency, part (see Nevada):						
Fort McDermitt (including Nevada part)	(407)	(91)	(40)	(44)	(10)	(55)
Estimated Oregon part (13 percent)	53	12	5	B	2	B
Portland area:						
Umatilla Agency [10]	873	242	114	47	21	56
Warm Springs Agency:						
Burns-Paiute	130	47	14	B	3	B
Celilo Village [8]	32	12	3	B	6	B
Warm Springs	1,745	495	60	12	5	13
South Dakota	31,579	8,036	2,999	37	1,593	57
Aberdeen area:						
Cheyenne River Agency	4,335	1,194	311	26	272	49
Crow Creek Agency	1,242	396	275	69	63	85
Flandreau School: Flandreau Reservation	283	93	8	9	7	17
Lower Brule Agency	702	148	30	20	32	42
Pine Ridge Agency	11,478	2,862	1,130	39	684	63
Rosebud Agency	7,538	1,788	404	22	401	44
Sisseton Agency [10]	2,434	475	201	42	73	58
Standing Rock Agency (including North Dakota part)	(4,868)	(1,266)	(451)	(36)	(115)	(45)
Estimated South Dakota part (44 percent)	2,142	557	198	36	51	45
Yankton Agency	1,425	523	442	84	10	86
Utah	7,391	2,535	892	35	435	52
Albuquerque area:						
Ute Mountain Agency (including Colorado part)	(1,380)	(438)	(168)	(38)	(100)	(61)
Estimated Utah part (28 percent)	386	122	47	38	28	61
Navajo area (including Alamo, Canoncito, [11] and Navajo—Arizona and New Mexico part)	(136,686)	(47,317)	(16,567)	(35)	(9,845)	(56)
Estimated Utah part—Navajo part (4 percent)	5,467	1,893	663	35	394	56
Phoenix area:						
Uintah and Ouray Agency:						
Skull Valley	46	12	4	B	1	B
Unitah and Ouray	1,462	498	175	35	9	37
Nevada Agency, part (see Nevada):						
Goshute (including Nevada part)	(73)	(25)	(7)	(B)	(10)	(B)
Estimated Utah part (34 percent)	25	9	3	B	3	B
Portland area: Port Hall Agency, part (see Idaho): Washakie [7]	5	1	----------	B	----------	B
Washington	17,708	5,795	2,236	38	1,174	58
Portland area:						
Colville Agency	2,870	925	301	32	160	49
Northern Idaho Agency, part (see Idaho): Kalispel	138	42	27	B	1	B
Spokane Agency	581	172	119	69	7	73
Western Washington Agency:						
Hoh	53	26	16	B	6	B
Lummi	1,565	470	155	33	52	44
Makah	751	180	51	28	33	47
Nooksack Public Domain	468	196	122	62	14	69
Puyallup [10]	171	30	11	B	11	B
Quileute	260	70	38	54	16	77
Quinault	1,072	428	177	41	97	66
Swinomish	472	179	59	33	22	43
Tulalip	658	272	223	82	12	85
STOWW (small tribes of Western Washington):						
Chehalis	277	81	37	46	21	72
Lower Elwah	244	79	20	25	26	58
Muckleshoot [10-a]	467	115	51	44	36	76
Nisqually	388	167	89	53	9	58

	Population on and adjacent to reservation	Labor force (16 yr. and over)	Unemployment	Rate of unemployment (percent)	Temporary employment	Rate of unemployment and underemployment (percent)
Port Gamble	324	128	47	37	21	53
Port Madison	182	83	19	23	12	37
Shoalwater	24	5	1	B		B
Skokomish	319	95	40	42	6	4[9]
Squaxon Island	304	102	48	47	22	6[8]
Other STOWW, nonaid (Chinook, Cowlitz, Jamestown-Clallam, Marietta-Nooksack, Sauk-Suiattle, Snohmish, and Stillaquamish)	(3)					
Yakima Agency	6,300	1,950	585	30	590	60
Wisconsin	7,952	2,436	850	35	444	53
Minneapolis area: Great Lakes Agency, part (see also Michigan and Minnesota):						
Bad River	541	194	46	24	47	48
Lac Courte Oreilles	807	185	75	40	27	54
Lac du Flambeau	979	340	126	37	13	41
Mole Lake (Sakoagon)	133	47	18	B	6	B
Oneida	2,180	592	91	15	138	38
Potawatomi	228	65	28	43	1	45
Red Cliff	424	149	76	51	45	81
St. Croix[10]	444	142	57	40	9	46
Stockbridge—Munsee	602	158	80	51	22	65
Winnebago (including Minnesota part)	(1,664)	(581)	(261)	(45)	(140)	(69)
Estimated Wisconsin part (97 percent)	1,614	564	253	45	136	69
Wyoming	4,538	1,076	516	48	85	56
Billings area: River Agency	4,538	1,076	516	48	85	56

[1] Where agency and reservation are identical, only agency is listed.
[2] Horton Agency (Kansas): 1,677 Indians reported in the area of Kansas City, Lawrence, Topeka, and Wichita are not included in this report.
[3] Western Washington Agency (Washington): 1,191 Indians reported for STOWW: Chinook—237, Cowlitz—131, Jamestown-Clallam—196, Marietta-Nooksack—95, Sauk-Suiattle—149, Snohomish—303, and Stillaquamish—80 are not included.
[4] March 1971 data.
[5] March 1970 data.
[6] March 1969 data.
[7] March 1968 data.
[8] March 1967 data.
[9] 1962 data.
[10] March 1972 data.
[10a] 1972 data used because 1973 report showed increases over 50 percent.
[11] Agency (or Area) did not submit individual reservation reports.
[12] Bay Mills includes 783 Indians in a radius of 50 miles.
[13] Figures are from the California Judgement Roll (April 25, 1973) listed by county for only those who were paid. Counties with trust land under the jurisdiction of the Sacramento Area are listed by agency as follows:
Central California Agency: Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Placer, Plumas, Sierra, Sonoma, Tehama, Tulare, Tuolumne; Yolo. Palm Springs Area Field Office: Riverside. Hoopa Agency: Del Norte, Humboldt, Shasta, Siskiyou; Trinity. Southern California Agency: Imperial, Riverside, San Bernardino, San Diego; Santa Barbara.
Key: Leaders mean 0 (zero). B means base is too small for percentages to be meaningful. I/f means labor force.

WATER RESOURCES COUNCIL DIRECTOR WARREN FAIRCHILD ADDRESSES CALIFORNIA WATER COUNCIL

Mr. HRUSKA. Mr. President, Warren D. Fairchild, Director of the U.S. Water Resources Council, addressed the fall convention of the California Water Agencies Association to speak on "Priority Activities of the Water Resources Council." This occurred in Anaheim, Calif., on November 29, 1973.

Water has always been a vital factor in the history and progress of man. Not too many years ago, it occupied a renewed prominent place in national concern, because of a realization of the impact of an increasing population and enlarged demand for water. In fact, for a term of years there was a water syndrome, similar to those syndromes the Nation has experienced periodically. Such as the current crises; the environmental crisis of a few years ago; hunger in America before that; education after Sputnik, and so on.

In the case of water, the renewed emphasis was timely and beneficial. Wide inquiry and gathering of facts and information were pursued. Various study and planning efforts were created and set in motion. Local, State, and regional organization intensified, both inside and outside of government spheres. The Association of California Water Agencies is one example of numerous such entities.

The U.S. Water Resources Council is another example. It has for its mission as a Federal agency the maintenance of a continuing study of water supplies necessary to meet requirements in each water resource region in the country; of the relation of regional or river basin plans or programs to the larger regions of the Nation; and of the adequacy of the administrative and statutory means for coordination of the water and related land resource programs on the Federal level. It also reviews plans of River Basin Commissions. It transmits its recommendations to the President for his review and transmittal to Congress.

As in all fields of major endeavor, water finds itself in a dynamic, fast moving scene of development and change. Much of what was solid doctrine for a long time often no longer "relates to today's world." Hence, the necessity of constant study and review. Hence, the necessity frequently to analyze existing programs and plans with a view of adjusting priorities.

So it is with the principles and standards published in September of this year. They provide among other points the new computation of discount or interest rate used in some water programs. This was considered necessary because of the obsolescence of the previously employed rate. Needless to say, the increase and change encountered resistance and opposition.

But Mr. Fairchild points out that interest or discount is but one factor of cost. Counterbalancing it are benefit factors which have come to be obsolete and to require revision. One such benefit factor is to be found in approval of "new normalized agricultural prices." Mr. Fairchild on this point stated during his speech:

Based on the price of agricultural commodities in the market place (and with certain constraint), the current normalized prices to be used in evaluating projects, will be over 30 percent higher than those previously approved. Actually, the net effect of these prices for agricultural projects should approximately offset the higher discount rate . . .

This is one impressive example of the necessity to make evaluation procedure in water development relevant to today's priorities and values.

Mr. Fairchild in his remarks discusses other vital, far-reaching subjects and policies. Mr. President, in order to share them with all who are interested in this subject, I ask unanimous consent that the text of Director Fairchild's speech be printed in the RECORD following my remarks.

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

PRIORITY ACTIVITIES OF THE WATER RESOURCES COUNCIL

(Remarks by Warren D. Fairchild, Director, Water Resources Council, before the Fall Convention of Association of California Water Agencies, Anaheim, Calif., November 29, 1973)

When I accepted the appointment as Director of the Water Resources Council, I looked forward to a very exciting, challenging and demanding period in my professional career. It is my contention that the next several years will be an extremely critical period for natural resources programs as the Federal Government attempts to restructure programs and institutions, reorder priorities, and evolve national water policies that reflect the changing values of this great Nation.

The Water Resources Council is a very key agency during this period because of its assigned role in water policy. Section 102(b) of the 1965 Water Resources Planning Act states that the Council shall ". . . make recommendations to the President with respect to Federal policies and programs. . . ."

I want to address two significant activities

that the Council has under active consideration and/or implementation at this time. These issues are: (1) Principles and Standards; and (2) cost sharing.

I will not retrace the history in the evolution of the Principles and Standards as published in the *Federal Register* on September 10, 1973. All of you are very much aware of this history; and it would be redundant for me to make such a recap. I will discuss instead the activities associated with implementation.

It would be naive for me to state that the approved Principles and Standards have not been controversial. Pending court action, congressional legislation, and discussions with developmental and conservation groups quickly dispell such naivete. However, before we as water professionals jump to conclusions, it would be well for us to take a hard look at the Principles and Standards as they relate to today's situation.

I will not review the problems presently associated with traditional water projects. However, most of such problems are related to the level of public support which, in turn, reflects priorities and to a considerable extent credibility. Some of this lack of credibility may be related to planning procedures we have used in the past. The discount or interest rate, as well as commodity prices, and allocation procedures used heretofore allegedly do not relate to today's world. As a consequence, many professionals in the water field, in academia and elsewhere question such procedures. If we believe that it is in the interest of the Federal Government to undertake a program on other than economic consideration, then we need to recognize such goals or objectives and identify subsidies required. We should not use evaluation procedures as a gimmick to justify such action.

The discount rate in the Principles and Standards is based upon the cost of all Federal borrowing. It seemed logical to the Council of Members to discount future benefits based on the cost of Federal borrowing. It is not based on economic theory of social time preference or opportunity cost but rather on the cost of money that citizens are willing to loan to our Government for Federal operation. Such a discount rate seems defensible to me.

However, if planning procedures are to be fully creditable, not only should cost factors be relevant, but also benefit factors. It was for this reason that the Council of Representatives on October 9, 1973, approved new normalized agricultural prices following recommendations of the Economic Research Service, U.S. Department of Agriculture. Based on the price of agricultural commodities in the market place (and with certain constraint), the current normalized prices to be used in evaluating projects, will be over 30 percent higher than those previously approved. Actually, the net effect of these prices for agricultural projects should approximately offset the higher discount rate. With the constraint applied, I anticipate that these prices will show another increase next year.

I bring this to your attention to stress the thrust of WRC and participating agencies in making the evoluation procedure relevant to today's priorities and values. I feel the Principles and Standards can do this—a major factor being the requirement of alternative planning to emphasize NED and EQ. Another positive factor is that the Principles and Standards, recently approved by the President give the water agencies positive guidance and should serve to overcome much of the hiatus and indecision recently associated with evaluation and formulation procedures.

Two immediate problems have surfaced on implementation. These are (1) the selectivity (grandfather clause) of authorized but unfunded projects; and (2) investigations currently underway or in the pipeline.

It is my position that the Principles and Standards authorize flexibility to the Federal agencies in administering the selectivity clause on authorized but unfunded projects. True, the administration of this issue is going to be extremely difficult and controversial. It is our plan to outline alternative definitions of various stages of authorized but unfunded projects for consideration at the next COM meeting, which in effect would define the time that authorized projects became funded. Such definitions would exempt certain projects that have reached the funded stage from the Principles and Standards. Exemption beyond this would be up to the head of the Federal agency with opportunity for input from WRC and other Federal organizations.

The pipeline investigations are something else. A hard interpretation would require strict adherence to the Principles and Standards for all reports not yet forwarded to Congress. Such an interpretation would be a very expensive decision. It would require reformulation of all investigations now underway, which would consume most of the available Federal planning resources for a considerable period of time. Similarly there are many investigations under active consideration today that may have serious economic and environmental problems when considered under the new Principles and Standards.

This, then, poses a very sensitive situation requiring sound judgment for its resolution. Obviously, the status of the investigation must be considered—but it cannot be overriding. If an investigation does have serious economic or environmental problems, regardless of status, vigorous application of the Principles and Standards must be the general rule. The Principles and Standards with alternative plans to emphasize environmental quality, afford water agencies an opportunity to step back, take off the "so called" black hat and come forwarded with reformulated plans for the consideration of decision-makers.

Another important aspect of water resources development that is expected to be modified in the future is cost sharing. The President expressed his concern on this matter in his letter to the Water Resources Council, when he approved the Principles and Standards, as follows:

"I understand that analysis of ways to assume more equitable cost sharing by the beneficiaries of water resources projects is underway. I ask that you complete this work promptly so that draft legislation can be transmitted to the Congress in time for enactment this year."

It is anticipated that legislation that will deal with at least a part of the cost-sharing problem will be introduced in the Congress early in the next session. The responsibility for determining the method of financing water projects rests with the U.S. Congress.

As a background to my discussion on cost sharing, I would like to review with you the situation relative to authorized but unconstructed water projects. Presently there is about $20 billion estimated construction costs associated with such projects. Having been recently associated with the U.S. Bureau of Reclamation, as an Assistant Commissioner, I would use the situation of the Bureau to indicate the present dilemma of financing the construction of projects.

The Bureau presently has a $6.2 billion backlog. The increased cost of construction because of inflation has been running about 7% annually for the last 5 years. This means that approximately $450 million of Federal appropriation is required each year for the Bureau to meet the inflation factor; whereas the construction appropriation to Reclamation has run about $300 million annually. This means that the Bureau has a larger dollar backlog at the end of the year than at the beginning, even if desirable new projects are not authorized.

Logically, there are three options or combination of options that are available to resolve this problem. These options are: (1) increase substantially the Federal appropriation; (2) cut projects out of the backlog; and (3) develop new methods of financing. The need to explore all three options; however, I would like to discuss with you option (3) which relates directly to cost sharing.

Initially, it should be understood that I am discussing cost sharing—not non-Federal financing—there is a difference. There are national interests and Federal benefits that justify a strong Federal role. Cost sharing is based on the concept of sharing of costs by all levels of government, Federal, State and local based on benefits received. Identification of benefits is part of the determination in the economic justification of projects. If you questions the benefits—you are in essence questioning the justification of projects.

It is my position that economically justified water projects are sound investments, based on real benefits. If this is the case, then we need to evolve a method of financing so as we can accrue these benefits. I have worked as a water professional at the local, state and Federal level. I am convinced that benefits from these projects accrue at all of these levels. The questions come down as to how these levels can and should share their costs in order that the construction of desirable projects can proceed in a rational and timely manner, which is not the case today. My conversations with many local and state officials lead me to believe that they stand ready to invest their funds in such projects—if the Federal Government articulates a sound water policy on cost sharing. These same people recognize the present program characterized by an indeterminate waiting period is not sound in that it does not allow for a reasonable, if any, assurance that a project will ever be constructed—at least in their life time.

A pragmatic level of cost sharing accomplishes two things: (1) eliminates "free loaders" who are unwilling to pay for any of the benefits they will receive; and (2) increase funding for construction. The water agencies in the Executive Branch are facing a real challenge in developing a legislative package on cost sharing for consideration of the U.S. Congress. In order to be acceptable, it must recognize an appropriate level of sharing of costs; and it must be at a level that encourages, not discourages non-federal cooperation. I see cost-sharing as the real key in moving this Nation's water programs.

In the short time I have had available with you today, I have limited my remarks to the recently published WRC Principles and Standards, and cost sharing. I have done so because these are two important activities on which the Council is now placing considerable emphasis. This is not to downgrade other water policy areas that the Council has under consideration or must address in the near future. These relate to such items as: (1) institutional arrangements, (2) methodology, (3) priorities, (4) food and fiber; (5) water for energy; and (6) coordinated comprehensive water and related land planning. Again, it is my pleasure to meet with you today, I trust this short presentation will give you some insight into the programs of the Water Resources Council in making recommendations to the President and the Congress on water policy. It is a very interesting area of activity; but, needless to say, it also has its controversial aspects.

RICE DIPLOMACY

Mr. JOHNSTON. Mr. President, in the past year we have realized for the first time that the American farmer is an integral part of the American economy. Having been blessed for years with agricultural overproduction, we have seen during 1973 that our agricultural products are of enormous significance to the other nations of the world, and that other nations are willing to compete with American purchasers for our farm output.

As we have learned this lesson the hard way, public understanding for our agricultural programs has increased. Today, more Americans than ever before can appreciate why it is wise policy for our Government to maintain stable agricultural productions levels.

Recently, another very beneficial aspect of our farm program has come to my attention. Under Public Law 480, the Government has long purchased surplus agricultural products, including rice grown in my own State of Louisiana, and shipped these products abroad as part of our foreign aid program. Public Law 480 has been severely criticized. Unquestionably, the program is badly in need of reform and streamlining. Nevertheless, Mr. President, we should not be too quick to forget the vital role played by our agricultural products shipped abroad under Public Law 480.

An excellent editorial in the August 1973 issue of the Rice Journal emphasizes the role of "rice diplomacy." For the information of the Senate, I would like to introduce this editorial into the RECORD.

Mr. President, I ask unanimous consent that the editorial in the August 1973 issue of the Rice Journal be printed in the RECORD following my remarks.

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

THE EDITOR'S PAGE

So the worldwide shortage has pushed rice prices to historic levels. Farmers all around the Rice Belt are happy and prosperous. When the sun shines it is a good time to patch the roof, so we might think about where our Amercian rice has gone, what it is doing, and how the current situation contrasts with other times.

In Cambodia, the U.S. Air Force has been air-dropping 100 pound sacks of American rice to people cut off by Communist advances. In South Vietnam our rice is being used to fulfill our political commitment for economic assistance, and at the same time buttress the government in power.

The Philippine President on the eve of his election sends out the word: "Let the markets be flooded with rice." His Government is returned to power. The fact that there were any stocks at all on hand for the populace was due in part to imports of 150,000 tons of American rice under both PL-480 and commercial terms.

In Indonesia, the produce of American rice farmers helped to ease the shortage, feed the hungry, and maintain political stability. Our supplies to Korea helped fill the "rice gap" and ease the domestic political problems of one of our important allies.

In the Middle East, the availability of American rice on commercial terms has become meshed with the supply of oil from the Arabian Peninsula. If foreign oil production is important to national security, so is our domestic rice production.

Couple this with the recent official announcement that no further PL-480 sales will be approved until January of 1974 except for national security purposes, and the point is again well illustrated. At the same time, restrictions are being threatened for commercial exports. It seems that when worldwide supplies do not meet international political demands, the Government is quick to throw the rice farmer into uniform.

Now let us look at the situation in another way. Imagine that we are back in 1968. Warehouses are bulging; there is a glut on the market. The rice farmer is not everybody's friend, but has become a political liability. A lot of talk is heard about agriculture budgets, and how the rice farmer's allotment is costing the taxpayer more than any other program. Complaints are heard from the Budgeteers that the produce of our farmers must be bought by the government and then almost given away abroad.

Yet American rice in 1968 was serving the exact same purpose as in 1973—alleviating world hunger and assisting friendly governments. The big difference is that world supplies are tight. This means that what the U.S. Department of Agriculture and the U.S. rice farmer were taking the blame for only a few years ago now turns out to be a Godsend to the U.S. Department of State and to those in Washington concerned with national security.

Our rice farmers are supplying an international demand, in bad times as well as good, and their labor goes to fulfill our international political purposes. There is something wrong, when times are bad, with having the cost of the program borne by the USDA alone. At least part of the cost should be assigned to the Department of State or to agencies concerned with humanitarian and national security programs.

American rice production is an expensive proposition. But those who protest the cost of programs designed to help move rice abroad through government sponsorship should weigh that expense against the cost of bombs, bullets, and American lives.

CONSTITUTIONAL ISSUES INVOLVED IN CONCEPT OF A FEDERAL NO-FAULT AUTOMOBILE INSURANCE PLAN

Mr. HRUSKA. Mr. President, during hearings in the Senate Judiciary Committee on "no-fault" automobile insurance bills, testimony was received from Dr. Mitchell Wendell, a constitutional law authority, on various constitutional aspects which arise in this field.

Dr. Wendell holds a law degree from Columbia University—1945—and a Ph. D. in public law and government from that same school—1949. He is a member of the New York State and District of Columbia Bars. His experience and activity in law has been wide and varied, including 6 years as counsel to the Council of State Governments.

His testimony covers a variety of questions on the constitutional impact of S. 354, the bill reported by the Senate Commerce Committee. They include:

1. Does the Congress have the constitutional power to authorize states to enact no-fault laws?

2. Can or must a state administer a federal no-fault law different from or in preference to the state law?

3. What is the effect of the provisions of S. 354 mandating particular kinds of state administrative structures and relationships: for example, Section 109?

4. What would be the likely result of enactment of S. 354?

Mr. President, it is a scholarly, well-documented presentation which Dr. Wendell made. I ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, there are other considerations besides constitutional which arise as to S. 354. One of them is the broad policy question of whether the deliberately enacted national policy—as directed in the McCarran Ferguson Act—by the Congress in 1945, should be abrogated in the fashion attempted in S. 354. Or whether it should be modified or altered in such or similar fashion, or at all.

No hearings were held on the broad issue presented in the Senate Commerce Committee hearings, in sufficient degree to enable us to get a perspective of the massive impact which eventual Federal preemption would have on the millions of insurance policyholders of every line of insurance. We can well conclude that the impact would be great.

As to automobile insurance alone, there is in the context of various bills pending, a great deal of controversy.

Washington State Insurance Commissioner testified before the Judiciary Commitee that there are about 200 plans of no-fault insurance that have been designed, compiled, and disseminated throughout the country.

The Senate Committee on Commerce has proposed one of its own plans—of its own contrivance to establish Federal nationwide no-fault automobile insurance.

Many students in this field, including Washington and Oregon State Insurance Commissioner Karl Herrmann, oppose such a plan, pretty much on the basis that if no-fault insurance is an idea whose time has come, it should arrive in the several States of the Union in such terms and plan as each State prescribes for itself.

Many persons, viewing the great variety of plans, and the varying differences of judgment and treatment accorded them by the public and legislatures of the States, consider it presumptuous, officious, and unwise for the Senate Commerce Committee to sweep aside all such decisions, and to say in paternal fashion: "None of your plans are satisfactory. We offer a plan which is the latest product of our committee. You take it. If you do not adopt and comply with this committee's plan, then we will force it on you by congressional act, whether you like it or not."

Apart from the wisdom, workability, and desirability of no-fault, as a concept, therefore, some policy questions arise. Among them are constitutional issues, which are compelling and which must be fully met. To this point they have not been treated sufficiently, Dr. Mitchell Wendell's paper on this subject will be very helpful to overcome this deficiency.

So will the statements and testimony

of State insurance commissioners from Washington State and Oregon—Commissioner Karl Hermann and Commissioner Lester L. Rawls respectively. Both oppose the Federal interventions.

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

Later hearings will include testimony from other State insurance commissioners, State Governors, from National Association of Insurance Commissioners and others.

They want to participate in the trend of moving power in public affairs away from Washington and back to the States and localities.

They consider they can serve the consumer—the insurance buying public—more efficiently, effectively, and responsively than a Federal bureau or layer of bureaus in the Nation's Capital.

EXHIBIT 1

STATEMENT OF DR. MITCHELL WENDELL ON S. 354

I am Dr. Mitchell Wendell, a member of the New York and District of Columbia Bars. I have had fifteen years of experience as a professor of Constitutional Law and Political Science. For six years I was Counsel to the Council of State Governments. Now I am a consultant specializing in Intergovernmental Relations, Legislation and related matters. Because I appear today as an expert witness on the Constitutional Law and Intergovernmental Relations aspects of no-fault insurance legislation. I have appended a fuller professional biography to this statement.

I have been retained, for compensation, by the American Mutual Insurance Alliance to do research and technical analysis relating to the Constitutional Law and Intergovernmental Relations aspects of no-fault. However,, this statement represents my personal view as a long time practitioner and student.

BASIC ISSUES

S. 354 is not the usual type of legislation designed to persuade or induce states to address problems by developing and implementing policies or approaches deemed desirable by the Congress. This bill contains many if not all of the exact provisions of a no-fault law. It is as comprehensive and detailed a measure as a state legislature might enact on the subject. In order to avoid preemption, a state must have a law and administrative structure precisely as prescribed in S. 354. The rights and obligations of drivers, passengers, pedestrians, and insurance companies—indeed of everyone concerned with motor vehicle accidents, damages and injuries—would be specifically determined pursuant to the provisions of the federal statute or of the state laws which would have to copy the exact provisions of the federal statute, except that in some particulars a state law could have additional provisions.

As the bill provides for no federal administration or enforcement (other than approval of State plans), its viability is entirely dependent on the ability and willingness of all states to accept no-fault, enact no-fault plans precisely like what the authors of S. 354 have in mind, and administer the system. Whether all of this is realistic, or even possible, depends on the answers to several questions:

1. Does the Congress have the constitutional power to authorize states to enact no-fault laws?

2. Can or must a state administer a federal no-fault law different from or in preference to the state law?

3. What is the effect of the provisions of S. 354 mandating particular kinds of state administrative structures and relationships: e.g. Section 109?

4. What would be the likely result of enactment of S. 354?

1. Does the Congress have the constitutional power to authorize states to enact no-fault laws? Five states have constitutional provisions which forbid limitation of the tort remedy, thereby making no-fault laws impossible for them to enact or administer.[1] Nineteen additional states have provisions in their constitutions which do not go as far but which nevertheless either deny or seriously restrict the possibility of their enacting and administering no-fault statutes.[2] Unless, these states, through their own constitutional amendment processes, elect to remove these provisions, they cannot meet the conditions that would be created by S. 354. The bill attempts to find a way around this barrier by declaring such elements of state law to be preempted. Section 201 (a) reads:

SEC. 201(a)

"Preemption.—Any provision of any State law which would prevent the establishment or administration in such a State of a no-fault plan for motor vehicle insurance in accordance with this title or title III of this Act is preempted."

The Commerce Committee Report explains this provision thus:

"In subsection (a) of this subsection, Congress preempts any provision of State law 'which would prevent the establishment or administration' in that State of a no-fault plan for motor vehicle insurance in accordance with title II or title III of S. 354. It is a stated purpose of the legislation to enable 'each State to participate legislatively, to administer without interference, and to continue regulating the business of insurance' while establishing minimum standards which each State must meet or exceed so as to assure a nationwide low-cost, comprehensive, and fair system of motor vehicle accident and insurance law (Section 102(b). Any provision of State law which would prevent the establishment or administration of a no-fault plan for motor vehicle insurance in accordance with S. 354 would frustrate that stated purpose and interfere with the national goal of a State-Federal partnership in the motor vehicle insurance reform effort.

"Therefore, under authority of Article VI of the Constitution, any State law which would prevent the establishment or administration of no-fault plans in accordance with title II or title III is preempted.

"It should be noted that plans in compliance with title II and title III 'meet or exceed' the minimum standards. Therefore, State law preventing the establishment or administration of a plan which met and exceeded the national standards would also be preempted.

"Subsection (a) is intended to restrict the power of a State to frustrate national policy by adopting or maintaining State laws which prevent the establishment or administration of a no-fault plan in accordance with title II or title III of the bill. As Chief Justice Marshall pointed out in *McCulloch* v. *Maryland*, 4 Wheat 316 (1819):

"'The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the Constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared.'

"This subsection restricts the power of a State; it does not grant the State power. *The bill itself does grant a State power to participate with the Federal Government in the motor vehicle insurance reform effort. But the restrictions on State power in subsection (a) should not be confused with the grant of power to the States generally contained within the bill—a grant of power closely resembling that set forth in the McCarran-Ferguson Act (59 Stat. 33). . . .*" [Emphasis added.]

The Committee's phraseology is peculiar and contains serious misconceptions. It assumes that Section 201(a) is designed to keep a state from frustrating national policy. This might be an accurate categorization if we had a situation in which states were preventing the Federal Government from administering a law which the Congress had enacted. The Committee Report appears to believe that mere inaction on the part of a state and its failure affirmatively to administer a law which Congress has enacted is constitutionally identical with positive obstruction by the state of national action. As will be shown in this statement there is a vital difference between these two situations. The Supremacy Clause (Article VI, Section 2) does not compel a state to take affirmative action.

Also, the Report's likening of S. 354 to the McCarran-Ferguson Act is erroneous. That Act is a classic consent statute in the tradition of the Lacey Act, 31 Stat. 188 (1900), 16 USC 668(d) (Supp. IV 1951); Webb-Kenyon Act, 37 Stat. 699 (1913), 27 USC Sec. 112 (1946); the Hawes-Cooper Act, 45 Stat. 1084, 49 USC 60 (1946); and the Ashurst-Sumners Act, 49 Stat. 494 (1935), 18 USC 1761. These statutes employ the constitutional doctrine first developed in *Leisy* v. *Hardin*, 135 U.S. 100, 10 S.Ct. 681, 34 L.Ed. 128 (1890): i.e. that by specific statutory declaration Congress can make it clear that its own action is not intended to preempt the field or to bar action which states may wish to take. In other words a consent statute such as the McCarran-Ferguson Act frees a state to act if the impediment is a federally imposed one. These statutes have no significance and would be of no avail where the impediment is in a state constitution or in the lack of desire on the part of a state to take action.

Assuredly, S. 354 would dismantle the remedies now provided for those injured or suffering losses as a result of vehicular accidents. It is plain on the face of the U.S. Constitution that a valid Congressional enactment nullifies or renders inoperative a state law with which it is in conflict. However, the Commerce Committee's Report, and so the bill, is in error when it presumes that the provisions of S. 354 or of state laws enacted in conformity therewith would stand in the place of the abrogated remedies.

The difficulty is that the architects of Section 201(a) and of the entire theory of intergovernmental relations on which S. 354 rests mistake the negative act of destroying state law for the affirmative one of authorizing something effectively to be put in the place of the abrogated remedies. Contrary to the Commerce Committee's supposition, the result of S. 354 in the affected states would be to create a void in which persons who suffer injuries or losses in vehicular accidents would have no practicable means at all of securing redress or recompense.

The only purpose that can be served by preemption is to prevent states from interfering with federal activities prosecuted pursuant to Acts of Congress. The quoted passage from the Committee Report claims no more. However, it goes on to assert that other provisions of S. 354 do authorize states to enact no-fault laws consistent with the provisions of the bill. It is the misconception on which that assertion rests which produces the fatal constitutional infirmity in S. 354 and the entire plan for legislation which it embodies.

There are two reasons for this conclusion:

1. Neither the basic premises of our federal system nor any provision of the U.S. Con-

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stitution give Congress the ability to act as a source of legislative or administrative power for state governments; and

2. The Supremacy Clause is a restriction on state power, not an expansion of it.

CONSTITUTIONS AS SOURCES OF POWER

Our present form of Federal Government was created by the people of the United States when they, acting through the states, adopted the U.S. Constitution.[3] That document identifies certain enumerated powers which are delegated to the national government, and which the people have authorized it to exercise. Consequently, the Federal Government is one of limited authority: it may only do those things permitted by the governed as revealed in the constitution.[4]

This theoretical basis of federal authority, while inherent in the idea of a written constitution, is expressly reaffirmed in the Tenth Amendment. This Amendment states that powers not granted to the national government "are reserved to the States respectively, and to the people." There are two important concepts embodied in these words. The first is that state mechanisms and institutions determine whether and how reserved powers will be employed; and the second is that there are powers in addition to those delegated to the national government, which states may not be able to exercise.[5] Otherwise, the phrase "or the People" would be superfluous. Such a construction cannot be proper since it would disregard the university accepted canon of constitutional interpretation of Chief Justice Marshall that "It cannot be presumed that any clause in the constitution is intended to be without effect." [6] Thus, any statute enacted by Congress must be authorized by an affirmative grant of power contained in the Constitution. The fact that the federal powers enumerated in Article I, Section 8 and in the several Amendments have been vastly expanded by judicial construction, does not invalidate this proposition or mean that federal powers are now unlimited, for the basic governmental framework in the United States today of two independent levels of government, each deriving their efficacy from those governed, forbids such a result.

None of the powers enumerated as belonging to Congress empower that body to compel or to authorize state governments to exercise powers that they do not otherwise possess. As will be shown in the subsequent discussion of the Supremacy Clause, the only exception to this statement is in instances where the impediment to state action is a federal law or an established intent of Congress that the states not enter a field that Congress has occupied. The no-fault legislation does not fit this pattern. Rather it presumes that the states can and should take affirmative action along the lines specified in the bill.

Just as the U.S. Constitution both confers and limits the powers that can be validly exercised by Congress, so the constitutions of the individual states provide the only sources of power for the state legislatures.[7] A limitation contained in a state constitution is as binding on the state legislature and on administrative agencies of the state as a limitation in the U.S. Constitution is binding on Congress.[8]

The entire rationale of our federal system depends on the validity of this proposition. Within the domain of their reserved powers, the states are independent governments. Our political and constitutional theory is also that they are limited governments. The specific limitations for each state government are those imposed by the people of the state through the state constitution making process no less than those imposed by the Federal Constitution. Each state can, by provisions in its constitution, place beyond the power of its government the making of certain kinds of laws. Each state has done this—notably in the Bill of Rights in its constitution [9]—but also in a variety of other provisions such as limitations on taxation, prohibition or limitation of borrowing by the state government [10] and by its local governments, and restrictions on the abolition of the tort remedy.[11]

Clearly, the people of a state, by adopting a constitutional provision, can determine that the state government simply will not be able to do some of the things that it might otherwise do.

CONGRESS AND STATE ACTION

Congress has assisted and frequently even laid the basis for coercing state action. Usually, it has done so through the grant-in-aid device.[12] However, in the constitutional sense, the states are free to accept or reject the aid.[13] Their actions are pursuant to their own processes. If legislation is involved, it is such as the state legislature can enact under its own constitution. Inability of a state to take the action necessary to qualify for the federal grant would be as good a reason as any for the state not to do the things prescribed by Congress and so not to receive the aid. Despite the great number of grant programs and statutes, Congress has not sought to secure from the states action contrary to their constitutions.

A second type of relationship of Congress to state action has been in the so-called "consent statutes". In these instances, Congress has indeed enabled states to enact and enforce legislation that they were otherwise unable constitutionally to sustain.[14] But in none of these instances is the obstacle to state action a restrictive provision of a state constitution. In each of these consent situations, the impediment has been a federal statute enacted by Congress in exercise of its commerce power, or the belief (generally as the result of a court holding) that Congress had occupied the field or intended that the field remain free of regulation.[15] Consequently, the state law was or would have been invalid because contrary to a regulatory program actually being administered by the Federal Government or to a limitation or regulation imposed by Congress. As will be shown below, it is far different for Congress to protect its own policies functioning pursuant to valid exercises of its own constitutional powers than for Congress to seek to confer an affirmative power on the state government which that government does not already have.

There are only a few narrow instances in which the U.S. Constitution expressly gives to Congress the power to compel states to act even though the required state action would violate state constitutional provisions. Section 2 of the 13th, 15th, 19th and 24th Amendments and Section 5 of the 14th Amendment state that Congress is empowered to enforce the substantive provisions of these Amendments by appropriate legislation.[16] Three of these Amendments, the 13th, 14th and 15th, were adopted immediately after the Civil War [17] and were designed to ensure that slavery be forever abolished (the 13th); that all persons entitled to United States and state citizenship receive that citizenship; that no state could define the consequences of federal citizenship or deny to anyone due process of law or equal protection of the laws (the 14th); and finally that the right of a citizen to vote not be linked in any way to race (the 15th). The immediate post-Civil War climate made those in control of the Union feel that court enforcement of these protections was not enough and that Congress should, with respect to their particular subject matter, have the role of an affirmative policeman of state action or inaction.

A similar motivation can be detected in the other two Amendments mentioned above, the 19th and 24th. The 19th Amendment granted women the right to vote, and the 24th abolished poll and other similar taxes in federal elections. Both of these Amendments involve the right to vote, a right which is one of the most important in a democratic system,[18] and consequently supplementing the normal method of enforcement was justified by the unique nature of the right being protected. However, these considerations are entirely absent when no-fault legislation is the issue for there is no historical antecedent or special reason requiring that the normal balance between the federal and state governments be shifted away from state autonomy.

Two additional features of these Amendments also distinguish them from the usual situation. First, the Amendments specifically empower Congress to enforce their substance by legislation, both negative and affirmative. No other clause of the constitution similarly vests in the Federal Government the power to require a state to enact and administer legislation. Although the necessary and proper clause of Article I, Section 8 could perhaps be construed as such an authorization, this has been foreclosed by the Supreme Court.

In the case of *Kinsella* v. *U.S.*,[19] a case in which an article of the Uniform Code of Military Justice was held unconstitutional the Court on the effect of the necessary and proper clause stated that:

"If the exercise of the power (of Congress to 'make Rules for the government and Regulation of the land and naval Forces') is valid it is because it is granted in Clause 14, not because of the necessary and proper clause. That clause is not itself a grant of power, but a caveat that the Congress possesses all the means necessary to carry out the specifically granted 'foregoing' powers of Section 8 and 'all other Powers vested by this Constitution . . .' As James Madison explained the necessary and proper clause is 'but merely a declaration, for the removal of all uncertainty, that the means of carrying into execution those (powers) otherwise granted are included in the grant.'" Writings of James Madison, edited by Gaillard Hunt, 383.[20]

Both the Court and Madison were speaking of the Federal Government's executing the laws. In order to make this apparent, it is only necessary to remember that the Necessary and Proper Clause is the last of the enumerated powers of Congress. The agents to which Congress may normally delegate power are the administrative agencies of the Federal Government. These agencies, being either directly responsible to the President or to Congress, are under a legal obligation to perform the will of Congress. The President is under a constitutional obligation to execute the laws enacted by the national legislature. (Article II, Section 3, Clause 4.) Nowhere is a similar obligation or authority conferred on a state governor or any other administrative or legislative organ of state government. Thus, the Necessary and Proper Clause is not an affirmative grant of power to Congress and cannot be relied upon to justify this element of no-fault legislation.

The second, and more practical, reason why the Necessary and Proper Clause cannot be viewed as authorizing Congress to compel positive action by state legislatures is one of federalism, for such a power would in effect eliminate the states as autonomous governmental entities. Unlike Section 5 of the 14th Amendment which is coupled with specific limitations upon state action and thus limits the realm of federal enforcement, the Necessary and Proper Clause is linked to all the enumerated powers of Congress. Consequently, to construe this provision in the same manner as Section 5 would enable the Federal Government to

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mandate state enactment and enforcement of legislation in most, and perhaps in all areas, regardless of state constitutional prohibitions. The enactment of federal legislation, such as the pending no-fault bill, which would require the assertion of federal powers broad enough to engulf state governments cannot be viewed as either necessary federal legislation or in any way proper.

Therefore, while it is well established that provisions of the U.S. Constitution and action of Congress pursuant to them can place limitations on the states and so reduce the realm in which a state constitution can empower a state government to act,[21] there is no provision in the constitution other than the above-mentioned Amendments which can be interpreted as permitting the Federal Government to authorize a state legislature to enact legislation which would violate its constitution. None of these provisions are even remotely construable as sources of authority for Congress to enact no-fault legislation.

2. Can or must a state administer a federal no-fault law different from or in preference to the state law? In the case of a state with a constitution that forbids or restricts adoption of a no-fault law, the discussion under Question 1 above is determinative of the issue. It remains to consider whether a state which could enact a no-fault law but has not done so would be required or authorized to adopt no-fault by virture of S. 354. A related question is whether a state that has enacted a no-fault law could enforce the provisions of S. 354 in place of its own statute.

In assessing the practical results that could be achieved by federal legislation, it also becomes important to determine whether they could be compelled to do so, even if unwilling. In exploring such questions, the effect of the Supremacy Clause is of fundamental significance. Also, the true character of what is sometimes loosely referred to as state enforcement of federal law must be considered.

THE SUPREMACY CLAUSE

Can anything in the Supremacy Clause of the U.S. Constitution (Article VI, Section 2) be employed to empower a state to enact no-fault provisions? The Clause reads:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Consitution or Laws of any State to the Contrary notwithstanding."

This provision has always been understood to mean that a state law which is in conflict with a valid Act of Congress cannot be enforced. The words "and the Judges in every State shall be bound thereby" show how the Clause is intended to work. In any litigation coming before state courts, those tribunals must decline to give effect to a conflicting state law.[22] In a severely limited number of instances where Congress has provided for the exercise of concurrent jurisdiction by state courts under federal statutes, it has also been determined that the state judges may entertain the cases.[23] However, the Clause says nothing about state legislatures or the executive branch of state government. As a practical matter, of course, all state officials must appreciate that any of their statutes which conflict with valid federal enactments cannot be enforced. However, the Supreme Court has also held that neither the states nor the Federal Government enforces each others laws in any affirmative sense.[24]

It should further be noted that states are bound to observe only those Acts of Congress which are valid. With the possible exception of the 13th, 14th, 15th, 19th and 24th Amendments subject matters, the Constitution gives Congress no power to authorize a state legislature to disregard its state constitution, nor to compel such a legislature to take affirmative action in enacting a state statute. Accordingly, words in a federal statute that would purport to allow states to enact no-fault laws could be construed as valid only if given two meanings:

1. Congress does not intend to exclude state law from the no-fault field. This would remove any federal impediment to the state action and would be a consent statute. However, it would not remove a state impediment to the action.

2. Congress expresses a desire that states enact certain no-fault provisions. This might be justified as an encouragement to state action, but such a desire would be unproductive in the case of a state whose constitution prohibits the legislature from taking the desired action or in which the legislature was unwilling to pass a particular no-fault law.

To be the "supreme law of the land" a federal statute must be validly enacted: i.e., enacted in exercise of a power delegated to Congress by the enumeration of powers in the Constitution.[25] The Supremacy Clause is not a grant of power to Congress. It is merely a description of the status of Acts of Congress which have been validly enacted. The purpose of the provision is to protect the integrity of federal law, not to authorize the enactment of state law.

If the Supremacy Clause could be used by Congress to confer powers on state legislatures and state administrative agencies, the Congress could amend large parts of state constitutions in total disregard of the amending processes prescribed by those documents. Acts of Congress, and not the state constitutions, would be the fundamental law of the states. Such effectiveness as a state constitution would be only subordinate and would continue only so long and to the extent that Congress did not replace it. Such a concept is a novel constitutional doctrine and is entirely inconsistent with the constitutional theory of our federal system. Moreover, it is hard to see why the enactment of no-fault insurance by the states is so basic an issue for our entire governmental structure as to precipitate a major change of our constitutional framework of government.

AGENCY AND DEPUTIZATION

For those states that are not constitutionally unable to do so, the test of their probable conformity with the particular kind of no-fault desired by the authors of S. 354 would be their willingness to espouse policies very close to or identical with those embodied in the bill. Experience has much to tell us about state assistance in implementing national policy. In such instances, the states actually administer their own laws and not that made by Congress.

As already noted, the courts of the states can be required to apply federal law, if it come to them in a form suitable for judicial proceedings. Relatively early in the history of workmen's compensation, it was established that pursuant to a mandatory act of Congress, the state courts were required to do so in certain cases under the federally enacted employers' liability law. (Second Employers Liability Cases, 223 US 1 (1912)). A similar holding resulted when compulsory state court jurisdiction over cases arising out of World War II price controls was unsuccessfully challenged. (*Test* v. *Katt*, 330 U.S. 386 (1947)). However, when states have undertaken administrative enforcement of federal law, it has been by noncompulsory means involving cooperative techniques designed to circumvent the legal rule that neither the state nor the Federal Government can enforce the other's laws. (*United States* v. *Constantine*, 296 U.S. 287 (1935)).

One such technique is for the state to make its own law identical with or substantially similar to the federal law. The state then administers its own law, with the result that the objectives of the federal law are attained.

For example, this has been done quite extensively in the field of pleasure boat regulation. Under the Federal Boating Act of 1958, the identification numbering of pleasure boats propelled by motor is required. Almost all states have instituted similar requirements, even down to details of required position and size of numbers. Administration of the state laws is in effect administration of the federal law, although technically the state is not applying federal law at all.

Similarly, the Coast Guard has established requirements for safety equipment on boats. Many state laws provide that the carrying of Coast Guard approved equipment and devices is compliance with requirements of the state law. If the states had not taken these actions, the only alternatives would have been direct federal administration or no administration at all.

In other instances, state personnel are deputized to administer federal laws. Leading examples of this approach have been the enforcement of migratory bird treaty requirements by state wardens and the administration of rationing during World War II. In these instances, however, state law must authorize the receipt of the deputization and state administrative cooperation is necessary to make the system work.

3. What is the effect of the provisions of S. 354 mandating particular kinds of state administrative structures and relationships: e.g. Section 109? The authors of S. 354 appear to recognize that the no-fault systems they would like to see in operation involve much more than bookkeeping transactions for the claiming and payment of money. Services on a large scale to be provided in virtually every community in the country are involved. For example, Section 109 of the bill would require administration of medical and rehabilitation programs for victims of vehicular accidents. Since the scope of this legislation is and as a practical matter must be confined to no-fault insurance, Section 109 understandably mandates administrative duties of considerable importance for state insurance commissioners with respect to the medical and rehabilitation programs and purports to establish relationships and duties for the state rehabilitation programs.

For the constitutional reasons already set forth in this statement, it is extremely doubtful that Congress can provide state agencies with the authority they need to administer such programs, although it is quite clear that S. 354 could destroy any vehicular insurance and reparations programs in a state whose overall administrative organizational structure did not conform precisely to the requirements of Section 109 or the view of the Secretary of Transportation when he passes upon a state plan pursuant to Section 201(b).

I have not made a study of state constitutions in order to determine whether any of them contain provisions that would inhibit either the state insurance agencies or the state health and rehabilitation agencies from performing in the ways contemplated by Section 109. Nor have I analyzed either the state statutes creating these agencies or the federal statutes and administrative regulations under which state rehabilitation programs receive federal grants-in-aid. Accordingly, I do not know whether there is anything in these constitutions and laws that would be at odds with the non-fault role which S. 354 proposes. However, I would suggest that such an examination needs to be undertaken if we are not to run the serious

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risk that the federally mandated no-fault system would distort or cripple programs now intended to serve the needs of vocational rehabilitation and education or of public welfare.

In any event, it is necesary to observe that the difficulty with the federally prescribed and ostensibly state implemented system projected by S. 354 is that a no-fault insurance program constructed at the federal level is not a proper vehicle for rearranging the administrative fabric of state government. State legislatures are the much more appropriate organs of government for such purposes. They are in a position to consider the entire range and balance of functions that state agencies should perform and to allocate responsibilities among them in ways that will accommodate rather than prejudice all state programs needed to serve public requirements.

This suggests that state laws and administration are either necessary or desirable elements of a no-fault system, thus it is much better that the states institute no-fault by themselves and in their own ways.

4. What would be the likely result of enactment of S. 354? Although I doubt that they so intend, the authors of S. 354 would play a game of brinksmanship with our vehicular reparations and insurance systems. The first consequences of the bill's enactment would be the obliteration of all the laws under which persons suffering injury or loss are now insured and can collect for the results of vehicular accidents.

Probably, this is even true of existing state no-fault laws because it would only be by the sheerest coincidence that any of them fully meet the detailed prescription of S. 354.

The only premise on which S. 354 is workable is that faced with the absolutely catastrophic and intolerable character of such a situation, all the states would feel irresistible compulsion to do whatever was necessary to save their people from the havoc that Congress would have wrought. If this took constitutional amendments, they would be forthcoming; if it took new statutes, they would be passed; if it took reorganization of existing state agencies, this too would be done because the alternative would be too unthinkable to contemplate.

Perhaps all of this would occur, but it would not happen overnight. Many states have elaborate provisions for constitutional amendments which, like the processes for amending the Federal Constitution, have been purposely constructed to prevent hasty, ill-considered action. The provision of S. 354 requiring that the states act at the next regular session of their legislatures is totally at variance with customary timetables for securing amendments in many states. Even the expected legislative process for states which would need only statutory action cannot normally be relied upon for rapid completion in so controversial an area as no-fault. In this connection, it seems only reasonable to point out that Congress has already had no-fault legislation under consideration for several years and is not finished yet.

For the reasons presented in this statement, I believe S. 354 raises serious constitutional problems. While it is impossible to say with certainty what the courts will do with difficult questions of first impression, the precedents and the constitutional character of federal-state relations as we know them are in conflict with the premises on which S. 354 depends. At the very least, this is true for the states whose constitutions prohibit or restrict no-fault plans. It may be true to some degree for all states.

Some types of legislation can hope to avoid constitutional testing. This is the case where procedural or political factors make it unlikely that an issue will be litigated.

To suppose that E. 354 and the several parts of the system it envisages would remain out of the courts is unrealistic in the extreme. Plaintiffs and defendants in automobile cases and those affected by vehicular insurance policies number in the tens of millions—indeed they include virtually the entire population.

Limitation of recovery for pain and suffering alone, to say nothing of other substantive and procedural aspects of no-fault, will not cease to engender contest merely because a federal law is enacted.

I believe that the Congress, and particularly this Committee, should be very uneasy with legislation that is sure to let loose a flood of litigation that will produce uncertainty for years in a field so vital to the physical and economic protection of all members of the population.

This is not to argue that no-fault is an erroneous principle, or that the enactment of no-fault statutes is intrinsically bad. I have not been concerned with that question in my testimony. It is to argue, however, that S. 354 seriously needs rethinking, both in detail and in its basic structure. A constitutional infirmity in a federal no-fault law would be catastrophic, especially if it preempts the state laws—no-fault or traditional tort remedy—on which our reparations system now depends. On the other hand, an infirmity in the no-fault law of a single state (however serious) can more readily be borne because the territory and the number of people affected is so much less. This is an excellent example of a field in which the worth of the state components of the federal system as laboratories is particularly great. At the present stage of development and implementation of the no-fault concept, it seems especially unwise to add federal constitutional uncertainties to the freight which this reform must carry.

FOOTNOTES

[1] Arizona Const., Art. 18, Sec. 6; Arkansas Const., Amendment 26 to Art. 5, Sec. 32; Kentucky Const. Sec. 54; Pennsylvania Const., Art. 3, Sec. 18; Wyoming Const. Art. X, Sec. 4.

[2] Ohio and New York have constitutional provisions which forbid the elimination of wrongful death actions or any limitation of recovery thereon. Ohio Const. Art. I, Sec. 19(a); New York Const. Art. I, Sec. 16. The constitutions of the following states contain language which could be construed as forbidding elimination of the tort remedy. Alabama Const. Art. I, Sec. 13; Colorado Const. Art. 2, Sec. 6; Connecticut Const. Art. 1, Sec. 10; Delaware Const. Art. 1, Sec. 9; Idaho Const. Art. 1, Sec. 18; Indian Const. Art. 1, Sec. 12; Kansas Const. Art. 1, Sec. 18; Louisiana Const. Art. 1, Sec. 6; Maine Const. Art. 1, Sec. 19; Maryland Const. Art. 19; Mississippi Const. Art. 3, Sec. 24; Oregon Const. Art. 1, Sec. 10; Rhode Island Const. Art. 1, Sec. 5; North Dakota Const. Art. 1, Sec. 12; Vermont Const. Ch. 1, Art. 4; Wisconsin Const. Art. 1, Sec. 9.

[3] Kelly and Harbison, *The American Constitution, Its Origin and Development*, revised ed. 1955, pp. 143–146; and *Gibbons* v. *Ogden*, 9 Wheat 1, 6 L.Ed. 23 (1824).

[4] Cooley, *Constitutional Limitations*, 8th ed., (1927), expanded by Walter Carrington, Vol. I, pp. 11–12 and cases there cited.

[5] Cooley, *Constitutional Law*, 4th ed., revised and enlarged by Andrew A. Bruce (1931) Sec. 14, p. 30 and cases there cited.

[6] *Marbury* v. *Madison*, 1 Cranch 137, 2 L.Ed. 60 (1803).

[7] Pound, *Jurisprudence*, Vol. III, p. 427 (1969); and Hart, "The Relationship Between State and Federal Law", 54 Columbia Law Review 491 (1954).

[8] Cooley, *Constitutional Limitations*, 8th ed., (1927), expanded by Walter Carrington, Vol. I, p. 4.

[9] For example, virtually all state constitutions contain provisions guaranteeing the right to a trial by jury. Some of these provisions are: Alabama Const. Art. I, Sec. 11; Ariz. Const. Art. II, Sec. 23; Indiana Const. Art. I, Sec. 20; Massachusetts Const. Pt. 1, Sec. 15; and Mississippi Const. At. III, Sec. 31.

[10] Examples of such constitutional limitations are: Arizona Const. Art. IX, Sec. 3 and 5; California Const. Art. X, Sec. 1; Delaware Const. Art. VIII, Sec. 3; Kansas Const. Art. XI, Sec. 5, 6, and 7; and Montana Const. Art. XIII, Sec. 2.

[11] See, for example, Arizona Const. Art. XVIII, Sec. 6; Arkansas Const. Art. V, Sec. 32, Amendment No. 26; Kentucky Const. Sec. 54; Pennsylvania Const. Art. III, Sec. 18; and Wyoming Const. Art. X, Sec. 4.

[12] *Massachusetts* v. *Mellon*, 262 U.S. 447 (1932); and *Steward Machine Co.* v. *Davis*, 301 U.S. 548 (1937).

[13] *Steward Machine Co.* v. *Davis*, 301 U.S. 548 (1937); and *Oklahoma* v. *U.S. Civil Service Commission*, 330 U.S. 127 (1947).

[14] For example, in 1944, after the Supreme Court held that the Sherman Antitrust Act of 1890 applied to the insurance business even though "based upon contracts which are local in nature." *U.S.* v. *South-Eastern Underwriters Ass'n.*, 322 U.S. 533 (1944). Congress enacted the McCarran Act of 1945, 59 Stat. 33, 15 U.S.C. Sec. 1011 et seq., which overrode the Court's holding and returned to states the power to regulate local insurance companies. This enlargement of state authority was then approved in *Prudential Insurance Co.* v. *Benjamin*, 328 U.S. 408 (1946). See *Southern Pacific Co.* v. *Arizona*, 325 U.S. 761 (1945).

[15] The two basic cases on federal preemption are *Hines* v. *Davidowitz*, 312, U.S. 52 (1941); and *Rice* v. *Santa Fe Elevator Corp.*, 331 U.S. 218 (1947).

[16] "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Amendments 17 and 23 contain a similar provision but do not involve state authority.

[17] The 13th Amendment was adopted in 1865, the 14th in 1868 and the 15th in 1870.

[18] See *Reynolds* v. *Sims*, 377 U.S. 533 (1964).

[19] *Kinsella* v. *United States ex rel. Singleton*, 361 U.S. 234 (1960).

[20] This same idea was initially advanced in *McCulloch* v. *Maryland*, 4 Wheat 316, 4 L.Ed. 579 (1819).

[21] For example, Article I, Sec. 10 forbids states to "lay any Duty of Tonnage [or] Keep Troops, or Ships of War in time of Peace" without Congress's consent.

[22] *Second Employers' Liability Cases*, 223 U.S. 1 (1912); *Cohens* v. *Virginia*, 6 Wheat 264 (1821); and *Martin* v. *Hunter's Lessee*, 1 Wheat 304 (1816).

[23] *McKnett* v. *St. Louis & S.F.R., Co.*, 292 U.S. 230 (1934); *Testa* v. *Katt*, 330 U.S. 386 (1947); Hart, "The Relationship Between State and Federal Law", 54 Columbia L.Rev. 491 (1954).

[24] *United States* v. *Constantine*, 296 U.S. 287 (1935); *United States* v. *Lanza*, 260 U.S. 377 (1922).

[25] *Albema* v. *Booth*, 21 How. 506 (1858).

STATEMENT OF KARL HERRMANN, WASHINGTON STATE INSURANCE COMMISSIONER

Mr. Chairman and members of the Committee, No-Fault Insurance is a magic term which has captured the imagination of the American public. Although everyone is for it, few understand what it actually is. There are approximately two hundred plans that have been carefully designed, compiled, and disseminated throughout the country. To say the least, it is extremely confusing even to the experts who try to make sense out of this melee of proposals.

Reduced to the least common denominator, no-fault insurance is no more than first-party insurance. In most instances, it has

been affected or recommended with mandatory provisions of the law.

The appalling tragedy lies in the fact that it has been represented as the great panacea, or cure-all, full of many sophisticated and complex problems confronting automobile insurance. We must remember that it is impossible to get something for nothing. Every business or industry must take in more than it pays out in order to survive. This is true whether we are considering the local hamburger stand, Lockheed, Rolls Royce or Penn Central Railroad. It makes no difference how small or large the enterprise. This principle applies.

Insurance is no exception. If, for example, a company or industry as a whole pays out X amount in claims, it must take in X plus in premium. That plus must be enough to pay all expenses, a reasonable return on capital invested, if it is a stock company, and provide enough surplus for growth and development. If we do not accept and believe in this formula, then we do not believe in the private enterprise system. When we look around at other nations, especially behind the Iron Curtain, we can realize as a matter of fact that with all its faults, the private enterprise system has delivered the greatest amount of the world's goods and services to the greatest number of people from the top to the bottom strata of our society than any other system so far devised.

Why have we at present become engrossed in no-fault automobile insurance? The concept is not new. It was first considered back in the World War I era. Herbert Hoover was interested in the subject. The Columbia University made a study back in the thirties. Doctors Keeton and O'Connell kicked the idea around for a decade or two. Then, all of the sudden, with the name of no-fault, it took with the public and there has been a great popular demand for immediate change in our auto insurance reparations system.

The DOT study, which also has been referred to as the two-year two million dollar study, has brought this subject to a head. In a nut shell, it points out that our present auto reparations system has failed to meet the public need and necessity and gives two basic reasons why. First, over half of the automobile accident victims, including pedestrians, do not receive one cent of compensation for their damages resulting from personal injury, and those who are compensated as a class receive in benefits less than half the money paid in premium dollars. To be exact, the amount is approximately 44¢ on every dollar paid.

This presents the question, "How are we going to fill this vacuum with a more efficient system which will provide compensation for everyone who is injured as the result of an automobile accident?" In approaching the problem, we must understand that approximately 70 percent of the premium dollar is paid for coverage of repair or replacement of property. About 30 percent is paid for coverage of repair and rehabilitation of people. On the property side, we already have no-fault insurance under the definition that it is no more than first-party coverage. My collision policy covers me regardless of fault. The problem lies with the other 30 percent of the premium dollar. So it is immediately evident that there cannot be a tremendous reduction in the overall premium by revising our personal injury coverage.

Those who have gone about the Nation heralding their contention that we can reduce premiums 35–40 percent and increase coverage to include everyone who is injured are indeed false prophets. If personal injury coverage were given free of charge, it would not meet their wild representations of overall premium reduction.

Another pertinent principle is the price in the abstract means nothing. Price must always be compared with the quantity and the quality of the service or contract. Whenever price is reduced, regulators in the public interest, should at least make certain that more than the price reduction has not been taken from the quantity and quality side of our equation. In dealing with tangible goods that can be weighed, measured, felt, and seen, the consumer can usually judge for himself whether the price paid is in keeping with value received. In intangibles, such as insurance, evaluation becomes difficult even for those experienced in the field. Applying this concept to auto insurance, when we restrict, limit or deny an accident victim's right of recovery, we are taking away a valuable right or option.

In many instances where thresholds have been applied, situations have been created whereby the policy holders have been shortchanged. I refer specifically to one state where premiums were reduced 15 percent under its so-called no-fault program and benefits were reduced 75 percent. It doesn't take a professional actuary or a skilled mathematician to tell us who came out at the little end of the horn in that situation. High benefits and low premiums are incompatible. The late President Harry Truman in referring to our national defense expenditures stated this principle when he in effect said that if you provide a bargain basement price, you are going to get a bargain basement product.

The States of Delaware, Oregon and Washington have no-fault benefits that cover all victims who were formerly left out in the cold, so to speak, without denying or changing any of their rights. Our state of Washington is now affording some of the most generous benefits so far offered in the nation in a voluntary add-on program. With the lower speed limit, I feel confident we can meet the benefit standards of Senate bill 354 without legislation or further regulation. I am sure the industry will cooperate with me in meeting the proposed benefit levels. In doing this, we will have all of the benefits proposed by this federal legislation without restrictions and without limiting the insured's right of recovery under our present laws and regulations.

The experience in the two other states that have an add-on plan indicates that litigation has been drastically reduced. It has been reduced primarily through immediate payment of wage loss, hospital and medical expense without regard to fault. The prior payment plan under liability claims where liability was evident substantially reduced litigation for all of the companies that instituted the plan. People, at least in our state, and I believe the same prevails through the nation, are not litigious. They do not want to be forced to go to a lawyer. They abhor the trauma of a law suit. Immediate payment on a no-fault basis removes the necessity of legal action in a large percentage of cases. So, we can distribute the benefits to all auto accident victims with a possible decrease in premiums. I have run surveys and I have conducted extensive personal interviews with the rank and file of people who sit behind the wheel of the family car. I have not as yet found one person who believes that he should have complete immunity when he gets behind the wheel of a car.

Most people throw up their hands in protest when I ask this question: Would you approve a change in our laws that would operate in the following manner: Suppose I run a stop sign and hit you and your family broadside in your stationwagon. I walk away uninjured, but all of you are hospitalized, some with serious injury. When you ask me what I am going to do about your losses, I can legally say, I will talk to the police but you are on your own. You must go to your own insurance company, look to your own policy and received such benefits as you have paid for out of your own pocket. Under the law, I am no longer in any way civilly responsible for my acts behind the wheel of my car.

Most people consider this unfair, unjust, and inequitable. They also believe it would be removing a very effective deterrent to careless, reckless or wanton behavoir behind the wheel.

Although drastic changes in the present auto insurance concept are necessary to further and protect the public interest, care should be taken to avoid a system that is going to shortchange the public and result in a situation that is not compatible with good reason and common sense. Since the companies agreed to offer no-fault benefits in our state that are close to those recommended in Senate bill 354, I believe that voluntary no-fault insurance with the recommended benefits should be made available in every state in the nation. With the companies willing, I cannot conceive of any insurance commissioner taking opposition to this plan unless his state has already adopted a better system with greater benefits than those proposed in Senate bill 354.

By this system of voluntary action, we would not only be providing benefits to all those who do not have coverage under our present reparations system, but we would also be compiling actual, real-world experience that would be of great value when and if it is necessary to put further restraints and conditions on our present system. In other words, we would not be shooting in the dark. We would know what the price tag is. Prices will certainly vary from state to state. The claim frequency in some of states is four times that in the state of Washington. The frequency and dollar amount of claims are substantial factors in our X plus formula as previously referred to. It is evident, therefore, that state-by-state experiments and trial operations are necessary if we are to evolve into a sane and sensible program that will bring more and better coverage to all our accident victims at the least possible price.

It is my position in conclusion that it is not necessary to invoke the gun-in-the-ribs approach that federal legislation would mandate to state regulation. If the committee finds it necessary to set up guidelines simply because it is convinced that many states will not get off dead center without the thrust and mandate of federal law, then I believe that the guidelines should be limited to the level of benefits that are paid to the auto accident victims regardless of fault. I know that the committee has been presented with actuarial studies. So has our state legislature. So has my department, the NAIC and every insurance department throughout the nation. These studies are all over the scale, claiming reductions, increases and the status quo. Practically everything that can be said about this program and all of its ramifications has been documented by an actuarial study. Actuarial science is a science as far as techniques are concerned, yet when these techniques are applied to assumptions, judgments, trends and other factors that cannot be truly predetermined, then the results cannot be relied upon to the same degree of accuracy as actual, in the field experience.

I recommend that you first give the states a chance to act, but if you do find it necessary to mandate, limit it to the level of no-fault benefits.

STATEMENT OF LESTER L. RAWLS, INSURANCE COMMISSIONER OF THE STATE OF OREGON

My name is Lester L. Rawls and I am the Insurance Commissioner of the State of Oregon. I have been in that position for 15 months. Prior to my appointment as Insurance Commissioner I practiced law in Portland, Oregon, and prior to my law practice I was employed by an insurance industry in various positions in underwriting and claims. My last position was branch manager of the Continental National American Group in Oregon.

When I took my oath of office I promised to support the Constitution and the laws of the state of Oregon. One such law is the theme of our department, that being ORS 731.008. "The Legislative Assembly declares that the Insurance Code is for the protection of the insurance-buying public"—and that it shall be construed in a liberal manner to effect the intent of the Legislature to protect the people of Oregon. I also accept by inference, if not directly, my responsibility to act in a manner which will be to the best interests of the people of the state of Oregon as I see it. It is in this context that I appear here today to testify before this body.

As most of you know, the philosophy of no-fault insurance is not a new concept. It has been around for many years. Certain combination of events have given support to a joining of two individual ideas with a result of what is now known as "no-fault".

The first concept is that every injured person should have coverage for his medical claim and his loss of income. Through the years there have been many ideas as to the best approach to accomplish this. When I first began my insurance career we attempted to add medical coverage and disability income to every auto policy on a voluntary basis. However, because of the competition between agents and companies, the idea did not catch on and I'm sure that prior to the enactment of the no-fault laws around the country, including Oregon, little disability income is written in conjunction with an auto policy.

The second factor, commonly known as a threshold, concerns a problem which insurance companies have disliked for years—that is the so-called nuisance or small bodily injury claim. The president of American Casualty Company once said that it was not the large bodily injury claim, $10,000 or more, that bothers the expense factor of their company, but it was the little bodily injury claim that drove companies up the wall. He said if there was a way to bar such claims from coming in the door of the company it would be a boon to the insurance industry and I'm sure it would.

In 1970, my predecessor, a man with a non-insurance, non-lawyer background, called together a committee of laymen, insurance personnel, and lawyers of distinction in fields other than trial or personal injury work and asked that they develop a no-fault law for Oregon. This committee was chaired by the Honorable William Dale, Judge of the Circuit Court of Oregon—a man of impeccable credibility and who had only the best interest of the people in mind in all of his deliberations. Out of this committee came what is commonly known as the Oregon plan—a plan which makes prompt payments of medical bills and disability income and a plan which also has done an excellent job of answering the problem of small law actions.

Briefly, the plan is as follows (I will give the amounts of coverage effective on 1/1/74): Medical Coverage, $5,000 per injured person, Disability Income, Maximum $750 a month for a period of 52 weeks ($750 being 70% of the gross monthly income), and Essential Services, $18 per day.

Coverage is mandatory for *all* auto liability policies issued on private passenger autos.

In Oregon where it is estimated that 96% of the registered autos are covered by insurance, the program has worked with far greater success than was ever dreamed of.

Public reaction, when they understand the program, is good.

We are told by the courts that there is no question about the reduction in court cases.

The major auto writers all advise that their bodily injury claim count has been reduced drastically. Of course, some of these are hesitant to attribute this to Oregon's program, but anyone who has worked in insurance and law as I have recognizes the syndrome immediately. When the injured party is reimbursed for his injury regardless of fault the impetus to make a bodily injury claim fades away in a large number of cases.

Also, a very important element in Oregon's laws which I personally believe is the real key to the reduction of law suits is Oregon's reimbursement statute. Briefly, it requires that an injured party reimburse his own insurance company fully from any settlement or judgment he may receive from the tortfeasor. Thus, if a person has a small injury and knows that he must pay his own insurer from any proceeds he receives, he takes a different look at the possibility of a judgment sufficient to take care of the court costs, filing fee, deposition, subpoena fees, doctors' fees and reimbursement of his carrier before he and his attorney receive anything.

In its counterpart, the tort threshold, the plaintiff can achieve the threshold and then is home free, because he does not have to pay his carrier back.

Oregon's law went into effect on 1/1/72. The law called for all auto liability policies to carry the mandated coverage on all new or renewal policies after 1/1/72. We have had almost a year and a half of experience under the new law. Recently companies began to lower their auto rates and the results were reductions ranging from 8% to 15%—Insurance Services Office recommends an 11% reduction in auto liability.

Recently a nationally recognized actuary was in our office and suggested that the Oregon plan just has the insurance industry in a state of confusion. We discussed the concept of a tort threshold and its domination of the thinking of those individuals to the extent that it is difficult, if not impossible, for industry to accept an alternative. The Oregon plan is, of course, the plan which is people-oriented and takes no rights away from the people, whether rich or poor. The Oregon plan doesn't set an artificial barrier conceived by someone other than the injured party to achieve before he can ask for redress against the person who injured him. The argument of court congestion fails in Oregon where in Multnomah County (the largest in the state) the plaintiff can go to trial four to six months after he files his first compalint.

I'm sure that many of the other states have similar situations and it is incongruous to me to be faced with a federal standard set by persons not acquainted with the Oregon situation that will be a detriment to the people of Oregon. Each and every state has peculiar problems with its own area—more so in auto insurance than any of the other personal lines coverages. The problems that affect Pennsylvania, New Jersey, Illinois and California are not the ones that affect Oregon, Alaska or Idaho. This was recognized by the Congress when the McCarran-Ferguson Act was passed. Congress felt then and I'm sure may feel now that each state should be left to regulate itself. We have proven that in Oregon. I do not believe that it is a case where the just must suffer with the unjust. It is a case where the people of the states can go directly to their own assembly as the people of Oregon did and demand the changes that are necessary.

Many feel that because a part of the law is not working as they feel it should that the way to solve the problem is to take away all the rights of the people and then if they had something before, they now have nothing and thus it is equal. This is analogous to the custom in some native tribes whereby the cure for a headache is to drive a spike through the head of the person from one temple to the other. It is an absolute cure and one need never to worry about the headache again. That problem is solved. In the present bill one goes a step further and not only drives the spike through the head of the one with the headache, but takes in all the family members whether or not their heads ache and renders the same treatment.

We fully appreciate the concern of the Congress for the welfare of the people, but when each state is attempting to solve its problem, why not leave us to our own duties and let these United States solve whatever difficulty they have rather than have arbitrary rules set down which may or may not be in the best interests of the insurance-buying public.

Mr. MANSFIELD. Mr. President, the 93d Congress opened after an election which returned the President to the White House with a most impressive majority. At the same time, a Democratic House and Senate were also retained by the people and the margin of the Democratic majority in the Senate actually increased. There were those who chose to focus on the results of the Presidential election and to overlook those of the congressional. It was not an uncommon view in this city at the time that Congress had all but ceased to have relevance in this Government. At the start of the year, the beginnings of contempt for the constitutional role of Congress were clearly to be seen in the ruthless resort to impoundment practices, and in the abuses of executive privilege.

That is what the 93d Congress confronted when, in early January, it assembled for the first time. Frankly, I have never known Members of the Senate to be more concerned about the security of the constitutional structure of the Government than they were at that time. There was fear of what was transpiring but, I am happy to say, there was also a determination to halt the erosion.

In this atmosphere, the majority conference of the Senate endorsed a leadership statement of purpose and objectives for this session. The statement called on the Senate to move immediately to reassert the coequal role of the legislative branch in the Government of the United States. It called for action on a number of specific issues which ranged from ending the involvement in Indochina to the investigation of the Watergate affair and related matters arising out of the political campaign of 1972. In all, 20 issues were set forth for action in the Senate during this Congress. Today, as the first session draws to a close, I am happy to report that we have made progress on almost all of them.

The Democratic Conference asked, as a matter of priority, for repassage of measures which the President had pocket vetoed after the adjournment of Congress. Other measures were also listed for prompt disposal, measures on which the Senate had already spent many hours in the previous Congress. The response of the Senate committees and their chairmen and of all of the Members to this request was prompt and thorough. Of 28 recycled legislative items, over 78 percent have become public law or have passed the Senate and await House action. Only four of the remainder are of substantial significance—a comprehensive housing program, no-fault insurance, national health insurance, and the creation of a consumer protection

agency. These can be expected to come before the Congress next year.

That is one measure of the response of the Congress to the depredations of the last election and to the contempt of Congress with which they are associated. It is a response written with the ink of a public dedication of the highest order on the part of the elected Members of the Congress. It is a response in which every Member of the Senate can take satisfaction—Republicans no less than Democrats. Indeed, I cannot recall a Senate which has been more disposed to put the constitutional stability and the interests of the Nation as a whole above partisanship and above sectionalism than the Senate of this 93d Congress.

It is easy to find fault with this Congress as any other. It is easy to rake over the trivia. The fact is, however, that the Congress has been the anchor of the people's freedom. It has been the rock of the Nation at a time when the executive branch has been seized in a whirlwind of resignations, disclosures, denials, dismissals and indictments. The Nation owes special thanks to Senators ERVIN and BAKER and the other members of the Senate Special Committee for what they have done to turn the light of public scrutiny on the abuses of power—to say the least—that has been rampant for too long in this Government. The committee took on an onerous task at the direction of the Senate—not one of them volunteered—and they have discharged that task with a scrupulous but relentless thoroughness. The work of the Senate Committee on the Watergate affair and related matters has been an essential catharsis for the Nation's political life.

Nor should we overlook the work—the thorough work of the Judiciary Committee in the examination of Patrick Gray, when he was nominated as Director of the FBI, in the examination of Elliot Richardson and Senator SAXBE for the Attorney General post as well as in the establishment of a legal basis for a Special Prosecutor in the Watergate affair. In all of these matters, the committee, as the agent of the Senate, was pursuing carefully and thoroughly the constitutional responsibilities of this body.

Let no one doubt, moreover, the role of the Congress in ending the military involvement in Vietnam. To be sure, the war was a long time in ending. United States combat forces were a long time in coming home. Too long, far too long. Too many lives too late. And we are now paying the price of the stretchout of a wasting war. And we will pay it for many decades to come. But would it have ended at all without the persistent pressure from the Congress? Would it have ended at all had not the Congress acted on June 30 to cut off the funding of U.S. military activity in Southeast Asia. These are questions for the historians of the future. For the present, it is enough that the involvement has ended and it is not likely to be resumed. It is not likely to be resumed, especially when the overwhelming sentimer ts of Congress against unilateral Executive military adventures have been set forth in the War Powers Resolution which became law without Presidential approval.

Before reviewing specific legislative achievements of this session, I would point out that this year we have the dubious distinction of casting more rollcall votes than any other group of Senators in the 20th century. Last year's total of 532 has been surpassed this year with 594 votes. I might add that we are well on the way to breaking the all-time total for any Congress which was made in the 47th Congress—1881–83—when 986 rollcall votes were cast. This is one record which I hope will not be superseded. Rollcall votes are a measure of time expended and not always for useful purposes, notwithstanding the scorecards which are maintained and the snap judgments of performance which emerge from them. I hope that in the coming session, a little more discretion will be exercised in the use of this parliamentary mechanism.

This year the Senate has passed over 700 measures, ratified 22 treaties, and confirmed 66,817 nominations. I shall mention at this point only those of major importance which have already been enacted or await House action: the Agriculture and Consumer Protection Act, the war powers resolution, compensation for victims of violent crimes, District of Columbia home rule, welfare reform, social security benefits increase, emergency medical services, health maintenance organizations, private pension plan reform, minimum wage increase, which was vetoed, vocational rehabilitation, voter registration, highways-mass transit funding, Northeast rail services improvement, and veterans' benefits increase.

With regard to energy and the environment, we have passed an unprecedented number of significant bills, mostly in the last couple of months. Several Senators, notably Senators JACKSON, MAGNUSON, RANDOLPH, MUSKIE, Moss, and their Republican counterparts, have been working on solutions to energy and related problems for many years. Senator BYRD of West Virginia, has worked for years to obtain support for coal research. The spadework which was done by these Senators prepared the ground for the measures rushed to Congress in the last few months by an executive branch caught short by the energy crisis. Because of what they had already done and not because of any prodding from the executive branch, the Interior, Commerce, Government Operations, and the Public Works Committees have been able to bring out, with great dispatch, a range of thoughtful legislation which should help the Nation in meeting the current crisis. The executive branch, no less than the Congress, owes much to the chairmen and members of these committees for their contributions in the following measures: The Alaska pipeline, strip mining controls, emergency petroleum allocation, national energy emergency, energy research and development, energy conservation, daylight-saving time, energy conservation, speed limits, and land-use policy, and the Federal Energy Emergency Administration Act.

At the end of a long and fruitful first session, I wish to thank the able assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), who has worked closely with me and with great dedication to keep the Senate at peace within itself to the end that the work might flow smoothly. He has given unstintingly of his time and it was long and weary and of his talent—a talent which is extremely effective—especially on the floor of the Senate. I also wish to thank the distinguished minority leader Mr. HUGH SCOTT, for his understanding, accommodation and cooperation—our relationship could not be better; it is a good relationship, because we lay the cards on the table, and each of us knows what the other one intends to do at any given moment—and also his capable assistant, Senate GRIFFIN for his consideration, cooperation and the time he, too, spent on the floor for their cooperation and good humor and, above all, their readiness to work together with us to make the Senate work.

To the Senators, I express my thanks for their understanding, my appreciation for their forbearance, and my profound respect for their courage and determination, to the end that the Nation and the validity of its constitutional structure might be placed above all other consideration. It is not an easy life that is led here, especially for the younger Senators with families. But what the Senate is and what the Senate does in these critical days is of the utmost relevance to the future of this Nation. The Senate of the 93d Congress has been outstanding in every respect. What it has done speaks for itself.

Mr. President, I ask unanimous consent that various documentation related to my remarks and a complete report of Senate legislative activity with a subject index which has been prepared by Mrs. Elizabeth O. Shotwell, chief clerk, and by staff members of the Democratic Policy Committee, be printed in the RECORD and also as a Senate document.

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

(See exhibits 1 through 7.)

Mr. MANSFIELD. Mr. President, it gives me great pleasure to report to the Senate on the most up-to-date figures respecting the President's budget requests for funding operations of the Government this fiscal year compared with the action of the Congress on those requests. I am delighted to report that the Congress, acting responsibly and with the interests of all Americans closely in mind, has effected a cut overall of $3.2 billion in the President's budget requests for fiscal 1974. Precisely, the Congress, when it adjourns sine die this year, effected a slice of $3,020,236,226.

I will now incorporate the entire breakdown which was prepared by the Senate Appropriations Committee of this outstanding record in the CONGRESSIONAL RECORD. In short, it reflects that the Congress has shown a deep concern for the health and education of the Nation's people with their environment and with the quality of their lives, and has added vitally needed sums to these domestic priorities from enormous savings taken out of unneeded military and foreign

assistance programs, some of which have lost all relevance in the world today.

I congratulate the Senate and the Congress for this achievement; it is a record—a bipartisan record—in which we may all take pride.

EXHIBIT 1

SENATE OBJECTIVES AS OUTLINED IN THE STATE OF THE SENATE SPEECH BY THE MAJORITY LEADER, JANUARY 3, 1973

1. Reinforcement of Constitution's checks and balances and reassertion of legislative role.
2. End of war in Indochina (no sine die adjournment).
3. Cooperation with House.
4. Coordination with Democratic Governors.
5. Spending Ceiling set by Congress.
6. Computerization and Access to material in Budget.
7. Clarification of the Impoundment of Funds practice.
8. Reduction of Defense Spending.
9. Closing of Overseas Bases.
10. Cutting of the size of the Federal Bureaucracy.
11. Reorganization of the Federal Government.
12. Quick Disposal of Priority Legislation, including 1973 vetoes.
13. Need for Health Insurance and Welfare Reform.
14. Reform of Campaign Financing law.
15. Investigation of Watergate Bugging and other Practices.
16. End of FBI Dossiers on Congressmen.
17. Insurance of Freedom of Speech of the Press.
18. Reform of Senate Rules, including seniority.
19. Policy Committee to Delineate Party Positions.
20. Clarification of the use of Executive Privilege.

EXHIBIT 2

REMARKS OF SENATOR MIKE MANSFIELD AT THE DEMOCRATIC CONFERENCE, JANUARY 3, 1973

We meet, today, with a new majority. We meet with new responsibilities and a new mandate.

The same electorate that endorsed the President increased the Democratic majority in the Senate by two votes. If the re-elected Members (Senators Sparkman, McClellan, Mondale, Eastland, Metcalf, McIntyre and Randolph), and the Senators-elect (Senators Abourezk (S.D.), Biden (Del.), Clark (Iowa), Haskell (Colo.), Hathaway (Me.), Huddleston (Ky.), Johnston (La.), and Nunn (Ga.)) will stand, the Conference would appreciate the opportunity and the privilege of congratulating them en bloc.

In my judgment, the vote for each of these Senators in November was cast for them as individuals. Each speaks with unique ideological and regional accents. Each has a sensitivity to a particular constituency. Nothing I may say, today, is intended to detract from that basic fact of victory in this or any other free election. Collectively, however, these Senators are representative of the Democratic Party. They reflect the strength of a unified political identity in the midst of ideological diversity, of a party that excludes no sector of the nation, nor any group of Americans.

What I have to say now, I say with all due respect and affection for our distinguished colleague from South Dakota. (And if I may digress for a moment, I would note that not a single Member of the Democratic Majority in the Senate of the 92nd Congress—south, north, east or west—defected to the Republican Presidential candidate in November.) Notwithstanding the outcome of the November election, it should be emphasized that, as a Senator from South Dakota, George McGovern shares the mandate which the electorate has given to the Senate Majority. I have every confidence that we can expect of him a vigorous contribution in its pursuit.

The recent election tells us something of what the people of the nation expect of the Senate. If there is one mandate to us above all others, it is to exercise our separate and distinct constitutional role in the operation of the Federal government. The people have not chosen to be governed by one branch of government alone. They have not asked for government by a single party. Rather, they have called for a reinforcement of the Constitution's checks and balances. This Democratic Conference must strive to provide that reinforcement. The people have asked of us an independent contribution to the nation's policies. To make that contribution is more than our prerogative, it is our obligation.

An independent Senate does not equate with an obstructionist Senate. Insofar as the Leadership is concerned, the Senate will not be at loggerheads with the President, personally, with his party or his Administration. The Senate will give most respectful attention to the President's words, his program and his appointments. Every President deserves that courtesy. During the period in which you have entrusted me with the leadership, every President has had that courtesy.

In a similar vein, the rights of the Republican Minority in the Senate will be fully sustained by the Majority Leadership and I anticipate the cooperation of the minority leadership in the operation of the Senate. I would say to the Minority, however, no less than to the Majority, that the Senate must be prepared to proceed in its own way. When conscience so dictates, we must seek to initiate and advance public programs from the Senate and, as indicated, to revise proposals of the Executive Branch.

It is my expectation that the House of Representatives will join in this approach. To that end, the Senate Leadership will seek to establish close and continuing liaison with that of the House. Looking to the needs of the entire nation, moreover, the Leadership will put out new lines of communication to the Governors Conference, notably to its Democratic Members, as well as to the National Democratic Party. We have much to learn from these sources about conditions in the nation. Their contribution can help to improve the design of federal activity to meet more effectively the needs of all States.

There is no greater national need than the termination, forthwith, of our involvement in the war in Viet Nam. This Conference has been in the vanguard in seeking a legislative contribution to rapid withdrawal from that ill-starred, misbegotten conflict. The Majority Conference has resolved overwhelmingly to that effect. Members have voted on the Senate floor preponderantly, to that effect.

Nevertheless, the war is still with us. Notwithstanding intermittent lulls and negotiations, the prisoners of war remain prisoners and their numbers grow with each renewal of the bombing. The fact is that not a single prisoner has been released to date by our policies; the handful who have come home have done so in consequence of gestures from Hanoi. The recoverable missing in action have yet to be recovered and their numbers grow. Americans still die in twos and threes and plane-loads. Asians die by the hundreds and thousands. The fires of an enduring hostility are fed by unending conflict. We are in the process of leaving a heritage of hate in Southeast Asia to our children and our children's children. And for what?

With the election behind us, I most respectfully request every Member of the Conference to examine his position and his conscience once again on the question of Viet Nam. I do not know whether there is a legislative route to the end of this bloody travesty. I do know that the time is long since past when we can take shelter in a claim of legislative impotence. We cannot dismiss our own responsibility by deference to the President's. It is true that the President can still the guns of the nation in Viet Nam and bring about the complete withdrawal of our forces by a stroke of the pen. It is equally true that the Congress cannot do so. Nevertheless, Congress does have a responsibility. We are supplying the funds. We are supplying the men. So until the war ends, the effort must be made and made again and again. The Executive Branch has failed to make peace by negotiation. It has failed to make peace by elaborating the war first into Cambodia, then into Laos and, this year, with blockade and renewed bombing, into North Viet Nam. The effort to salvage a shred of face from a senseless war has succeeded only in spreading further devastation and clouding this nation's reputation.

It remains for the Congress to seek to bring about complete disinvolvement. We have no choice but to pursue this course. I urge every Member of this caucus to act in concert with Republican Senators, by resolution or any other legislative means to close out the military involvement in Viet Nam. If there is one area where Senate responsibility profoundly supersedes party responsibility, it is in ending the involvement in Viet Nam.

In view of the tendency of this war to flare unexpectedly, the Leadership now questions the desirability of the Congress ever again to be in *sine die* adjournment as we have been since October 18, 1972. In that Constitutional state the Congress is unable to be reassembled on an urgent basis except by call of the President. It is the Leadership's intention, therefore, to discuss this gap in Congressional continuity with the House leaders. It may well be desirable to provide, at all times, for recall of the Congress by the Congress itself. There is ample precedent for providing standby authority of this kind to the combined Leaderships.

If Indochina continues to preoccupy us abroad, the Senate is confronted, similarly, with an overriding domestic issue. The issue is control of the expenditures of the Federal government. We must try to move to meet it, squarely, at the outset of the 93rd Congress.

In the closing days of the last session, the President asked of Congress unilateral authority to readjust downward expenditures approved by the Congress within an overall limit of $250 billion. The President's objectives were meritorious but his concern at the imbalance in expenditures and revenues might better have been directed to the federal budget which is now a tool—not of the Congress, but of the Executive Branch. It is there that the origins of the great federal deficits of the past few years are to be found. The fact is that Congress has not increased but reduced the Administration's budget requests, overall, by $20.2 billion in the last four years.

As the Conference knows, the House did yield to the President's request for temporary authority to readjust downward, arbitrarily, Congressional appropriations. The Senate did not do so. The Senate did not do so for good and proper reasons. The power of the purse rests with Congress under the Constitution and the usurpation or transfer of this fundamental power to the Executive Branch will take the nation a good part of the last mile down the road to government by Executive fiat. That is not what the last election tells us to do. That is not what the Constitution requires us to do.

I say that not in criticism of the President. The fault lies not in the Executive Branch but in ourselves, in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we continue to abdicate our Constitutional responsibility the powers of the fed-

eral government will have to be recast so that it can be done elsewhere.

We must face the fact that as an institution, Congress is not readily equipped to carry out this complex responsibility. By tradition and practice, for example, each Senate committee proceeds largely in its own way in the matter of authorizing expenditures. There is no standing Senate mechanism for reviewing expenditures to determine where they may fit into an overall program of government. A similar situation exists in our dealings with the House. So, if we mean to face this problem squarely, it is essential for us to recognize that the problem is two-fold. It involves: (1) *coordination of expenditures within the Senate* and (2) *coordination with the House.*

In the closing hours of the 92d Congress, Congress created a Joint Committee to recommend procedures for improving Congressional control over the budget. While this committee cannot be expected to conclude its work by February 15, as the statute directs, it would be my expectation that by that date an interim report will have been submitted to the Congress. Thereafter, it is the Leadership's intention to seek the extension of the Joint Committee in the hope that a definitive answer can be found to the problem.

In the meantime, what of the coming session? Unless the Congress acts now to strengthen coordinated control of expenditures, it is predictable that the Executive Branch will press again for temporary authority to do so. It is predictable, too, that sooner or later a Congressional inertia will underwrite the transfer of this authority on a permanent basis.

That is the reality and it ought to be faced squarely here in this caucus and on the floor of the Senate. Unless and until specific means are recommended by the Joint Committee, I would hope that the Conference will give the Leadership some guidance on how an over-all expenditures ceiling may be set as a goal for the first session of the 93d Congress. Shall we attempt to do it here in the Caucus? Shall we take a figure by suggestion from the President? Thereafter, how will we divide an over-all figure among the various major priorities and programs? How much for defense? For welfare? For labor and so forth?

Who will exercise a degree of control over expenditures proposed in legislation? Can it be done by a committee of committee chairmen? The Appropriations Committee? Should the Majority Policy Committee monitor expenditure legislation before it reaches the Senate boor to determine compatibility with an overall limitation? In any case, where will the necessary budgeting technicians and skilled fiscal officers be obtained? From the General Accounting Office? The Congressional Research Service? By an expanded Senate staff?

I would note in this connection the provisions of the Reorganization Act of 1970 which called for a unified computerized system for the federal government. The system was to permit classifying various programs and expenditures of the government so that we might know, among other things, how much was being spent for each particular purpose. This knowledge is essential for effective control of expenditures on the basis of a program of priorities.

The computer project is being undertaken jointly by the Treasury and the Office of Management and Budget, in cooperation with the General Accounting Office. It is my understanding that the project has concentrated, to date, on the needs of the Executive Branch while those of the Congress are being overlooked. If that is so, this project had better be put back on the right track. If it is necessary, the Congress should alter the enabling legislation to make certain that we get the information that is needed to control expenditures. It would be my hope that the appropriate committees would move without delay to look into this situation.

If the President seeks the cooperation of the Senate in negotiating an immediate end to the involvement in the Vietnamese war, in the control of expenditures or in any other matter of national interest, he will have that cooperation. Cooperation depends, however, on a realistic give and take at both ends of Pennsylvania Avenue. In the name of cooperation, we cannot merely acquiesce in unilateral actions of the Executive where the Constitutional powers of Congress are involved as they are in Viet Nam and in the control of expenditures. I would also note in this connection the proclivity of the Executive Branch to impound funds from time to time for activities approved by the Congress. This dubious Constitutional practice denies and frustrates the explicit intention of the Legislative Branch.

There are some areas in which, clearly, we can work cooperatively with the President. Defense expenditures, for example, can continue to be reduced to a more realistic level. I am glad to note that the Armed Services Committee and the Appropriations Committee both have been moving to bring about a general reduction of requests of the Executive Branch for these purposes. As a matter of fact, the reduction in defense appropriations amounts to $5.3 billion for FY '73 and I would hope that we will do even better this year.

We should also consider closely the Administration's announced plans to close some domestic military bases during the coming year. The Executive Branch should not overlook the approximately 2,000 installations and bases which we have set up in all parts of the world at a continuing cost of billions of dollars annually. Here, too, there is an area for cooperation with the President. I would suggest most respectfully that the Senate and the President consider jointly both in terms of obsolescence and economy the closing of a good many of these overseas establishments.

In the civilian sector, the President has indicated that the Federal bureaucracy is too large. There would certainly be grounds for close cooperation with the Senate in this sphere. The misuse and underuse of civil servants is a scandalous waste of public funds which is felt especially at a time of rising federal salary scales. To overload the agencies and departments with personnel is also demeaning and deadening to the dedicated men and women in the federal service.

If the President will work with the Congress on this matter, I am persuaded that the Civil Service can be reduced substantially from its present 2.8 million employees. The reduction can be without personal hardships, by a carefully developed program which would permit greater flexibility in transfers among agencies and incentive retirements. Such a program coupled with the natural attrition of death and resignation and with accompanying limits on new hirings could do much to improve the tone of government service and curb the payroll costs which now stand at $32 billion a year.

The President has expressed an interest in proceeding with his earlier proposed plans for reorganizing the Federal government. Clearly, there is a need for reorganization of sprawling, over-extended, over-lapping Executive departments, agencies and commissions. It must be faced as a realistic matter, however, that any basic reorganization in government is a difficult undertaking at best. In my judgment, a wholesale approach is not likely to achieve anything more concrete now than when it was first advanced two years ago. It would be only a charade. It is my hope, therefore, that the President would concentrate on areas of maximum need. It seems to me that Members of the Senate who have shown a deep interest in this problem can be very helpful in working with the Administration to define those areas.

Turning to our potential contribution to a legislative program for this session, I would emphasize that the Senate has a distinct mandate to assert its own concepts of priorities. The Constitution does not require us to await proposals from the Executive Branch. In this connection, two categories of "carry-over" legislation from the 92d Congress warrant immediate attention. The first consists of those measures passed by Congress in the last session but vetoed by the President. In many cases, the same measures can be reported promptly by the appropriate committees largely on the basis of comprehensive hearings held in the past. Within this group, of even more urgent concern are the following bills which were vetoed after Congress adjourned without opportunity to override:

1. An Act to Establish Mining, Mineral, and Related Environmental Research Centers in Each State.
2. The Airport Development Acceleration Act.
3. The Public Works Navigation and Flood Control Construction Bill.
4. The National Environmental Data System Act.
5. Extension of Grants to States for Vocational Rehabilitation of Handicapped Individuals.
6. The Veterans' Health Care Reform Act of 1972.
7. The National Veterans' Cemetery System Act.
8. Reclassification of Positions of Deputy U.S. Marshals.
9. National Institute of Gerontology Bill.
10. Revision of the Older Americans Act of 1965.
11. Public Works and Economic Development Act Amendments of 1972.
12. Appropriations for the Departments of Labor and Health, Education, and Welfare for Fiscal Year 1973.

A second category of priority bills includes those which were reported out and considered in either the House or the Senate during the 92d Congress but not enacted. They include pioneering measures of great relevance to the quality of the nation's life and the welfare of its citizens. These measures should be reported by the Committees early in the current session so that the Congress may consider them carefully. The list includes:

1. Comprehensive Housing.
2. Consumer Protection Agency.
3. No-fault Insurance.
4. Minimum Wage.
5. Pension Reform.
6. Comprehensive Health Insurance.
7. Health Maintenance Organizations.
8. Strict Strip Mining Controls.
9. Omnibus Crime Victims Bill.
10. Highway Federal Aid.
11. War Powers.
12. Anti Hijacking.
13. Consumer Product Warranty.
14. Land Use.
15. Fair Credit Billing.

I would note, in particular, legislation involving health insurance. Senators have introduced various measures dealing with this subject. The Administration has advanced other proposals. The Congressional approach tends to offer more comprehensive health coverage to the people of the nation. The Administration is more concerned with costs. It would be my hope that a compromise can be brought about between what Senators have suggested and what the Administration has recommended. In that fashion, we might at least begin to move in the direction of meeting the medical and hospital needs of all of our citizens.

In a closely related area, we will have to come to grips with the question of welfare reform. Over the past ten years, the costs of welfare have increased from $5 billion to approximately $15 billion. The trend continues upward. The states and localities are

overwhelmed by a growing demand for assistance. They plead for greater federal assistance in shouldering this load.

It is inconceivable to me that this nation will ever turn its back on those among us whose lives have been crippled by physical or mental handicaps, by unemployment, by poverty and disease. For years, we have assisted such people, by the millions, abroad as well as at home.

Nevertheless, we must find a better way of dealing with this problem. We must find a more effective system not only of training but of placement to put the able-bodied to work. It is more than a matter of getting people off welfare rolls. It is a matter of the right to personal dignity for every American who is prepared to assert it. It is a right which is interwoven with supporting oneself and family and with making a constructive contribution to the nation.

To date, the Administration has failed to meet this situation. So, too, has the Congress. Hopefully, together, in the 93d Congress we can make a new beginning.

Once, again, in the last election the flaws in the electoral system were paraded before the nation. In my judgment both Congressional and Presidential campaigns are too repetitive, too dull and too hard on candidates and electorate. Most serious, the factor of finance begins to overshadow all other considerations in determining who runs for public office and who does not, in determining who gets adequate exposure and who does not. It is not healthy for free government when vast wealth becomes the principal arbiter of questions of this kind. It is not healthy for the nation, for politics to become a sporting game of the rich.

This Congress must look and look deeply at where the nation's politics are headed. In my judgment, ways must be found to hold campaign expenditures within reasonable limits. Moreover, to insure open access to politics, I can think of no better application of public funds than, as necessary, to use them for the financing of elections so that public office will remain open to all, on an unfettered and impartial basis, for the better service of the nation. With this principle forming the objective, it would be desirable to consider limiting campaigns to three weeks or four weeks, later scheduling of conventions and possibly, replacing the present haphazard, expensive, time-consuming state primaries with national primaries. Once again too, consideration might be given to abolishing the electoral college and to adjustments in the Constitutional provision involving the Presidential term of office and, perhaps, that of the Members of the House.

The Federal Election Campaign Contributions Act, which we enacted in the 92d Congress and which was put into effect this past year, may also need refinement and modification to reduce undue paper-shuffling and principle of full disclosure. There are also some specific matters relating to the past elections which warrant investigatory attention. One is the so-called Watergate Affair which appears to have been nothing less than a callous attempt to subvert the political processes of the nation, in blatant disregard of the law. Another is the circulation by mail of false allegations against our colleagues, Senator Muskie, Senator Jackson and Senator Humphrey, during the Florida primary campaign, with the clear intent, to say the least, of sowing political confusion.

Still another is the disconcerning news that dossiers on Congressional candidates have been kept by the FBI for the last 22 years. This practice has reportedly been stopped. It would be well for the appropriate committees to see to it that appointed employees in the agencies of this government are not placed again in the position of surreptitious meddling in the free operation of the electoral process. The FBI has, properly, sought to avoid that role in other situations. We must do whatever is necessary to see to it that neither the FBI, the military intelligence agencies or any other appointive office of the government is turned by its temporary occupants into a secret intruder into the free operation of the system of representative government in the United States.

On November 17, 1972, I addressed letters to Chairman Eastland of the Judiciary Committee and Chairman Ervin of the Government Operations Committee. I requested that these two Chairmen get together and make a recommendation to the Leadership on how to proceed to investigate these and related matters, to the end that the Senate's efforts may be concentrated. I renew that request, today.

While I am on this subject, I would like to suggest, too, that attention be given to the appearance in the Courts and Executive Agencies of what may be a tendency to cloud by disconcerting interpretations the safeguards of the First Amendment as they apply to practitioners in the press and other media of communications. If this tendency does exist, the Congress has a responsibility to try to check it. The press, radio and TV are prime sources of light in the otherwise hidden recesses of our government and society. They are as essential to the fulfillment of our legislative responsibilities as they are to the general enlightenment of the public. At the very least, therefore, it seems, too, that a Senate inquiry is called for into the implications of recent court decisions and such official pronouncements as that of the Director of the Office of Telecommunications Policy regarding the "Fairness Doctrine." We share with the President and the Courts a Constitutional responsibility to protect the freedom of the press to operate as a free press.

I would like next to present a few thoughts about the internal procedures of the Senate. In recent weeks, much has been said about the evils of the seniority system. I can understand the intent of those who make these assertions. Yet, I would observe that, in general, the Senate has been well served in the years of my personal recollection, by the Chairmen of its various committees.

For the benefit of the new Members, however, I would point out that the system which is followed in the Senate by the Democratic Conference in nominating Members to Senate committees is not one of automatic deference to seniority. In the first place, nominees for each standing committee and its chairmen are designated by the Conference's Steering Committee and by secret ballot. During the 92d Congress, for the first time, the Leadership submitted in block to the Democratic Conference for concurrence the names of any new members of the several committees. The Steering Committee's selections were endorsed unanimously by the Conference.

Beginning in the 92d Congress, moreover, the Conference adopted a ratification procedure calling for separate Conference concurrence in the case of each of the Steering Committee's designees for Committee Chairman. That process will be followed this year and a Democratic Conference will be called for that purpose when the Steering Committee completes its work. Finally, I should note that what I have just discussed is the procedure only for designation of Democratic Members to Senate committees. The actual election of committees and chairmen occurs on the floor of the Senate where, once again, they are subject to challenge. The safeguards seem to me to be substantial. Nevertheless, the Chair will entertain any request for further discussion of this matter.

On another question, I have received from Senator Moss, a letter which states, in part:

"It is my hope that the Democratic Conference will adopt a resolution directing the Policy Committee to set forth the legislative objectives of the Democratic Party. It follows, of course, that all Democrats would be expected to support to the maximum degree possible these objectives."

Let me note, in this connection, that in early 1969, the Leadership did raise with the Policy Committee the question of who was to speak for the Democratic Party in the Federal government in view of the election of a Republican President. The Committee agreed unanimously that a need existed for such a spokesman. Thereupon, it adopted unanimously certain new rules of procedure which were proposed by the Leadership to deal with this need. In general, these rules provided for regular meetings of the Policy Committee to consider issues which might be identified as suitable for the assumption of a party position. Those issues were to be considered which came to the Policy Committee—quoting from the Committee's rules—"by reference . . . from any Member of the Policy Committee, by staff study of legislative proposals, statements or other actions of the Administration and by reference to the (Policy) Committee from any legislative Committee."

The Committee further agreed to consider "the issues which are thus brought to its attention for the purpose of determining whether they are of a significance *and* are likely to evoke sufficient agreement as to warrant adoption by the Majority Party of a Policy position."

Finally, the Committee agreed to seek "to secure the widest degree of party acceptance of a position on any significant issue (and) . . . to be guided by a minimum of a two-thirds vote in determining the issues on which a party position should be taken."

In short, basic machinery in line with Senator Moss' suggestion has been available and in operation in the Policy Committee for four years. The rules of procedure which govern in this connection were approved in full and unanimously by the Democratic Conference on May 20, 1969, as well as by the Legislative Committee Chairmen. They have been used to identify and to disseminate more than a dozen party positions in the Senate and, in general, these positions have had substantial Democratic support.

It is conceivable that the Conference would wish to make changes in the functions of the Majority Policy Committee with a view to strengthening its role along the lines of Senator Moss' letter. It would be helpful, however, if the Policy Committee itself might consider this matter before it is discussed in the Conference. If there are to be modifications in the present procedures of the Committee, as approved unanimously by the Conference in the past, we ought to be as specific as possible in presenting them. The Policy Committee will be meeting soon and the Leadership will undertake to raise the matter at that time. The results of the discussion will be brought back to the Conference thereafter if changes are to be proposed.

I will now close these remarks with a final reference to the last election. I suppose each of us interprets the national sentiment which is reflected in the outcome in terms of his own predilections. Certainly, I have done so. Therefore, "the state of the Senate," as seen from the viewpoint of the Democratic Majority might not necessarily dovetail with the mandate which the Administration delineates from President Nixon's reelection or that which is seen by the Republican Minority in the Congress.

Nevertheless, it does seem that the election tells all of us—President, Democratic Majority and Republican Minority—what the people of the nation do not want.

(1) They do not want one party or one branch government during the next two years.

(2) They do not want to turn back the clock on the national effort to improve the human climate and the physical environment in which the people of this nation must live.

(3) They do not want a rate of change which whether too slow or too rapid produces major internal chaos and disruption.

(4) Most of all, they do not want the President to persist nor the Congress to acquiesce in the indefinite continuance of the senseless bloodshed in Viet Nam and, with it, accept the indefinite postponement of the return of the POW's and the recoverable MIA's.

These negatives point the way to the positive path which the Senate Majority Leadership intends to pursue during the next two years. We will not abandon the effort to end the U.S. involvement in Viet Nam and to bring back the POW's and the recoverable MIA's, period. We will work to preserve and to enhance the faithfulness of this nation to its Constitutional principles and its highest ideals and, in so doing, we will not shut the door on essential changes.

The Leadership needs your cooperation; your understanding and your support. Ideas are welcomed, equally, from every Member of this Conference, the oldest no less than the youngest, the most junior no less than the most senior. Together, we are here, in the last analysis, with only one mandate—to serve the people of the several states and the nation. With your help, the Leadership will strive to carry out that mandate in full.

EXHIBIT 3

STATUS OF PRIORITY LEGISLATION, 1973

Measures Pocket Vetoed in 1972:

1. Airport Development—Public Law 93–44.
2. National Cemeteries—Public Law 93–43.
3. Older Americans—Public Law 93–29.
4. Public Works-Economic Development—Public Law 93–46.
5. Veterans Medical Care—Public Law 93–82.
6. Vocational Rehabilitation—Public Law 93–102.
7. Labor-HEW Appropriations—Public Law 93–192.
8. Flood Control—Cleared for President.
9. National Institute on Aging—Passed Senate 7–9–73.
10. Mining Research Centers—Passed Senate as amendment to S. 425 (Stripmining).
11. Environmental Data Centers—Hearings held.
12. Deputy U.S. Marshals Pay—Pending in Committee.

Measures which Died in Senate-House Conference in 1972:

13. Highways Funds—Public Law 93–87.
14. War Powers—Public Law 93–148.
15. Minimum Wage Increase—Vetoed by President; sustained by House.
16. Welfare Reform—In conference.
17. Anti-Aircraft Hijacking—Passed Senate 2–21–73.

Measures which Passed Senate Only in 1972:

18. Health Maintenance Organization—Cleared for President.
19. Fair Credit Billing—Passed Senate 7–23–73.
20. Land Use Policy—Passed Senate 6–21–73.
21. Compensation for Victims of Crime—Passed Senate 4–3–73.
22. Consumer Product Warranties—Passed Senate 9–12–73.
23. Comprehensive Housing—Markup in progress.

Measures which Passed House only in 1972:

24. Strip Mining Controls—Passed Senate 10–9–73.
25. Consumer Protection Agency—Hearings held.

Major Measures Reported to Senate in 1972:

26. No Fault Insurance—To be reported from Judiciary by 2–15–74.
27. Pension Reform—Passed Senate 9–19–73.
28. National Health Insurance—Pending in Committee.

EXHIBIT 4

RESOLUTIONS PASSED BY SENATE DEMOCRATIC POLICY COMMITTEE AND/OR DEMOCRATIC CONFERENCE, 1973

1. Resolution on Priorities in Considering Legislation.
2. Resolution on Refusal of Cabinet and Other Officials to Testify Before Senate Committees.
3. Resolution on Open Hearings.
4. Resolution on Executive Privilege.
5. Resolution on Media Programming, Planning, and News Reporting.
6. Tunney Resolution Urging Budget Committee to Set a Spending Ceiling.
7. Resolution on Freedom of the Press and Revealing Sources.
8. Resolution on the Energy Crisis.
9. Resolution on Campaign Expenditures Ceiling.
10. Resolution on Congressional Access to Data on the Federal Budget and Other Fiscal Information.
11. Resolution on Reduction of Military Expenditures Abroad.
12. Resolution on Spending Ceiling.
13. Pastore Resolution on Closing of Foreign and Domestic Military Bases.
14. Kennedy Resolution on Assistance to Those Affected by Base Closings.
15. Resolution on Cambodia.
16. Resolution on Public Financing of Federal Elections.
17. Resolution on Economic Stabilization.
18. Resolution on Federal Employment and Annuity Practices.

EXHIBIT 5

COMMITTEE ON APPROPRIATIONS—U.S. SENATE, BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 93D CONG., 1ST SESS.
AS OF DEC. 21, 1973

Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law, without further or annual action by the Congress]

Bill and fiscal year	House actions			Senate actions			Final action	
	Budget requests considered	Approved by House	Compared with budget requests	Budget requests considered	Approved by Senate	Compared with budget requests	Conference agreement	Compared with budget requests
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
A. Bills for fiscal 1974:								
1. Legislative (H.R. 6691)	$566,945,389	$550,044,940	−$16,900,449	$677,150,959	$640,558,952	−$36,592,007	$605,189,933	−$71,961,026
2. Agriculture-Environmental and Consumer Protection (H.R. 8619)	9,505,750,600	9,385,737,600	−120,013,000	9,519,550,600	10,176,926,500	+657,375,900	9,927,667,000	+408,116,400
3. District of Columbia (Federal funds) (H.R. 8658)	432,998,000	427,717,000	−5,281,000	432,998,000	417,717,000	−15,281,000	417,717,000	−15,281,000
4. Transportation (H.R. 8760)	[2] 2,892,732,006	[2] 2,753,231,006	−139,501,000	[3] 3,010,732,006	[2] 2,968,451,006	−42,281,000	2,898,446,006	−112,286,000
5. HUD-Space-Science-Veterans (H.R. 8825)	18,617,453,000	19,070,954,000	+453,501,000	18,617,453,000	19,118,373,063	+500,920,063	19,056,500,000	+439,047,000
6. Labor-HEW (H.R. 8877)	31,554,954,000	32,816,467,000	+1,271,513,000	31,549,953,000	33,396,379,000	+1,846,426,000	32,926,796,000	+1,376,843,000
7. Interior (H.R. 8917)	2,274,431,300	2,269,554,200	−4,877,100	2,370,367,300	2,488,773,700	+118,406,400	2,443,137,200	+72,769,900
8. State-Justice-Commerce-Judiciary (H.R. 8916)	4,235,080,000	4,152,946,000	−82,134,000	4,522,901,000	4,459,478,250	−63,422,750	4,466,012,000	−56,889,000
9. Public Works—AEC (HR. 8947)	4,757,469,000	4,676,395,000	−81,074,000	4,757,469,000	4,772,982,000	+15,513,000	4,749,403,000	−8,066,000
10. Treasury-Postal Service-General Government (H.R. 9590)	5,073,345,000	4,844,723,000	−228,622,000	5,373,345,000	5,123,352,000	−249,993,000	5,233,189,000	−140,156,000
11. Defense (H.R. 11575)	77,250,723,000	74,101,309,000	−3,149,414,000	77,250,723,000	73,264,627,000	−3,986,096,000	73,714,930,000	−3,535,793,000
12. Foreign Assistance (H.R. 11771)	6,866,567,000	5,833,912,000	−1,032,655,000	6,992,917,000	5,593,440,000	−1,399,477,000	5,780,434,000	−1,212,483,000
13. Military Construction (H.R. 11459)	2,944,900,000	2,609,090,000	−335,810,000	2,944,900,000	2,670,972,000	−273,928,000	2,658,861,000	−281,039,000
14. Special Resolution, Gold Devaluation (H.J. Res. 748)	2,250,000,000	2,203,000,000	−47,000,000	2,250,000,000	2,203,000,000	−47,000,000	2,203,000,000	−47,000,000
15. Supplemental (H.R. 11576)	1,428,790,218	1,433,035,718	+4,245,500	1,534,183,886	1,888,425,386	+354,241,500	1,703,125,386	+168,941,500
Total, bills for fiscal 1974, to date	170,642,138,513	167,128,116,464	−3,514,022,049	171,804,643,751	169,183,455,857	−2,621,187,894	168,784,407,525	−3,020,236,226
B. Bills for fiscal 1973:								
1. Urgent Supplemental (H.J. Res. 496)	1,366,800,000	1,368,600,000	+1,800,000	1,366,800,000	1,368,600,000	+1,800,000	1,368,600,000	+1,800,000
2. 2d Supplemental (H.R. 7447, vetoed)	[3,162,880,434]	[2,855,542,209]	[−307,338,225]	[3,607,105,504]	[3,699,239,279]	[+92,133,775]	[3,362,845,279]	[−244,260,225]
3. 2d Supplemental (H.R. 9055)	3,607,105,504	3,362,845,279	−244,260,225	3,607,105,504	3,362,845,279	−244,260,225	3,362,845,279	−244,260,225
Total, bills for fiscal 1973	4,973,905,504	4,731,445,279	−242,460,225	4,973,905,504	4,731,445,279	−242,460,225	4,731,445,279	−242,460,225
C. Totals for the session, to date	175,616,044,017	171,859,561,743	−3,756,482,274	176,778,549,255	173,914,901,136	−2,863,648,119	173,515,852,804	−3,262,696,451

[1] The budget for 1974, as submitted Jan. 29, 1973, tentatively estimated total new budget authority for 1974 at $288,029,000,000 gross ($256,761,000,000 net of some $31,268,000,000 interfund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $146,477,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, and various trust funds, already provided for in other basic laws. The remainder, $172,820,000,000 is for consideration at this session (mostly in the appropriation bills) except for increased pay costs which will be considered at the 2d session of the 93d Congress. About $8,600,000,000 of the $172,820,000,000 was shown in the January budget as being "for later transmittal" for supplemental requirements under present law, new legislation, and allowances for contingencies and civilian pay rasies, and $49,534,408 of the remainder requires legislative reauthorization, through various authorization bills or where the authorization expires periodically.

[2] Includes $90,360,000 in advance 1975 appropriations.

EXHIBIT 6

Reductions by Congress below administration budget requests

[In billions]

Fiscal year 1970	$8.269
Fiscal year 1971	3.505
Fiscal year 1972	2.743
Fiscal year 1973	5.740
Fiscal year 1974	3.262
Total	23.5

Prepared by the Senate Appropriations Committee.

EXHIBIT 7

SENATE LEGISLATIVE ACTIVITY INDEX—93D CONGRESS, 1ST SESSION

(By Senate Democratic Policy Committee December 22, 1973)

Key: † denotes vetoed in 1972;
* denotes vetoed in 1973.

AGRICULTURE

Agriculture and Consumer Protection Act (S. 1888).
Agriculture and Consumer Protection Act Amendment (S. 2491).
Census of Agriculture (S.J. Res. 95).
Emergency Tobacco Allotment Transfer (H.R. 9172).
Feed Grain Set-Aside Program (S. 1572).
Forest Service Personnel Level (S.J. Res. 134).
Indian River Grapefruit Promotion (S. 1945).
Public Utility Cooperatives (S. 2150).
Rice Allotment Transfer (H.R. 6883).
Rural Development Loans (S. 2470).
Rural Electric and Telephone Loans (S. 394).
Rural Environmental Assistance (REAP) and Water Bank Programs (H.R. 2107).
*Rural Water and Waste Disposal Grant Program (H.R. 3298).
Wheat Referendum (S. 1938).
Tung Nut Price Support (H.R. 2303).

APPROPRIATIONS

1973

Further Continuing (H.J. Res. 345).
*Second Supplemental (H.R. 7447); (H.R. 9055).
Urgent Supplemental (H.J. Res. 496).

1974

Agriculture—Environmental and Consumer Protection (H.R. 8619).
Continuing (H.J. Res. 636); (H.J. Res. 753); (H.J. Res. 727).
Defense (H.R. 11575).
Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies (H.R. 8916).
District of Columbia (H.R. 8658).
Foreign Assistance (H.R. 11771).
Housing and Urban Development, Space, Science, Veterans, and Certain Other Independent Agencies (H.R. 8825).
Interior and Related Agencies (H.R. 8917).
Labor, and Health, Education, and Welfare, and Related Agencies (H.R. 887).
Legislative Branch (H.R. 6691).
Military Construction (H.R. 11459).
Par Value Modification (H.J. Res. 748).
Public Works for Water and Power Development and Atomic Energy Commission (H.R. 8947).
Supplemental (H.R. 11576).
Transportation and Related Agencies (H.R. 8760).
Treasury, Postal Service, and General Government (H.R. 9590).

CONGRESS

Access to Information (S. Con. Res. 30); (S. 2432).
Budget Message, Economic Report, and Impounded Funds (H.J. Res. 1).
Committee Meetings—Rule XXV (S. Res. 69).
Congressional and Supreme Court Pages (S. 2067).
Congressional Franking Reform (H.R. 3180).
Federal Constitutional Convention Procedure Act (S. 1272).
Federal Impoundment Control Procedures Act (S. 373).
Joint Economic Report—Extension (H.J. Res. 299); (S.J. Res. 182).
Rules of Evidence—Congressional consideration (S. 583).
Secret Government Documents (S. Res. 13).
Senate Confirmation of Nominations:
Certain Federal Offices (S. 1828).
Cost of Living Council (S. 421).
Executive Office Appointees (S. 590).
Heads of Executive Departments (S. 755).
*Office of Management and Budget (S. 518); (S. 37); (S. 2045).
U.S. Capitol Historical Society Study (H.J. Res. 736).
*War Powers Act (H.J. Res. 542).

CONSUMER AFFAIRS

Consumer Product Warranties (S. 356).
Lead-Based Paint Poisoning Amendments (S. 607).
Meat and Poultry Inspection Amendments (S. 1021).
Motor Vehicle Defect Remedy Act (S. 355).
Rabbit Meat Inspection (S. 43).
Truth in Lending Act Amendments (Fair Credit Billing) (S. 2101).
Wool Products Labeling Act Amendments (S. 1816).

CRIME-JUDICIARY

Amendments of 1973 to Federal Laws Relating to Explosives (S. 1083).
Antitrust Procedures and Penalties Act (S. 782).
Bankruptcy Act Amendments (H.R. 3490).
Civil Remedies for Victims of Racketeering Activity and Theft (S. 13).
Commission on Bankruptcy Laws (H.J. Res. 499).
Community Supervision and Services Act (S. 798).
Crime Control Act (H.R. 8152).
Debt Collection (H.R. 689).
Disqualification of Judges (S. 1064).
Federal Tort Claims Act and Reorganization Plan No. 2 of 1973 Amendments (H.R. 8245).
Inmate Furloughs (H.R. 7352).
Judicial Review of Decisions of the Interstate Commerce Commission (S. 663).
Methadone Diversion Control Act (S. 1115).
Public Safety Officers' Benefits Act (S. 15).
Public Safety Officers' Group Life Insurance Act (S. 33).
Revision of the Jurisdiction of Three-Judge Courts (S. 271).
Runaway Youth Act (S. 645).
Territorial Franchises in the Soft Drink Industry (S. 978).
Victims of Crime Act (S. 300).
Victims of Crime Act (Omnibus) (S. 800).

DEFENSE

Coast Guard Authorization (H.R. 5383).
Defense Production Act Amendment (S. 1980).
Dependents Assistance Act of 1950 Amendments (H.R. 8537).
Disposals from National Stockpiles:
Abaca (H.R. 4682).
Aluminum (S. 2413).
Copper (S. 2316).
Molybdenum (S. 2551).
Opium (Morphine Content) (S. 2166)
Sisal (H.R. 4682).
Silicon Carbide (S. 2493).
Zinc (S. 2498).
Junior Reserve Officer Training Corps Program (H.R. 8187).
Medical Officers Pay Structure (S. 2770).
Military Construction Authorization (S. 2408).
Military Procurement Authorization (H.R. 9286).
Military Training (H.R. 10366).
Promotions of Military Personnel in a Missing Status (S. 1493).
Sale of Naval Vessels Stricken from the Naval Register (S. 1773).
Service Academy Appointments (H.R. 7582).
Servicemen's Benefits (H.R. 4200).
Travel Expenses (H.R. 10369); (S. 1038).
U.S. Soldiers and Airmen's Home (H.R. 8528).
Women in the Coast Guard (H.R. 9575).

DISTRICT OF COLUMBIA

Authorization for Certain Programs and Activities (H.R. 8250).
Child Adoption Subsidy Payments (H.R. 11238).
District of Columbia Insurance Act (H.R. 4083).
District of Columbia Rent Control Act (H.R. 4771).
District of Columbia Self Government and Governmental Reorganization Act (S. 1435).
Dulles and Friendship Airports Transit Lines (S. 2047).
Election Law (H.R. 6713).
International Center Complex (S. 1235).
John F. Kennedy Center for the Performing Arts (S. 1759).
Minimum Wage Act For Airline Employees (H.R. 10806).
National Visitors Center Facilities Act of 1968 Amendments (H.R. 5857).
Robert F. Kennedy Memorial Stadium (H.R. 6330).
Southeastern University (S. 389).
Taxability of Insurance and Bank Holding Company Dividends (H.R. 6186).
Usury Law Amendment (H.R. 6758).

ECONOMY-FINANCE

Aluminum Penny (S. 2795).
American Revolution Bicentennial Coins (S. 1141).
Ceilings on Deposit Interest Rates (S.J. Res. 128).
Duty Suspensions:
Caprolactam Monomer in Water Solution (H.R. 6394).
Copper (H.R. 2323).
Dyeing and Tanning Materials (H.R. 3630).
Istle Fiber and End of Freeze on Agricultural Products (H.R. 2261).
Manganese Ore (H.R. 6676).
Metal Scrap (H.R. 2324).
East-West Trade Policy Resolution (S.J. Res. 131).
Economic Stabilization Act Amendments (S. 398).
Federal Financing Bank (H.R. 5874).
Financial Institution Structure and Regulation (H.R. 6370).
Housing and Urban Development Laws and Authorities Temporary Extensions (H.J. Res. 512); (S.J. Res. 144); (H.J. Res. 719).
Interest Equalization Tax Extension Act (H.R. 3577).
Interest Rates on Time and Savings Deposits (S.J. Res. 160).
National Banks Investment in Agricultural Credit Corporations (S. 1884).
Par Value Modification Act Amendments (H.R. 6912).
Public Debt Limit; Unemployment Compensation; Health Extension; Campaign Checkoff (H.R. 8410).
Public Debt Limit Extension (H.R. 11104).
Purchase of U.S. Obligations by Federal Reserve Banks (S. 1410); (S. 2556).
Railroad Retirement Act Amendments (H.R. 7357).
Securities Laws Amendments (S. 470).
Securities Processing Act (S. 2058).
Social Security—SSI Benefits Increase (H.R. 11333).
Social Security Act Amendments (S. 3153).

EDUCATION

Education of the Handicapped Amendments (S. 895).

National Commission on the Financing of Postsecondary Education (H.J. Res. 393).

ELECTION REFORM

Federal Election Campaign Act Amendments (S. 372).
Federal Election Reform Commission (S.J. Res. 110).
Federal Elections, Date For (S. 343).
Presidential Election Campaign of 1972:
Select Committee on Presidential Election Campaign Activities (S. Res. 60); (S. Res. 132); (S. Res. 181); (S. Res. 194); (S. 2641); (S. Res. 209).
Special Prosecutor for Watergate Investigation (S. Res. 105).
Watergate Grand Jury (H.R. 10937).
Voter Registration Act (S. 352).

ENERGY

Alaska Pipeline (S. 1081).
Daylight Saving Time Energy Conservation Act (H.R. 11324).
Elks Hills Naval Petroleum Reserve (S.J. Res. 176).
Emergency Petroleum Allocation Act (S. 1570).
Energy Conservation in Federal Buildings (H.R. 11565).
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ENVIRONMENT

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Clean Air Act Extensions (S. 498); (H.R. 5445).
Endangered Species Act (S. 1983).
Interstate Environment Compact Act (S. 9).
Land Use Policy and Planning Assistance Act (S. 268).
Office of Environmental Quality Authorizations (S. 1379).
Oil Pollution Act Amendments (H.R. 5451).
Safe Drinking Water Act (S. 433).
Sewage Treatment Facilities Construction (S.J. Res. 158); (S. 1776); (S. 2812).
Solid Waste Disposal Act Extensions (S. 498); (H.R. 5446).
Toxic Substances Control Act (S. 426).
Water Resources Planning Act Amendments (S. 1501).

GENERAL GOVERNMENT

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American Revolution Bicentennial Administration (H.R. 7446).
American Revolution Bicentennial Commission (H.R. 3694).
American War Mothers, Inc. (S. 2441).
Arctic Winter Games Authorization (S. 907).
Atomic Energy Commission Authorizations (S. 1994); (S. 2645).
Attorney General Salary (H.R. 11710 [S. 2673]).
Commission on Highway Beautification—Extension (S.J. Res. 42).
Council on International Economic Policy (S. 1636).
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Emergency Disaster Bill (S. 1697).
Emergency Loan Program for Disaster Areas (H.R. 1975).
Domestic Volunteer Service Act (ACTION) (S. 1148).
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Federal Fire Prevention and Control Act (S. 1679).
Federal Reports Act Amendment (S. 1106).
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Flood Insurance (S.J. Res. 26); (S.J. Res. 112).
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Headstart Fee Schedule (H.R. 11441).
Hobby Protection Act (H.R. 5777).
Housing, Housing Assistance, and Community Development Programs Funding (S. Con. Res. 57).
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Micronesian Claims Act Amendments (H.R. 6628).
Mint Buildings (S. 1901).
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National Foundation on the Arts and Humanities Amendments (S. 795).
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National Science Foundation Authorization (H.R. 8510).
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† Older Americans Comprehensive Services Amendments (S. 50).
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Recreation and Public Purposes Act Amendment (S. 2013).
Recreation Use Fees (S. 1381); (H.R. 6717).
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Service Contract Act Extension to Canton Island (H.R. 5157).
*Small Business Act Amendments (S. 1672); (S. 2482).
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Trust Territory of the Pacific Islands (S. 1385).
Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments (S. 261).
United States Travel Service Authorization (S. 1747).
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Civil Service Retirement (H.R. 3799).
Civil Service Retirement Annuities (S. 1866).
Civil Service Survivors Benefits (S. 2174).
Executive, Legislative, and Judicial Salaries (S. 1989).
Federal Employees Health Insurance (H.R. 9256).
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Federal Employees Pay Adjustments (S. Res. 171).
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Survivor Annuities of Civil Service Retirees (S. 628).
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Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments (S. 1125).
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*Emergency Medical Services Systems Act (S. 504); (S. 2410).
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National Research Service Awards and Protection of Human Subjects Act (H.R. 7724).
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Assistant Secretary for Indian Affairs (H.R. 620).
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Indian Claims Commission (S. 821).
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Indian Judgment Distribution Act (S. 1016).
Joint Committee on Navajo-Hopi Administration—abolishment (S. 267).
Klamath Indian Tribal Land Acquisition (H.R. 3867).
Knife River Indian Village National Historic Site (S. 1468).
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of Safety on the Great Lakes (Ex. J, 93d–1st).
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Consular Convention with Hungary (Ex. W, 93d–2d).
Consular Convention with Poland (Ex. U, 92d–2d).
Consular Convention with Romania (Ex. V, 92d–2d).
Convention Concerning the Protection of the World Cultural and Natural Heritage (Ex. F, 93d–1st).
Convention for the Protection of Producers of Phonograms (Ex. G, 93d–1st).
Convention for the Safety of Life at Sea Amendments (Ex. I, 93d–1st).
Convention on Endangered Species (Ex. H, 93d–1st).
Convention on the Prevention of Marine Pollution (Ex. C, 93d–1st).
Convention with Japan for the Protection of Birds and their Environment (Ex. R, 92d–2d).
Exchange of Notes with Ethiopia Concerning the Administration of Justice (Ex. B, 93d–1st).
Extradition Treaty with Italy (Ex. M, 93d–1st).
Extradition Treaty with Paraguay (Ex. S, 93d–1st).
Extradition Treaty with Uruguay (Ex. K, 93d–1st).
International Coffee Agreement 1968, as Extended (Ex. O, 93d–1st).
International Convention on Load Line Amendments (Ex. D, 93d–1st).
Patent Cooperation Treaty and Annexed Regulations (Ex. S, 92d–2d).
Protocol Amending the 1928 Convention Concerning International Expositions (Ex. N, 93d–1st).
Protocol to the International Civil Aviation Convention (Ex. Q, 93d–1st).
Statutes of the World Tourism Organization (Ex. R, 93d–1st).
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*United States Information Agency Authorization (S. 1317); (S. 2681).
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*Fair Labor Standards Amendments (Minimum Wage) (H.R. 7935).
Job Training Employment Opportunities (Manpower Revenue Sharing) and Emergency Employment Act Amendments (S. 1559).
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†Rehabilitation Act of 1972 (S. 7).
Rehabilitation Act of 1973 (H.R. 8070).

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B. Everett Jordan Dam and Lake (S. 2282).
Boston National Historical Park (S. 210).
Cable Car Medals (S. 776).
Carl Vinson Aircraft Carrier (H. Con. Res. 386).
Cecil M. Harden Lake (S. 1561).
Colorado Statehood (H.R. 4738).
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Eisenhower Memorial (S. 1264).
Fort Scott, Kansas (H.R. 7976).
H. V. Eastman Lake (H.R. 655).
Hale Boggs Federal Building (S. 2173).
Herbert Hoover Memorial Educational Building (S. 1418).
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James W. Trimble Dam (S. 2463).
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Lyndon B. Johnson Memorial Grove (S.J. Res. 178).
Lyndon B. Johnson Space Center (S.J. Res. 37).
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Monument to 1st Infantry Division (S.J. Res. 66).
Richard B. Russell Dam and Lake (S. 2496).
Roberto Walker Clemente Medals (H.R. 3841).
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Springfield Armory (S. 979).
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Vietnam MIA's (S. Res. 217).
Vietnam War Memorial (S.J. Res. 45).
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Wright Patman Dam and Lake (H.R. 974).

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United States Fishing Industry (S. Con. Res. 11).
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Eagles Nest Wilderness (S. 1864).
Flat Tops Wilderness (S. 702).
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NOMINATIONS (ACTION BY ROLLCALL VOTE)

Alvin J. Arnett to be Director of the Office of Economic Opportunity.
Vincent R. Barabba to be Director of the Census.
Peter J. Brennan to be Secretary of Labor.
William P. Clements, Jr. to be a Deputy Secretary of Defense.
William Egan Colby to be Director of Central Intelligence.
Gerald R. Ford to be Vice-President of the United States.
Clarence M. Kelley to be Director of the Federal Bureau of Investigation.
Dr. Henry A. Kissinger to be Secretary of State.
Elliot L. Richardson to be Secretary of Defense.
Elliot L. Richardson to be Attorney General.
William B. Saxbe to be Attorney General.
James R. Schlesinger to be Director of Central Intelligence.
James R. Schlesinger to be Secretary of Defense.
William L. Springer to be a Member of the Federal Power Commission.
Russell E. Train to be Administrator of the Environmental Protection Agency.
Caspar W. Weinberger to be Secretary of Health, Education, and Welfare.

PROCLAMATIONS

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Honor America Day (S. Con. Res. 27).
International Clergy Week in the United States (H.J. Res. 163).
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John C. Stennis Day (S. Res. 180).
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Middle East Crisis (S. Res. 179).
Mississippi River (S.J. Res. 102).
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National Autistic Children's Week (H.J. Res. 296).
National Clean Water Week (H.J. Res. 437).
National Consumer Effort to Save Gas and Arrive Alive (S. Res. 138).
National Employ the Older Worker Week (H.J. Res. 334).
National Historic Preservation Week (S.J. Res. 51).
National Hunting and Fishing Day (H.J. Res. 210).
National Legal Secretaries' Court Observance Week (H.J. Res. 466).
National Moment and Day of Prayer and Thanksgiving (H.J. Res. 246).
National Next Door Neighbor Day (S.J. Res. 25).
National Nurse Week (S.J. Res. 168).
National Nutrition Week (S.J. Res. 99).
National Prayer Day (S.J. Res. 83).
Nicolaus Copernicus Week (H.J. Res. 5).
Vietnam Veterans' Day (H.J. Res. 865).
Walk a Mile for Your Health Day (S.J. Res. 159).
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Woman's Equality Day (H.J. Res. 52).

TRANSPORTATION—COMMUNICATIONS

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†Airport Development Acceleration Act (S. 38).
Amtrak Improvement Act (S. 2016).
Bicentennial Advanced Technology Transportation System Demonstration Act (S. 797).
†Corporation for Public Broadcasting Authorizations (S. 1090).
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Emergency Commuter Relief (S. 386).
Emergency Rail Services Act Amendments (S. 2060).
Essential Rail Services Continuation Act (S. 1925).
Federal-Aid Highway Act (S. 502).
Federal-Aid Highway Act Amendment (H.R. 10511).
Federal Railroad Safety Act Authorization (S. 2120).
Highway Safety Act (S. 893).
Interim Apportionment of Interstate and Other Highway Funds (S. 1808).
Interstate Apportionment (S. Con. Res. 6).
Maritime Authorization (H.R. 7670).
Ocean Transportation in Noncontiguous States and Territories (S. 902).
Rail Freight Car Shortage (S. Res. 59).
Rail Transportation Act (H.R. 9142).
Railroad Retirement Act and Interstate Commerce Act Amendments (H.R. 7200).
Reduced Rate Transportation (S. 2651); (S. 1432).
Rolling Stock Utilization and Financing Act (S. 1149).
Ship Construction (H.R. 6187).
T.V. Blackout—Professional Sports (S. 1841).
Water Carrier Barge Rule Legislation (S. 2267).
West Coast Corridor Feasibility Study Act (S. 1328).

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act (S. 284).
GI Bill Benefits During the Energy Crisis (S. 2794).
†Health Care Extension Act (S. 59).
†National Cemeteries Act (S. 49).
Veterans' Administration Flexible GI Interest Rate Authority (H.R. 8949).
Veterans' Benefits (H.R. 9474).

SENATE LEGISLATIVE ACTIVITY—93D CONGRESS, FIRST SESSION

(By Senate Democratic Policy Committee)

Days in session, 184.
Hours in session, 1,084.13.

Total measures passed, 726.
Public laws, 196.
Treaties, 22.
Confirmations, 66,817.
Record votes, 594.
Symbols: P/H—Passed House; P/S—Passed Senate; *—Vetoed 1973; (VV)—Passed by Voice Vote; numbers in parenthesis indicate number of record vote on passage or reconsideration.

AGRICULTURE

Agriculture and Consumer Protection Act

Amends the Agricultural Act of 1970 and extends, in general, the present farm program, with the following and other provisions.

Target Prices—

Establishes for the 1974 through 1977 crops a new "target price" method of price-support payments for wheat, feed grains (corn, grain sorghums, and, if designated by the Secretary of Agriculture, barley), and cotton on all allotted acres using an established price, which is also the "target price" for the first two years of the program, and results in a target price of $2.05 per bushel for wheat, $1.38 per bushel for corn (with reasonable rates to be set for grain sorghums, and if designated, barley, in relation to the rate of corn), and 38 cents per pound for cotton for the 1974 and 1975 crops, with future target prices to be set by evaluating an established price in subsequent years and increasing or decreasing it to reflect changes in prices paid as shown by an index of production costs (production items, interest, taxes, and farm wage rates) published by the Department of Agriculture; provides under this method of payment, that a producer will receive a payment equal to the difference between the target price and the average price received by farmers the first 5 months of the marketing year or the loan level, with no payment to the producer if market prices are higher than or equal the target price, instead of, as at present, for wheat, payments on the domestic allotment only, and not on the export allotment, of the difference between the average market price for the first 5 months of the marketing year and 100 percent of parity, but not less than 75 percent of parity; for corn, payment of the difference between such average market price and the greater of $1.35 per bushel or 70 percent of parity, with a guarantee of 100 percent of parity on one-half the domestic allotment; for cotton, payment of the difference between such average market price and 35 cents per pound or 65 percent of parity adjusted according to the national base acreage allotment, including a minimum payment of 15 cents per pound whatever the market price;

Other provisions—

Changes the present $55,000 per crop limitation on wheat, feed grains, and cotton to $20,000 per farmer applicable to income supplement payments only;

Suspends the wheat marketing certificate collections from processors on July 1, 1973; extends the suspension of wheat marketing quotas through 1977; provides for payments to farmers in the case of a natural disaster or other circumstances beyond a farmer's control that prevent the planting or harvesting of crops; provides for a cost-sharing program to eradicate the boll weevil or other cotton insect;

Continues the dairy indemnity program; increases the minimum dairy support price on manufactured milk to 80 percent of parity for the balance of this marketing year and for the next marketing year, which ends March 31, 1975;

Continues the wool program; provides forestry incentives for small farmer forest owners; extends and expands the food stamp program;

Provides, regarding the rural environmental conservation program, a permanent requirement for 3, 5, 10, and 25 year contracts, and perpetual easements to carry out the purposes of the rural environmental assistance program (REAP), Great Plains, and water bank programs; provides 50 percent cost-sharing for rural firefighting equipment;

Provides that the Secretary of Agriculture shall establish a disaster reserve of inventories not to exceed 75 million bushels of wheat, feed grains, and soybeans for alleviating distress caused by a natural disaster; provides that the President shall make appropriate adjustments in the maximum price which may be charged under the provisions of Executive Order 11723, dated June 13, 1973, or subsequent order, for any agricultural products (at any point in the distribution chain) as to which the Secretary of Agriculture certifies to the President that the supply of the product will be reduced to unacceptably low levels as a result of any price control or freeze order or regulation and that alternative means are not available;

And contains other provisions. S. 1888. Public Law 93–86, approved August 10, 1973. (181)

Agriculture and Consumer Protection Act amendment

Amends, because of the administrative difficulties involved, the provisions of the Agricultural Act of 1949 as amended by the Agricultural and Consumer Protection Act of 1973 which provides for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains, to limit the payments for such crops to soybeans, cotton, corn, grain sorghums, barley and wheat. S. 2491. Public Law 93– , approved 1973. (VV)

Census of agriculture

Directs the Secretary of Commerce to submit, within 30 days of enactment of this resolution, an estimate of funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974; requires that funds heretofore or hereafter appropriated for planning the 1974 census shall be utilized for such purpose; and directs the Secretary to take the necessary action to insure that the data acquired from the 1974 census be made public through appropriate publication as soon as practicable following the taking of such census. S.J. Res. 95. P/S June 22, 1973. (VV)

Emergency tobacco allotment transfer

Authorizes the Secretary of Agriculture to permit the transfer of tobacco acreage allotments across county lines in 1973 in 12 named counties in Georgia and South Carolina if he finds that one of the counties has suffered an overall loss of 10 percent or more in the number of acres of tobacco planted as a result of a natural disaster and that the lease will not impair the program and provides that the provisions of the act shall apply only to those farms which had suffered a loss of 30 percent or more in the number of acres of tobacco planted, in which case the transfer would have to be to a farm in the same or a nearby county within the State having an allotment for the same kind of tobacco. H.R. 9172. Public Law 93–80, approved August 1, 1973. (VV)

Feed grain set-aside program

Increases the payment rate for option B participants in the feed grain program to assure option B participants the same parity guarantees which option A participants now have. S. 1572. P/S April 18, 1973. (VV)

Forest Service personnel level

Requires that the number of permanent, full-time Forest Service employees employed by the Department of Agriculture to carry out the activities of the Forest Service be maintained at not less than 450 above the June 30, 1973 ceiling of 20,404 permanent, full-time personnel. S.J. Res. 134. P/S July 20, 1973. (VV)

Indian River grapefruit promotion

Permits marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment for market promotion expenses under the order. S. 1945. Public Law 93–230, approved December 29, 1973. (VV)

Public utility cooperatives

Makes the farmer voting control requirement for borrowers from banks for cooperatives 60 percent in the case of public utility cooperatives (instead of 80 percent as now required for all cooperatives) thus encouraging rural electrics to utilize private sources for some of their financial needs. S. 2150. P/S December 14, 1973. (VV)

Rice allotment transfer

Permits rice growers who are unable to plant part or all of their farm acreage allotments in 1973 because of flood or other natural disaster to transfer their allotments to other farms in the same or adjoining county. H.R. 6883. Public Law 93–27, approved April 27, 1973. (VV)

Rural development loans

Authorizes the Secretary of Agriculture to make loans from the Rural Development Fund, for periods of up to 5 years, to private profit or nonprofit Rural Loan Investment Companies (RLIC) organized solely to purchase, service, sell, or otherwise deal in loans made private financial agencies (which could borrow up to 20 times its net assets from the Rural Development Insurance Fund at the same interest rate the Treasury Department must pay to borrow funds) for purposes for which loans can be made under the Consolidated Farm and Rural Development Act. S. 2470. P/S October 9, 1973. (VV)

Rural electric and telephone loans

Amends the Rural Electrification Act of 1936, as amended, to provide a revised program for rural electric and telephone loans; creates a revolving fund with unlimited borrowing authority, for the making of insured rural electric and telephone loans; provides that such insured loans will bear interest at five percent to two percent, with two percent loans to be available only if the borrower (a) has an average subscriber density of two or fewer per mile; or (b) has an average gross revenue of at least $450 below the average (for electric borrowers) or $300 below the average (for telephone borrowers); or, if the Administrator of the Rural Electrification Administration, in his sole discretion, finds that (c) the borrower has experienced extenuating circumstances or severe hardship; or (d) cannot produce net income before interest of at least 150 percent of its total interest requirements and still meet the objectives of the act; or (e) cannot without an excessive rate increase provide service consistent with the act; authorizes the guarantee of rural electric and telephone loans made by other lenders with interest at rates agreed upon by borrowers and lenders; requires loans made for rural electric and telephone facilities under the Consolidated Farm and Rural Development Act to be refinanced under the Rural Electrification Act of 1936 at the request of the borrower; provides that financial transactions of the Fund in interim notes and insured obligations (section 304), insured loans and advances (section 305(a)), and guaranteed loans (section 306) are not to be included in the totals of the budget of the United States and shall be exempt from any limitation imposed by statute on expenditures and net lending (budget outlays) of the United States; and contains other provisions. S. 394, Public Law 93–32, approved May 11, 1973. (20, 118)

Rural environmental assistance — REAP — and water bank programs

Requires the Secretary of Agriculture (1) to make payments under the Rural environ-

mental assistance program (REAP) in the full amount appropriated therefor, and (2) to enter into agreements under the water bank program to the full extent permitted by available appropriations therefor. H.R. 2107. P/H February 7, 1973; P/S amended March 1, 1973; Conference report filed. (26) (Comparable provisions are contained in the Agriculture and Consumer Protection Act which became Public Law 93–86.)

** Rural water and waste disposal grant program*

Requires the Secretary of Agriculture to make grants in the full amounts appropriated for the Farmers Home Administration water and waste disposal grant program which was terminated by the Department of Agriculture effective January 1, 1973. H. R. 3298. Vetoed April 5, 1973. House sustained veto April 10, 1973. (55)

Tung nut price support

Terminates, effective with the 1977 crop, the requirement that tung nuts be supported at from 60 to 90 percent of parity. H.R. 2303. Public Law 93– , approved 1973. (VV)

Wheat referendum

Permits the wheat marketing quota referendum with respect to the national marketing quota for the 1974 crop (which, since the Agricultural Act of 1970 extends only to the 1973 crop, otherwise would be required to be held no later than August 1, 1973, for the 1974 crop) to be deferred until the earlier of October 15, 1974, or 30 days after the adjournment of the 1st session of the 93d Congress, thereby permitting Congress a further opportunity to develop new legislation. S. 1938. Public Law 93–68, approved July 10, 1973. (VV)

Woodsy owl

Authorizes the Secretary of Agriculture to establish and collect use or royalty fees for the manufacture, reproduction, or use of the character and name, "Woodsy Owl," and the associated slogan "Give a Hoot, Don't Pollute," originated by the Forest Service; and contains other provisions. S. 1585. P/S June 14, 1973. (VV)

APPROPRIATIONS—1973

Further continuing appropriations

Extends the existing continuing resolution (Public Law 92–334) from February 28, 1973, to June 30, 1973, at the annual funding level, to provide further continuing appropriations for the activities covered by the Foreign Assistance and Related Programs Appropriation Act, the Departments of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Act, neither of which have yet been enacted, and authorizes $6,224,000 for the American Revolution Bicentennial Commission; requires the President to submit periodic reports on impoundments to Congress; and contains other provisions. H.J. Res. 345. Public Law 93–9, approved March 8, 1973. (VV)

**Second supplemental appropriations*

Makes supplemental appropriations for the fiscal year ending June 30, 1973, in the amount of $3,362,845,279 for the following: Agriculture-Environmental and Consumer Protection; Defense; District of Columbia; Foreign Operations; Housing and Urban Development, Space, Science, and Veterans'; Interior and Related Agencies; Labor, and Health, Education, and Welfare; Legislative; Public Works; State, Justice, Commerce, and Judiciary; Transportation; Treasury, Postal Service, and General Government; and Claims and Judgments; prohibits the expenditure of funds appropriated in this act to aid or assist in the reconstruction of North Vietnam; provides that no funds may be transferred on or after the effective date of this act under the authority of section 735 of the Department of Defense Appropriations Act, 1973, to support directly or indirectly U.S. combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces; and provides that "none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces;" prohibits the use of any appropriation contained in this or any other act for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress except in presentation to the Congress itself; and contains other provisions. H.R. 7447. Vetoed June 27, 1973. House sustained veto June 27, 1973. (155, 218)

Contains identical sums and provisions for the various items of the several departments and agencies as in the vetoed bill; provides that no funds appropriated in this act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam); provides that none of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North and South Vietnam or off the shores of Cambodia, Laos, North and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose; and contains other provisions. H.R. 9055. Public Law 93–50, approved July 1, 1973. (254)

Urgent supplemental appropriations

Appropriates $1,368,600,000 for supplemental appropriations for fiscal year 1973 for the Civil Aeronautics Board, the Veterans Administration, the Department of Health, Education, and Welfare, and the General Services Administration, of which $122.1 million is for the basic educational opportunity grant program, $210.3 million for the supplemental educational opportunity grant program, $270.2 million for the college work-study program, and $269.4 for the direct student loan program under the Department of Health, Education, and Welfare, and provides additional funding for fiscal year 1973 to schools in Federally impacted areas. H.J. Res. 496. Public Law 93–25, approved April 26, 1973. (100)

APPROPRIATIONS—1974

Agriculture-environmental and consumer protection

Appropriates a total of $9,927,667,000 new obligational authority for fiscal year 1974 of which $5,088,0568,000 is for agricultural programs, $394,322,000 for rural development programs, $1,062,177,000 for environmental programs, and $3,382,600,000 for consumer programs. H.R. 8619. Public Law 93–135, approved October 24, 1973. (245)

Continuing appropriations

Makes continuing appropriations to avoid interruption of continuing government functions until: (a) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; or (b) enactment of the applicable appropriation act by both Houses without any provision for such project or activity; or (c) September 30, 1973, whichever first occurs; provides that new obligational authority under this act to carry out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, shall not exceed an annual rate of $2.2 billion, and shall not be funded at a rate exceeding one quarter of such annual rate; provides that, notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia; provides that, unless specifically authorized by Congress, none of the funds herein appropriated under this joint resolution or heretofore appropriated under any other act may be expanded for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam); and contains other provisions. H.J. Res. 636. Public Law 93–52, approved July 1, 1973. (253)

Extends the Continuing Resolution, Public Law 93–52, making futher continuing appropriations for fiscal year 1974, from September 30 to October 11, 1973. H.J. Res. 753. Public Law 93–118, approved October 4, 1973. (VV) This measure is superseded by Public Law 93–124.

Extends the Continuing Resolution, Public Law 93–52, making further continuing appropriations for fiscal year 1974, until the sine-die adjournment of the first session of this Congress, and supersedes H.J. Res. 753 which temporarily extends the date of Public Law 93–52 from September 30 to October 11, 1973; provides that none of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products; exempts the Export-Import Bank from the requirement that the funding rate for activities covered by the Foreign Assistance Appropriation Bill shall not exceed one quarter of the annual rate as provided by the joint resolution; and provides that no State in the aggregate will receive less than 90 percent of the amounts it received in fiscal year 1972 for grants to local educational agencies, and that no local educational agency shall receive less than 90 percent nor more than 115 percent of what it received in fiscal year 1973. H.J. Res. 727. Public Law 93–124, approved October 16, 1973. (446, 454)

Defense

Appropriates $73,714,930,000 in new budget obligational authority for fiscal year 1974 for the various military departments and other activities of the Department of Defense, H.R. 11575. Public Law 93–238 approved January 2, 1974. (560)

Departments of State, Justice, and Commerce, the Judiciary, and related agencies

Appropriates $4,466,012,000 for fiscal year 1974 for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies; and contains other provisions. H.R. 8916. Public Law 93–162, approved November 27, 1973. (385,464)

District of Columbia

Appropriates for the District of Columbia a total of $417,717,000 in Federal funds of which $187,450,000 represents the Federal payment to the District, and $954,731,000 in District of Columbia funds for fiscal year 1974. H.R. 8658. Public Law 93–91, approved August 14, 1973. (302)

Foreign assistance

Appropriates $5,475,068,000 for foreign assistance and related programs for fiscal years 1973 and 1974, including Foreign Assistance Act Activities, Foreign Military Credit Sales, Emergency Security and Disaster Relief Assistance and the Export-Import Bank. H.R. 11771. Public Law 93–240, approved January 2, 1974. (567)

Housing and Urban Development, Space, Science, Veterans, and certain other independent agencies

Appropriates $19,056,500,000 for the Department of Housing and Urban Development, Space, Science, Veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for fiscal year 1974. H.R. 8825. Public Law 93–137, approved October 26, 1973. (371)

Interior and related agencies

Appropriates $2,443,137,200 in new budget obligational authority for fiscal year 1974 for the Department of the Interior and related agencies including the U.S. Forest Service. H.R. 8917. Public Law 93–120, approved October 4, 1973. (350)

Labor, and Health, Education, and Welfare, and related agencies

Appropriates $32,926,796,000 for the Departments of Labor, and Health, Education, and Welfare and related agencies for fiscal year 1974 ($787,690,000 for the Department of Labor; $31,589,369,000 for the Department of Health, Education, and Welfare, and $549,737,000 for related agencies). H.R. 8877. Public Law 93–192, approved December 18, 1973. (447, 540)

Legislative branch

Appropriates a total of $605,189,933 in new budget obligational authority for the Legislative Branch for fiscal year 1974. H.R. 6691. Public Law 93–145, approved November 1, 1973. (300)

Military construction

Appropriates $2,658,861,000 for military construction for the Department of Defense for fiscal year 1974. H.R. 11459. Public Law 93–194, approved December 20, 1973. (494, 546)

Par value modification

Appropriates such sums as may be necessary, but not to exceed $2,203,000,000, to enable the Secretary of the Treasury to carry out section 3 of the Par Value Modification Act (Public Law 92–268), as amended, which directs the Secretary to maintain the value, in terms of gold, of United States dollars contributed to the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank and the Asian Development Bank. H.J. Res. 748. Public Law 93–142, approved October 26, 1973. (VV)

Public Works for Water and Power Development and Atomic Energy Commission

Appropriates $4,749,403,000 in new budget obligational authority for fiscal year 1974 for Public Works for Water and Power Development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions. H.R. 8947. Public Law 93–97, approved August 16, 1973. (305)

Supplemental

Appropriates $1,703,125,386 in supplemental appropriations for fiscal year 1974. H.R. 11576. Public Law 93–245, approved January 3, 1974. (555)

Transportation and related agencies

Appropriates $2,898,466,006 in new budget obligational authority for fiscal year 1974 for the Department of Transportation including: the Coast Guard, Federal Aviation, Federal Highway, National Highway Traffic Safety, Federal Railroad, and Urban Mass Transportation Administrations, and the St. Lawrence Seaway Development Corporation, and for related agencies: the National Transportation Safety Board, Civil Aeronautics Board, Interstate Commerce Commission, Panama Canal, and $90 million advanced appropriations for fiscal year 1975 for Washington Metropolitan Area Transit Authority. H.R. 8760. Public Law 93–98, approved August 16, 1973. (336)

Treasury, Postal Service, and general government

Appropriates a total of $5,233,189,000 for fiscal year 1974 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies. H.R. 9590. Public Law 93–143, approved October 30, 1973. (365)

CONGRESS

Access to information

Assures Congress the full and prompt production of information its committees seek from the executive branch in the exercise of its constitutional functions by establishing ground rules for the legislative and executive branches to observe over any future disagreements over the availability to Congress of information held by executive officials. S. Con. Res. 30. Senate adopted December 18, 1973. (VV)

Adds a new part to the Legislative Reorganization Act of 1970 which establishes by statute the duty of Federal officials and employees to produce information requested by Congress or any of its committees unless they are instructed by the President in writing not to do so and permits congressional determination as to the necessity of such information despite such a Presidential instruction; authorizes the committee chairmen to issue subpenas to compel the production of the information and in the event of noncompliance with such subpenas and subject to the approval of their respective Houses of Congress, to bring civil actions in the United States District Court for the District of Columbia which is authorized to enforce the subpenas by a mandatory injunction or other appropriate order, to modify the subpenas or set them aside entirely. S. 2432. P/S December 18, 1973. (VV)

Budget message, economic report, and impounded funds

Extends to January 29, 1973, the time for the President to submit to Congress the budget for fiscal year 1974; extends to January 31, 1973, the time for transmittal of the economic report; extends the time for the Joint Economic Committee to file its report on the President's economic report not later than March 10, 1973; and requires the President to transmit to Congress by February 10, 1973, a report with respect to all funds impounded from October 27, 1972, and before January 29, 1973 and from July 1, 1972, and before October 27, 1972. H.J. Res. 1. Public Law 93–1, approved January 19, 1973. (VV)

Committee meetings—Rule XXV

Amends Senate rule XXV to provide that meetings for the transaction of business of each standing committe of the Senate shall be open to the public, except during closed sessions for marking up bills, for voting, or when the committee by majority vote orders a closed session: Provided that any such closed session may be open to the public, if the committee by rule or majority vote so determines. S. Res. 69. Senate adopted March 6, 1973. (28)

Congressional and Supreme Court pages

Provides for replacement of the existing Congressional and Supreme Court page corps with an older group of pages (18 to 21 years of age) who would not require the afterhours supervision many feel is necessary for the younger pages; repeals the authority in existing law for the construction of a residential page classroom and dormitory building; and contains other provisions. S. 2067. P/S July 12, 1973. (VV)

Congressional franking reform

Establishes for the first time criteria for what is and is not frankable in the use of franking privilege by the Vice-President, Members of Congress, and Congressional officials under the definition of official business as passed by the Congress in Title 30, U.S.C.; establishes a House Commission on Congressional Mailing Standards and empowers the Senate Select Committee on Standards and Conduct with original jurisdiction to provide guidance, assistance, advice and counsel to Members of the House and Senators, respectively through advisory opinions or consultations in connection with the mailing of franked mail and provides a remedial action for willful violations of any of the franking requirements; and contains other provisions. H.R. 3180. Public Law 93–191, approved December 18, 1973. (VV)

Federal Constitutional Convention Procedures Act

Provides the procedural machinery necessary to effectuate that part of article V of the Constitution of the United States which authorizes a convention called by the States to propose specific amendments to the Constitution; clarifies Congressional authority with regard to the specific procedures for a constitutional convention called by the States; and contains other provisions. S. 1272. P/S July 9, 1973. (VV)

Federal Impoundment Control Procedures Act

Requires, in Title I of the bill, Impoundment Control Procedures, that the President, when a budget authority is impounded, shall send a special message to the Congress specifying the amount of the budget authority impounded, the reasons therefore, and to the extent practicable, the estimated fiscal, economic, and budgetary effect thereof; provides that, unless Congress acts to ratify the impoundment, or if its acts to disapprove it, by concurrent resolution within 60 days of continuous session after receipt of the message, that the obligation of the budget authority is mandatory and those funds may not be reimpounded; sets, in Title II of the bill, a ceiling of $268 billion on expenditures and net lending for fiscal year 1974; provides that the President shall reserve such amounts as may be necessary to keep within the ceiling, and that the reservations shall be made proportionately by functional category, and, where practicable, subfunctional category, as set out in the 1974 U.S. Budget in Brief, with the exception that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance grants under Title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and contains other provisions. S. 373. P/S May 10, 1973; P/H amended July 25, 1973; In conference. (126, 127)

Joint economic report—Extension

Extends from March 10, 1973, to April 1, 1973, the time for the Joint Economic Committee to submit its report on the President's Economic Report. H.J. Res. 299. Public Law 93–7, approved February 16, 1973. (VV)

Extends the time for the President to submit the 1974 Economic Report to the Congress to February 1, 1974, and the time for the Joint Economic Committee to submit its report on the President's 1974 Economic Report to the House and Senate to March 13, 1974. S.J. Res. 182. Public Law 93–235, approved January 2, 1974. (VV)

Rules of evidence—Congressional consideration

Provides that notwithstanding any other provisions of law, that the proposed Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules for Civil Procedure, and the Amendments to the Federal Rules for Criminal Procedure which are contained in the orders entered by the Supreme Court on November 20, 1972, and December 18, 1972, and transmitted to Congress by the Chief Justice on February 5, 1973, shall have no force and effect except to the extent, and with such amendments, as they may be expressly ap-

proved by Act of Congress. S. 583. Public Law 93–12, approved March 30, 1973. (VV)

Secret Government documents

Establishes an ad hoc committee of the Senate to conduct a study and submit to the Senate by June 30, 1973, a report and recommendations on all questions relating to the secrecy, confidentiality, and classification of government documents committed to the Senate or any member thereof. S. Res. 13. Senate adopted January 9, 1973. (VV)

SENATE CONFIRMATION OF NOMINATIONS

Certain Federal offices

Requires that future appointments to fill vacancies in the offices of the head of the new Mining Enforcement and Safety Administration, the Director of the Bureau of Land Management, the National Park Service, and the Bureau of Outdoor Recreation, the Commissioner of Reclamation, and the Governor of American (Eastern) Samoa shall be made by the President by and with the advice and consent of the Senate and provides that such appointees shall serve at the pleasure of the President for a term of not to exceed 4 years subject to reappointment and confirmation. S. 1828. P/S July 25, 1973. (316)

Cost of Living Council

Requires that appointments to the Office of Director of the Cost of Living Council shall be made by the President by and with the advice and consent of the Senate. S. 421. P/S January 23, 1973. (VV)

Senate confirmation of nomination Executive Office appointees

Requires that appointments by the President to fill the offices of Executive Secretary of the National Security Council and the Executive Director of the Domestic Council, which are made after the effective date of this act, shall be subject to Senate confirmation, and provides that if the International Economic Policy Act of 1972 is extended beyond its present expiration date of June 30, 1973, the Executive Director of the Council on International Economic Policy also shall be appointed by and with the advice and consent of the Senate, and that no individual shall serve in that office after that date unless so appointed. S. 590. P/S May 9, 1973. (122)

Heads of executive departments

Provides that the head of any executive department as defined in 5 U.S.C. 101 (the Departments of State; Treasury; Defense; Justice; Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and Transportation) shall serve for a term of 4 years, subject to Senate confirmation, beginning at noon on January 20 of the year in which the term of the President appointing such department head begins, except that (1) the term of the head of any executive department serving on the date of the enactment of this act shall begin on such date and expire at noon on January 20, 1977, and (2) a person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve only for the unexpired portion of that term, thus requiring that Cabinet officials retained by a President serving a second term must be confirmed by the Senate prior to reappointment; provides that nothing in this act shall be construed to affect the power of the President to remove any department head; and contains other provisions. S. 755. P/S May 2, 1973. (106)

**Office of Management and Budget*

Abolishes and reestablishes as new offices the offices of Director and Deputy Director of the Office of Management and Budget and provides that the offices shall be filled by the President, by and with the advice and consent of the Senate, with the provisions of this act to take effect 30 days after enactment. S. 518. Vetoed May 18, 1973; Senate overrode veto May 22, 1973; House sustained veto May 23, 1973. (6,144)

Amends the Budget and Accounting Act, 1921, to provide a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate; provides that this requirement is to become applicable to either office if the incumbents are reappointed or immediately after the individual holding the office ceases to hold the office; transfers from the President to the Office of Director, Office of Management and Budget, all of the functions which were vested by law in the Bureau of the Budget, and its Director, and transferred to the President by Reorganization Plan No. 2 of 1970; and contains other provisions. S. 37. P/S June 25, 1973; P/H amended December 17, 1973. (210)

Establishes a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate, and provides that this requirement is to become applicable to either office upon expiration of the term or immediately after the individual holding the office ceases to hold the office; requires that the Executive Director of the Domestic Council and the Executive Secretary of the National Security Council shall be appointed by the President by and with the advice and consent of the Senate, and provides that this requirement shall apply to appointments made to these offices after the date of enactment of this act. S. 2045. P/S June 25, 1973. (211)

U.S. Capitol Historical Society Study

Provides for a feasibility study for a sound and light performance system for the East Front of the National Capital and allows the United States, through the Capitol Buildings, Architect of the Capitol account, to accept gifts from the Historical Society. H.J. Res. 736. P/H December 3, 1973; P/S amended December 7, 1973. (VV)

** War Powers Act*

Requires the President to consult with Congress before introducing U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated; in the absence of a declaration of war, requires the President to submit within 48 hours to the Congress a report setting forth the circumstances necessitating the introduction of forces, the constitutional and legislative authority for such action, and the estimated scope and duration of the hostilities or involvement, such report to be made at least every six months; requires the President to terminate the use of the Armed Forces within 60 days after submission of the report to Congress unless the Congress (1) has declared war or has specifically authorized such use of the Armed Forces, (2) has extended by law the 60 day period, or (3) is physically unable to meet as a result of an armed attack; provides that the 60 day period may be extended for 30 days if the President determines and certifies in writing to Congress the need for the use of the forces in bringing about a prompt removal of the forces; provides that authority to introduce Armed Forces into hostilities or situations where involvement in hostilities is indicated shall not be inferred from any provision of law, including appropriations measures or treaties, unless such authority is specifically authorized; and contains other provisions. H.J. Res. 542. Vetoed October 24, 1973; House overrode veto November 7, 1973; Senate overrode veto November 7, 1973. Public Law 93–148, without approval November 7, 1973. (303,451,462)

CONSUMER AFFAIRS

Consumer product warranties

Sets forth, in title I, disclosure and designation standards for written warranties on each consumer product that costs the consumer more than $5; defines Federal contents standards for full warranties; provides meaningful consumer remedies for the breach of written warranty and written service contract obligations; in title II, improves the Federal Trade Commission's ability to deal with unfair consumer acts and practices affecting interstate commerce by granting the Commission the power to: (1) seek preliminary or permanent injunctions, (2) initiate actions in district courts seeking specific redress for consumers injured by unfair or deceptive practices, and (3) secure civil penalties for knowing violations of the FTC Act; in title III, requires the Board of Governors of the Federal Reserve System to issue regulations similar to those of the FTC proscribing unfair acts or practices of financial institutions unless the Board disagrees that such acts are unfair and publishes its findings in the Federal Register; and, in title IV, makes specific provisions for used car warranties. S. 356. P/S September 12, 1973. (VV)

Lead-based paint poisoning amendments

Amends the Lead-Based Paint Poisoning Act, Public Law 91–695, and authorizes therefor an annual appropriation of $63 million for each of fiscal years 1974 and 1975; expands the authority of the Secretary of Health, Education, and Welfare to make grants to local and State Government units for programs to detect and treat incidents of lead-based paint poisoning to include private, non-profit organizations; increases from 75 percent to 90 percent the Federal share for the cost of such programs; provides that no lead-based paint shall be applied to any toy, furniture, or cooking, drinking or eating utensil manufactured and distributed in interstate commerce after enactment of the act; provides that, effective January 1, 1974, that lead-based paint means any paint containing more than 6 one-hundreths of one percent lead, or, if after the study authorized by this act is completed, it is determined prior to December 31, 1974, that a 5 one hundredths of 1 percent level is safe, that level shall be used instead; and contains other provisions. S. 607. Public Law 93–151, approved November 9, 1973. (VV)

Meat and poultry inspection amendments

Amends the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase (beginning fiscal year 1974) the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent, and provides that the total cost of any cooperative arrangement for meat or poultry inspection purposes to be contributed under the Talmadge-Aiken Act (Public Law 87–718) shall be equal to the highest percentage contributed to any State under either of these acts. S. 1021. P/S April 2, 1973. (73)

Motor vehicle defect remedy act

Amends the National Traffic and Motor Vehicle Safety Act by empowering the Secre-

tary of Transportation to require that the manufacturer of a motor vehicle or an item of motor vehicle equipment (including tires) which contains a safety related defect or a failure to comply with a motor vehicle safety standard to remedy such defect or failure to comply without charge to the consumer; defines the administrative hearing procedure available to such manufacturer; provides for a procedure whereby the Secretary can act immediately to remove an obvious hazard by applying to a District Court for such temporary or permanent relief as may be necessary to protect the public; authorizes therefor an appropriation of not to exceed $46.773 million for fiscal year 1974; and contains other provisions. S. 355. P/S May 17, 1973. (VV)

Rabbit meat inspection

Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products, and sets the effective date of the provisions of the bill at July 1, 1973. S. 43. P/S February 21, 1973. (VV)

Truth in Lending Act amendments (fair credit billing)

Amends the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices; prohibits, in title I, The Fair Credit Billing Act, unfair credit billing practices including provisions relating to resolution of billing errors, regulation of credit reports, acknowledgement of billing inquiries, prompt crediting of payments, length of the billing period, use of cash discounts, and prohibition of offsetting a disputed bill from funds on deposit; contains, in title II, largely technical amendments to improve the administration of the Truth in Lending Act and includes a provision limiting a creditor's maximum liability in a class action suit brought under the act to $100,000 or 1 percent of the creditor's net worth, whichever is less; prohibits, in title III, The Equal Credit Opportunity Act, any creditor from discriminating against any person on account of sex or marital status in granting or denying credit, including all credit transactions, whether for consumer, business, or other purposes and includes cash loans, installment sales, mortgage loans and the opening or closing of a revolving charge account; and contains other provisions. S. 2101. P/S July 23, 1973. (311)

Wool Products Labeling Act amendments

Amends the Wool Products Labeling Act of 1939 by substituting the term "recycled wool" for the terms "reprocessed wool" and "reused wool" thus combining the terms into one definition for the term "recycled wool." S. 1816. P/S July 20, 1973. (VV)

CRIME-JUDICIARY

Amendments of 1973 to Federal laws relating to explosives

Amends section 845(a) of title 18 U.S.C. to entirely exempt commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational or cultural purposes in antique firearms and certain antique devices from regulation under title XI of the Organized Crime Control Act of 1970 (P.L. 91–452) relating to explosives, and amends section 921(c)(4) of title 18 U.S.C. to add language exempting from the term "destructive device" in the Gun Control Act of 1968 (P.L. 90–618) antique devices such as small, muzzle-loading cannon used for recreational and cultural purposes. S. 1083. P/S July 13, 1973. (278)

Antitrust Procedures and Penalties Act

Changes certain specifics in the manner in which consent decrees in civil antitrust cases are formulated by providing that the district court shall make an independent determination as to whether or not the entry of a proposed consent decree is in the public interest as expressed by the antitrust laws by (1) encouraging additional comment by interested parties, (2) requiring that the Department of Justice file a public impact statement, and (3) requiring the defendent to disclose all communications made on behalf of the firm relating to the consent decree other than those made exclusively by counsel of record; increases the fines for criminal violations of the Sherman Act from $50,000 to $100,000 for individuals and $500,000 for corporations; amends the Expediting Act to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit courts of appeals; eliminates the provision that a three-judge court be impaneled in civil actions where the United States is the plaintiff under the Sherman or Clayton Act upon the filing by the Attorney General with the district court of a certificate that the cases are of general public importance; provides for direct appeal to the Supreme Court from final judgments of the district court only in cases certified by the district judge upon the application of either party to be of general public importance; and contains other provisions. S. 782. P/S July 18, 1973. (293)

Bankruptcy act amendments

Amends section 40b of the Bankruptcy Act (which prohibits salary increases for referees in bankruptcy from occurring more than once every two years) to place referees in bankruptcy on an equal basis with other judicial officers whose salary is determined by the Judicial Conference of the United States. H.R. 3490. Public Law 93–200, approved December 27, 1973. (VV)

Civil remedies for victims of racketeering activity and theft

Amends title 18 of the United States Code to strengthen civil remedies for victims of racketeering activity and provide a civil action for damages resulting from violations of section 659 title 18 of the United States Code, which realtes to crime involving property in interstate or foreign commerce. S. 13. P/S March 29, 1973. (VV)

Commission on bankruptcy laws

Requires the Commission on Bankruptcy Laws of the United States to submit a comprehensive report of its activities, including its recommendations, to the President, the Chief Justice of the United States, and the Congress prior to July 31, 1973; provides for termination of the Commission 30 days after the submission of its final report; and provides that appropriated funds shall remain available until expended or until the Commission ceases to exist. H.J. Res. 499. Public Law 93–56, approved July 1, 1973. (VV)

Community supervision and services act

Authorizes a program of community supervision and services for selected criminal defendants in the Federal court system, to divert them to a program of intensive treatment and supervision prior to trial. S. 798. P/S October 4, 1973. (VV)

Crime Control Act

Extends the Department of Justice Law Enforcement Administration (LEAA) program for three years and authorizes appropriations therefor of $1 billion for each of fiscal years 1974 and 1975, and $1.25 billion for fiscal year 1976; vests all policy and administrative authority in the Administrator and replaces the two Associate Administrators by a Deputy Administrator for Policy Development and a Deputy for Administrative Management; strengthens Federal supervision over the States' planning process; requires a program for the improvement of juvenile justice as part of the comprehensive State plan; increases the minimum planning allocation to each State from $100,000 to $200,000 to assure the continued flow of adequate funds to cities; requires regional planning boards to include a majority of local elected officials; places time limits on plan approval in order to expedite fund flow; revises the matching fund requirements to eliminate non-cash matching; reduces the non-Federal matching share from 25 to 10 percent with the new 90 to 10 matching ratio to apply to all grants requiring matching-planning, action, and corrections improvements grants; requires, with a limited transition time for waiver, States to contribute in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs by increasing the State "buy-in" for action grants from 25 to 50 percent, and from 0 to 50 percent for planning grants, and adds "buy-in" provisions regarding corrections grants; retains and strengthens the law enforcement education program; and contains other provisions. H.R. 8152. Public Law 93–83, approved August 6, 1973. (VV)

Debt collection

Expands the prohibitions of section 712, title 18, U.S.C., to cover all persons attempting to collect any debt through the misuse of official sounding names in order to convey the false impression that an agency of the Federal Government is involved in the collection, without regard for whether, as required by the present provision, such person is "engaged in the business of collecting or aiding in the collection" of debts. H.R. 689. Public Law 93–147, approved November 3, 1973. (VV)

Disqualification of judges

Makes the statutory grounds for disqualification of a judge in a particular case conform generally with the recently adopted canon of the Code of Judicial Conduct which relates to disqualification of judges for bias, prejudice or conflict of interest. S. 1064. P/S October 4, 1973. (VV)

Federal Tort Claims Act and reorganization plan No. 2 of 1973 amendments

Amends reorganization plan No. 2 of 1973, which became effective on July 1, 1973, to nullify the provisions providing for the transfer of immigration inspectors from the Immigration and Naturalization Service of the Department of Justice to the Customs Bureau of the Department of the Treasury and provides a remedy against the United States for the intentional torts of its investigative and law enforcement officers thus allowing innocent victims subjected to unlawful raids or abuses to have a cause of action against the individual Federal agents and the Federal Government. H.R. 8245. P/H July 17, 1973; P/S amended November 30, 1973 and December 3, 1973. (VV)

Inmate furloughs

Broadens provisions of law to allow prison inmate furloughs for the purpose of establishing or reestablishing family and community ties, or for any other significant reason consistent with the public interest. H.R. 7352. Public Law 93–209, approved December 28, 1973. (VV)

Judicial review of decisions of the Interstate Commerce Commission

Modernize the judicial machinery for review of orders of the Interstate Commerce Commission by placing review in the United States courts of appeals pursuant to the Judicial Review Act of 1950. S. 663. P/S November 16, 1973. (VV)

Methadone Diversion Control Act

Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, commonly called the Controlled Substances Act, to provide new authority for the regulation of the use of narcotic drugs in the treatment of narcotic addicts; provides definitions of "maintenance treatment" to enable the Attorney General to establish more specific and comprehensive regulatory control over the handling of narcotic drugs

used in the treatment of narcotic addicts; requires practitioners who dispense or administer narcotic drugs in the treatment of narcotic addicts to obtain a special registration predicated on the approval of treatment standards by the Secretary of Health, Education, and Welfare and the approval of security standards by the Attorney General; enables the Attorney General to deny, revoke, or suspend the special registration for failure to comply with the new standards; makes the full range of civil remedies and felony penalties available under the Controlled Substances Act applicable to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration; and requires the special registered practitioners to keep complete records of narcotic drugs directly administered to patients in their presence. S. 1115. P/S June 8, 1973. (VV)

Public Safety Officers' Benefits Act

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty where the crime or death occurs on or after October 17, 1972, and authorizes the Law Enforcement Assistance Administration to make an interim payment, not to exceed $3,000, to an entitled dependent when it is determined such person is eligible to receive the gratuity under the provisions of this act. S. 15. P/S March 29, 1973. (VV)

Public Safety Officers' Group Life Insurance Act

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance (the amount of coverage to be based on individual salary with a minimum coverage of $10,000 and a maximum coverage of $32,000) and to assist State and local governments to provide such insurance. S. 33. P/S March 29, 1973. (VV)

Revision of the Jurisdiction of Three-Judge Courts

Amends sections 2281, 2282, 2284, and 2403 of title 28, United States Code, to eliminate the requirement for special three-judge courts in cases seeking to enjoin the enforcement of State or Federal laws on the grounds of unconstitutionality; provides for the retention of three-judge courts when otherwise required by act of Congress or in any case involving apportionment of congressional districts or the apportionment of any statewide legislative body; clarifies the composition and procedure of three-judge courts in cases where they will continue to be required; and insures the right of States to intervene in cases seeking to enjoin State laws on the ground of unconstitutionality. S. 271. P/S July 14, 1973. (VV)

Runaway Youth Act

Authorizes the Secretary of Health, Education, and Welfare to make grants and to provide technical assistance to localities and nonprofit private agencies for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which operates outside the law enforcement structure and juvenile justice system which are designed to shelter young people for a short period of time, rather than on a long term basis, and supply such medical care and counseling as needed, and are equipped to provide a program of field counseling for the runaway and his family after the runaway has moved to permanent living facilities; authorizes funds to conduct research on the scope of the runaway problem in this country focusing on but not limited to "the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior;" authorizes therefor the appropriation of $10 million for each of fiscal years 1974, 1975, and 1976; and contains other provisions. S. 645. P/S June 8, 1973. (VV)

Territorial franchises in the soft drink industry

Amends the Federal Trade Commission Act and the anti-trust laws to clarify the circumstances under which exclusive territorial licenses to manufacture, distribute, and sell trademarked soft drink products shall not be deemed unlawful; provides that if the requirements of this bill are met, relevant territorial provisions in which a trademark owner grants licensees the right to manufacture, distribute, and sell trademarked soft drink products in specifically defined geographic areas are not only lawful but enforceable through judicial proceedings; makes lawful license provisions which have the effect of precluding indirect evasions of the license agreement, thus protecting the exclusive territorial rights of one licensee from direct or indirect sales by the licensor or any of its other licensees into his defined geographic area so long as there is substantial and effective competition within his territory; and contains other provisions. S. 978. P/S June 11, 1973. (VV)

Victims of Crime Act

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a direct Federal crime compensation program for territorial areas of direct Federal concern to provide a means of meeting the financial needs of the innocent victims of violent crime, intervenors acting to prevent the commission of a crime or assisting in the apprehension of suspected criminals, or their surviving dependents; establishes an independent board to administer the program; defines the acts or omissions considered to be crimes for purposes of the program; sets the amount of $100 as the minimum amount for which a claim may be filed and the amount of $50,000 as the maximum amount of a claim; creates a Criminal Victim Indemnity Fund in the Treasury to consist of moneys from (1) criminal fines paid in the various courts of the United States, (2) additional appropriated funds, and (3) contributed funds; authorizes the appropriation of $5 million for fiscal year 1973 and, until specific appropriations are made, authorizes the use of funds appropriated for the Department of Justice or the Law Enforcement Assistance Administration; and authorizes the use, through the established mechanisms of the Law Enforcement Assistance Administration, of LEAA grant funds on the usual 75–25 percent basis to assist substantially comparable State programs. S. 300. P/S March 29, 1973. (VV)

Victims of Crime Act (Omnibus)

Establishes a Federal crime compensation program for territorial areas of direct Federal concern for innocent victims of violent crime, intervenors, or their surviving dependents, and provides for Federal assistance to substantially comparable State programs; provides group life insurance coverage for public safety officers or their surviving dependents, and assistance to States and local governments to provide such insurance; provides gratuities for dependents of public safety officers killed in the line of duty; strengthens civil remedies for victims of racketeering activity; provides for additional sentences for persons convicted in a United States court of a felony threatening life or property when a firearm is used or carried during the commission of the felony; provides for additional sentencing of persons as a public menace who are convicted of the manufacture, distribution, or dispensing of one-tenth or more of pure heroin or morphine, who are not addicts at the time of the offense; and contains other provisions. S. 800. P/S April 3, 1973. (78)

DEFENSE

Armed Forces Enlisted Personnel Bonus Revision Act

Amends chapter 5 of title 37, U.S.C., to revise the special pay bonus structure relating to members of the Armed Forces, and provides for the appointment of female candidates to the U.S. military academies. S. 2771. P/S December 20, 1973. (VV)

Coast Guard authorization, 1974

Authorizes a total appropriation of $109,239,000 for the Coast Guard for fiscal year 1974 for the procurement of vessels and related pollution abatement programs and an additional helicopter and helicopter search and rescue station, and for the construction of shore and offshore establishments and bridge alterations; continues the LORAN–A electron navigation system and authorizes the replacement of equipment for the LORAN–C and approves expansion of the LORAN–C West Coast Project; authorizes an end year strength of 37,607 for active duty personnel; and contains other provisions. H.R. 5383. Public Law 93–65, approved July 9, 1973. (VV)

Defense Production Act amendment

Terminates the borrowing authority mechanism by which all program operations under the Defense Production Act have been financed since the initiation of the original 1950 act and substitutes conventional appropriation methods for any future operations. S. 1980. P/S August 2, 1973. (VV)

Dependents Assistance Act of 1950 Amendments

Makes permanent in the law certain provisions of the Dependents Assistance Act of 1950, as amended, which expire July 1, 1973, as follows: (1) continues the current monthly rates for quarters allowances for junior enlisted members, (2) removes the provision in title 37, U.S.C., that junior enlisted members are considered at all times to be without dependents, (3) removes the requirement that junior enlisted members must allot part of their pay before they can receive the higher quarters allowance authorized for members having dependents, (4) provides secretarial authority to grant hardship discharges for certain enlisted members with dependents, (5) establishes procedures for determining dependency of parents, (6) provides that aviation cadets receive the same quarters allowance as an E–4, and (7) provides that monthly quarters allowance to dependents of members shall not, for such period as the Secretary may prescribe, be contingent on a pay status thus permitting payment when an enlisted member is AWOL or incarcerated by a foreign government prior to trial; authorizes a basic allowance for quarters for junior enlisted members in the reserve and guard while on active duty for training for less than 30 days; repeals section 207 of the Career Compensation Act of 1949 which contains obsolete provisions regarding the reenlistment bonus; eliminates certain other provisions of law which are either obsolete or are covered elsewhere in existing law; extends for two years, to July 1, 1975, the authority to pay special pay to physicians, dentists, veterinarians, and optometrists; permits a member to claim as a dependent an unmarried, acknowledged, illegitimate child; extends for one year, to July 1, 1974, the bonus authority for certain enlistments in the combat arms of the armed forces; extends until December 31, 1973, the date after which members in the rank of colonel or equivalent (0–6), or above, in noncombat assignments are no longer entitled to flight pay; provides that the act shall become effective July 1, 1973; and contains other provisions. H.R. 8537. Public Law 93–64, approved July 9, 1973. (VV)

Disposals from national stockpiles

Authorizes the disposal from the national stockpile of various materials, as follows:

Abaca—at 25 million pounds. H.R. 4682. Public Law 93-48, approved June 22, 1973. (VV)

Aluminum—at 207,440 short tons. S. 2413. Public Law 93-220, approved December 28, 1973. (VV)

Copper—at 251,600 short tons. S. 2316. Public Law 93-215, approved December 28, 1973. (VV)

Molybdenum—at 36,500,000 pounds. S. 2551. Public Law 93-219, approved December 28, 1973. (VV)

Opium (Morphine Content)—at 65,700 pounds for immediate disposal. S. 2166. Public Law 93-218, approved December 28, 1973. (VV)

Sisal—at 100 million pounds. H.R. 4682. Public Law 93-48, approved June 22, 1973.

Silicon Carbide—at 196,500 short tons. S. 2493. Public Law 93-216, approved December 28, 1973. (VV)

Zinc—at 357,300 short tons. S. 2498. Public Law 93-212, approved December 28, 1973. (VV)

Junior Reserve Officer Training Corps program

Eliminates the present exclusion of females from the minimum number of 100 students necessary to maintain a Junior Reserve Officer Training Corps (ROTC) unit, permitting girls to be officially enrolled in the program. H.R. 8187. Public Law 93-165, approved November 29, 1973. (VV)

Medical officers pay structure

Increases monthly special pay for physicians (including Public Health Service officers) with two years active service from $150 to $350 a month; terminates the current continuation pay for physicians in pay grades below O-6 (colonel); and authorizes new bonuses, of up to $10,000 a year, for physicians in pay grades below O-6 for each year they agree to continue active service. S. 2770. P/S December 20, 1973. (VV)

Military construction authorization, 1974

Authorizes a total of $2,773,584,000 in new budget obligational authority for fiscal year 1974 for construction and other related authority for the military departments and the Office of the Secretary of Defense within and outside the United States, and authority for construction of facilities for the Reserve Components. S. 2408. Public Law 93-166, approved November 29, 1973. (467)

Military procurement authorization, 1974

Authorizes $21,299,520,000 for fiscal year 1974 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads; authorizes the end strength for active duty personnel for fiscal year 1974 at 2,190,000, a reduction of 43,000 persons; continues the authority for merging military assistance financing for South Vietnam and Laos with funding of the Department of Defense and authorizes therefor $1,126,000; requires an annual authorization by Congress of the number of civilians employed by the Department of Defense; prohibits direct or indirect use of funds for economic or military aid to North Vietnam; places a $25 million limitation on advance payment that may be made to a defense contractor without prior congressional approval; phases out the National Industrial Reserve and replaces it with the Defense Industrial Reserve which consolidates the National Industrial Equipment Reserve machine tools and the "Tools for Schools" lending program with the Defense Department's general reserve; calls on the President to seek, through appropriate bilateral and multilateral arrangement, payments to offset fully any balance-of-payment deficit incurred by the United States during fiscal year 1974 as a result of the deployment of forces in Europe to fulfill NATO commitments; prohibits procurement of other than American goods unless consideration has been given to labor-surplus areas, small businesses, U.S. balance of payments, cost of shipping, foreign duties and other related factors; authorizes the Secretary of Defense to assist the Department of Health, Education, and Welfare and the Department of Transportation in providing medical emergency helicopter transportation to civilians; extends the President's authority until December 31, 1975, to transfer to Israel by sale, credit sale, or guaranty aircraft and related equipment; provides for the continued operation, at the January 1, 1973, level, of the Public Health Service hospitals located at Seattle, Boston, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Norfolk; and contains other provisions. H.R. 9286. Public Law 93-155, approved November 16, 1973. (436, 461)

Military training

Removes the four-year limitation on active duty service that a reserve officer may be required to perform upon completion of Army and Air Force sponsored educational programs. H.R. 10366. Public Law 93-169, approved November 29, 1973. (VV)

Promotions of military personnel in a missing status

Amends section 552(a) of title 37, United States Code, to insure that promotions of personnel carried as missing are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. S. 1493. Public Law 93-26, approved April 27, 1973. (VV)

Sale of naval vessels stricken from the naval register

Amends section 7305 of title 10 United States Code, which permits the sale of naval vessels under strict advertised sealed bid procedures, to provide that no vessel of the Navy may be sold in any manner other than that provided by section 7305, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973, with the exception of a written agreement of sale entered into prior to June 30, 1973, thereby precluding the sale of stricken vessels, including those on loan which may be stricken from the Naval Register prior to loan expiration, to foreign nations under the general category of defense articles under Public Law 90-629, the Foreign Military Sales Act of 1946. S. 1773. P/S May 21, 1973; P/H amended December 17, 1973. (VV)

Service academy appointments

Authorizes the Delegates in Congress from Guam and the Virgin Islands each to nominate a cadet to each of the three service academies and permits each of the Service Secretaries to nominate one cadet to his respective service academy upon the recommendation of the Governor of American Samoa. H.R. 7582. Public Law 93-171, approved November 29, 1973. (VV)

Servicemen's benefits

Makes several amendments to the Internal Revenue Code of 1954 which are designed to continue the same tax treatment for servicemen and former servicemen under the Survivor Benefit Plan, P.L. 92-425, as formerly was available for them under the Retired Serviceman's Family Protection Plan in the case of annuities for surviving spouses or certain child beneficiaries, and contains other provisions. H.R. 4200. P/H June 27, 1973; P/S amended September 19, 1973. (391)

Travel expenses

Amends section 406b of title 37, United States Code, which provides permanently assigned crewmembers of the uniformed services with entitlement to round trip transportation between a home port where their dependents reside and the port at which the ship is being overhauled, to also include the port at which the ship is being inactivated. H.R. 10369. Public Law 93-170, approved November 29, 1973. (VV)

Allows more equity for travel and transportation allowances by permitting members of the uniformed services who accept consecutive overseas tours, one of which is in a restricted or "short tour" area, to be awarded travel and transportation allowances to their home of record between such tours. S. 1038. Public Law 93-213, approved December 28, 1973. (VV)

U.S. soldiers' and airmen's home

Amends an 1883 law to allow the Secretary of the Treasury to increase the amount of interest paid on the permanent fund of the United States Soldiers' and Airmen's Home making it equal to similarly situated trust funds. H.R. 8528. Public Law 93-185, approved December 15, 1973. (VV)

Women in the Coast Guard

Provides for integration of the Women's Reserve into the main Coast Guard Reserve thus giving women the capability to serve on both active and inactive duty as an integral part of the United States Coast Guard. H.R. 9575. Public Law 93-174, approved December 5, 1973. (VV)

DISTRICT OF COLUMBIA

Authorization for certain programs and activities

Provides legislative authorization for 26 activities, considered necessary for effective operation of the District of Columbia which were previously authorized only in the annual appropriations act; directs the District Government Public Service Commission to conduct a study of the adequacy of service and regulation of the taxicab industry in the District and to report their recommendations to Congress within 9 months; and contains other provisions. H.R. 8250. Public Law 93-140, approved October 26, 1973. (VV)

Child adoption subsidy payments

Authorizes the Commissioner of the District of Columbia to make adoption subsidy payments on behalf of children with special needs, where such children otherwise would in all likelihood go without adoption, and where the adoptive family is deemed appropriate in all respects but for its economic inability to meet the child's needs. H.R. 11238. Public Law 93-241, approved January 2, 1973. (VV)

District of Columbia Insurance Act

Establishes a post-assessment insurance guaranty fund to be known as the District of Columbia Insurance Guaranty Association, obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders; increases the amount of paid-up capital each domestic capital stock and mutual life insurance company is required to have in order to transact business in the District from $200,000 to $1 million, the amount of coverage available under group term life insurance to maximums of $100,000 or 300 percent of compensation and a minimum of $30,000, the amount of paid-up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000, the surplus requirement for domestic mutual companies from $150,000 to $300,000, the amount for foreign mutuals from $200,000 to $400,000, and the amount of a contract with the District government for which a bond

is required from $2,000 to $10,000; and contains other provisions. H.R. 4083. Public Law 93–89, approved August 14, 1973. (VV)

District of Columbia Rent Control Act

Authorizes the District of Columbia Council to adopt rules regarding maximum rental increases as it deems necessary and appropriate in the District of Columbia, and requires that the Council hold public hearings within 60 days after the enactment of this bill to determine whether such regulations are needed. H.R. 4771. Public 93–157, approved November 21, 1973. (VV)

District of Columbia Self-Government and Governmental Reorganization Act

Sets forth a charter which shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District voting thereon in the charter referendum held with respect thereto; provides a charter amending procedure whereby the charter may be amended by an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in the referendum held for such ratification, which then must be ratified by both Houses of the Congress;

Establishes a Council of the District of Columbia whose 13 members shall be elected by the registered qualified electors of the District on a partisan basis, with the Chairman and 4 members to be elected at-large, and 8 members to be elected one each from the eight election wards established, from time to time, under the District of Columbia Election Act, with 4-year terms of office;

Vests the legislative power granted to the District by this Act in the Council, which shall have the authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities thereof; provides that an act passed by the Council shall be presented to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) either approve or disapprove such act, with such act to be effective if not disapproved within that time limit; provides that if an act is disapproved by the Major, the Council within 30 days, upon a two-thirds vote, may transmit the act to the President of the United States which shall become law within 30 days unless disapproved by the President; contains provisions for partial approval or disapproval by the Mayor; places certain limitations on the authority of the Council to pass any act;

Establishes the Office of Mayor of the District of Columbia who shall be elected by the registered qualified electors of the District; vests the judicial power of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia; provides for submission of an annual budget by the Mayor to the Council, which shall by act adopt the annual budget which shall be submitted by the Mayor to the President for transmission to the Congress; establishes an Office of District of Columbia Auditor; gives the District certain borrowing authority; creates a District of Columbia Board of Elections;

Contains a reservation of congressional authority, whereby the Congress reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council;

And contains other provisions. S. 1435. Public Law 93–198, approved December 24, 1973. (573)

Dulles and Friendship Airports transit lines

Amends the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation to make payments to the Transit Authority in such amounts as may be requisitioned by the Transit Authority to finance the cost of designing and other necessary planning for a rail rapid transit line in the median of the Dulles Airport road to the Dulles International Airport; provides for the Secretary to contract with the Transit Authority for a comprehensive study of the feasibility of extending a rail rapid transit line in the median of the Baltimore-Washington Expressway to the Friendship International Airport; and authorizes therefor an additional appropriation of not to exceed $10 million to carry out the purposes of this act. S. 2047. P/S July 9, 1973. (261)

Election law

Amends the District of Columbia Election Act as follows: changes the filing deadline for nominating petitions from 45 to 60 days before an election; eliminates the 90 day durational residency requirement for voting in the District; authorizes the Board of Elections to use volunteers in connection with voter registration drives and non-partisan voter education efforts; reduces the signature requirements for third party candidates for President from 5 percent to 1 percent of the registered voters; grants the Board of Elections the authority to enact rules and regulations to carry out responsibilities and duties given to it under the Election Act; extends the period of time provided under the Election Act for the Board of Elections to rule on the validity of challenged ballots from 7 to 10 days; provides for polls to open at 7:00 a.m. on election days; provides for the term of newly-elected members to the Board of Education to begin 30 days after the certification of their election; eliminates the run-off election for the Delegate to Congress; and contains other provisions. H.R. 6713. Public Law 93–92, approved August 14, 1973. (VV)

International center complex

Authorizes an additional appropriation of $2.2 million for improvements to the land (streets, sidewalks, water mains, etc.) which was transferred to the Department of State under the authority of Public Law 90–553, for use as sites for foreign chanceries. S. 1235. Public Law 93–40, approved June 12, 1973. (VV)

John F. Kennedy Center for the Performing Arts

Authorizes an appropriation of $2,400,000 for fiscal year 1974, and $2,500,000 for fiscal year 1975, to the Secretary of the Interior for maintenance, security, information, interpretation, janitorial, and all other nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. S. 1759. Public Law 93–67, approved July 10, 1973. (VV)

Minimum Wage Act for airline employees

Amends the District of Columbia Minimum Wage Act in order to allow airline employees to engage in the practice known as "day trading" which allows an employee to accumulate a number of successive days off, in addition to the two regular days off each week, by voluntarily working more than five days in succession. H.R. 10806. Public Law 93–223, approved December 29, 1973. (VV)

National Visitor Center Facilities Act of 1968 Amendments

Amends the National Visitor Center Facilities Act to authorize the appropriation of $8,680,000 for construction necessary to complete the alteration and renovation of Union Station as a National Visitor Center, and to direct that the Secretary of the Interior provide interpretive transportation services in or between the National Visitor Center, the Capitol Grounds, the Mall, th Ellipse, the John F. Kennedy Center for the Performing Arts, East and West Potomac Park, and such other visitor facilities as may be established pursuant to the National Visitor Center Facilities Act. H.R. 5857. Public Law 93–62, approved July 6, 1973. (VV)

Robert F. Kennedy Memorial Stadium

Amends section 8 of the Public Buildings Act of 1959 to authorize the Armory Board to borrow $1.5 million to increase the seating capacity of the Robert F. Kennedy Memorial Stadium by up to 8,000 seats for football games and causes 50 percent of the revenues derived from such seats to be the sole security for any loan that the Armory Board might receive. H.R. 6330. Public Law 93–72, approved July 10, 1973. (VV)

Southeastern University

Reaffirms and makes clear the independence and non-profit status of Southeastern University. S. 389. P/S November 28, 1973.

Taxability of insurance and bank holding company dividends

Amends the existing District of Columbia tax laws to provide with respect to all taxable years ending after December 31, 1973, that dividends and interest received by a corporation from an insurance company, bank, and other savings institution subject to the 2 percent net premium tax imposed by Section 6 of Title II of the District of Columbia Revenue Act of 1947 (D.C. Code, Title 47, Sec. 1806), shall not, when paid to the parent corporation, be considered as income from sources within the District, and thus shall not be subject to the District of Columbia income tax; and exempts the Mayor, and members of the city council of the District or the Chairman of the Council of the District as established by the District of Columbia Self Government and Governmental Reorganization Act from the provisions of the Hatch Act (7324(a)(2), U.S.C.). H.R. 6186. P/H November 26, 1973; P/S amended December 14, 1973; House agreed to Senate amendments with an amendment December 20, 1973; Senate asked for conference. (VV)

Usury law amendment

Provides the District of Columbia Council with authority to amend certain existing laws in the District of Columbia relating to usury, and permits the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District. H.R. 6758. Public Law 93–229, approved December 29, 1973. (VV).

ECONOMY-FINANCE

Aluminum penny

Authorizes the Secretary of the Treasury, when he determines that the use of copper in the one-cent piece is no longer practicable, to change the alloy to not less than 96 percent aluminum and such other metals as he shall determine, and to prescribe the weight thereof. S. 2795. P/S December 14, 1973. (VV)

American Revolution bicentennial coins

Authorizes the Treasury to change the design on the reverse side of the dollar, half dollar and quarter dollar coins minted on or after July 4, 1975, to commemorate the Bicentennial of the American Revolution and directs that all such coins minted between July 4, 1975, and January 1, 1977, shall bear the date "1776–1976" in place of the date of coinage and all such coins minted thereafter the date "1776–1976" in addition to the date of coinage. S. 1141. Public Law 93–127, approved October 18, 1973. (VV)

Ceilings on deposit interest rates

Extends from June 1, 1973, until August 1, 1974, the authority of the Federal Bank Regulatory Agencies to establish flexible ceilings on the rate of interest payable on time and

savings deposits by Commercial Banks, Mutual Savings Banks, and Savings and Loan Associations. S.J. Res. 128. Public Law 92–63, approved July 6, 1973. (VV)

Duty suspensions

Caprolactam Monomer in Water Solution

Retroactively extends from December 31, 1972, to December 31, 1973, the temporary suspension of duty on imports of caprolactam monomer in water solution, and contains other provisions. H.R. 6394. Public Law 93–79, approved July 30, 1973. (VV)

Copper

Reinstitutes a suspension of the import duty on certain forms of copper for 1 year, to June 30, 1974, and establishes the "peril point" below which the duty suspension becomes inapplicable at the domestic price of 51 cents per pound. H.R. 2323. Public Law 93–77, approved July 20, 1973. (VV)

Dyeing and Tanning Materials

Reinstates the temporary suspension of duties on imports of certain dyeing and tanning materials including logwood to September 30, 1975, and provides that the duty suspension shall apply to all entries after September 30, 1972, the date on which the previous suspension of duties terminated. H.R. 3630. Public Law 93–101, approved August 16, 1973. (VV)

Istle Fiber and End of Freeze on Agricultural Products

Continues the existing suspension of duty on certain istle to September 5, 1975; provides that the President shall make appropriate adjustments in the maximum price which may be charged under Executive Order 11723, June 13, 1973, for any agricultural commodity (at any point in the distribution chain) which the Secretary of Agriculture certifies will be reduced to unacceptably low levels of supply as a result of the freeze and that alternative means for increasing the supply are not available. H.R. 2261. P/H June 27, 1973; P/S amended June 30, 1973. (VV)

Manganese Ore

Continues for a 3-year period through June 30, 1976, the existing suspension of duty on certain manganese ore which is principally used for metallurgical purposes in the production of steel. H.R. 6676. Public Law 93–99, approved August 16, 1973. (VV)

Metal Scrap

Continues for an additional 2 years, to July 1, 1975, the temporary suspension of the duties on certain metal waste and scrap, principally such scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys, as provided for by item 911.12 of the Tariff Schedules. H.R. 2324. Public Law 93–78, approved July 30, 1973. (VV)

East-West trade policy resolution

Affirms the Congress' general support for increased commercial and non-commercial relations with the nonmarket economy countries, principally the Union of Soviet Socialist Republics, the People's Republic of China, and Eastern Europe. S.J. Res. 131. P/S June 30, 1973. (VV)

Economic Stabilization Act Amendments

Extends for 1 year, to April 30, 1974, the Economic Stabilization Act of 1970 which authorized the President to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries; gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil, in order to meet essential needs in various sections of the country and to prevent anticompetitive effects which could develop from shortages of petroleum products; exempts workers earning less than $3.50 an hour from wage controls; states as the intent of Congress that nothing in this act be construed to authorize or require the President to impound or withhold funds appropriated, authorized, or authorized to be obligated by the Congress; requires business enterprises required to make price reports to the Cost of Living Council (firms with annual sales or revenues of $250 million or more) to make public disclosure of reports, except for proprietary information or trade secrets, which cover periods during which the firm charges a price for a substantial product that is 1.5 percent over the price lawfully in effect for such product on January 10, 1973, or on the date 12 months preceding the end of such period, whichever is later; and contains other provisions. S. 398. Public Law 93–28, approved April 30, 1973. (53)

Federal financing bank

Provide for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized; provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of certain obligations issued or sold by Federal agencies and provides that (1) the prior approval requirement does not apply to obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the U.S. (that is, obligations issued or sold by the Tennessee Valley Authority), and (2) obligations issued or sold by the Farmers Home Administration. H.R. 5874. Public Law 93–224, approved December 29, 1973. (VV)

Financial institution structure and regulation

Extends until December 31, 1974, the authority of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to regulate in a flexible manner the interest rates or dividends payable by insured banks on time and savings deposits and by members of the Federal Home Loan Bank system on deposits, shares, or withdrawable accounts; prohibits NOW accounts by which a depositor may remove funds from a savings account through the use of a negotiable order of withdrawal except that such accounts are permitted in the States of Massachusetts and New Hampshire, the only two States in which such accounts are presently being offered; amends the National Housing Act to place, in general, a statutory prohibition until June 30, 1974, on the approval by the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation of conversions from the mutual to stock form by savings and loan associations whose accounts are or would become insured by the Corporation, permits Federal savings and loan associations and national banks to invest in State housing corporations incorporated in the State in which the association or bank is located; establishes a new procedure for payment by insured savings and loan associations of premiums into the reserve fund of the Corporation; and contains other provisions. H.R. 6370. Public Law 93–100, approved August 16, 1973. (VV)

Housing and urban development laws and authorities temporary extension

Extends the authority of the Secretary of Housing and Urban Development to carry out its basic housing and community development programs under the National Housing Act for 1 year, to June 30, 1974, and authorizes therefor an appropriation of $1.943 million; extends the Federal Housing Administration (FHA) insuring programs; provides continued authority for the Urban Renewal, Model Cities, Open Space, Neighborhood Facilities, Rehabilitation Loans, Comprehensive Planning and New Communities programs; extends the flexible interest rate authority of the Secretary, in consultation with the Administrator of the Veterans' Administration, to set interest rate ceilings for FHA mortgage insurance programs and VA guaranteed loans; expands protections for homebuyers by authorizing expenditures for the correction of defects in homes financed under certain FHA programs; assures that Federal housing assistance programs are carried out to the full extent authorized by the Congress; requires the Secretary in processing and approving applications for assistance to give priority to any State or unit or local government which is adversely affected by a reduction in the level of expenditure of employment at any Department of Defense installation; and contains other provisions. H.J. Res. 512. P/H May 21, 1973; P/S amended July 20, 1973; House recommitted conference report September 5, 1973. (304)

Provides for a temporary extension through October 1, 1973, of Farmers Home Administration insurance authority and the flexible interest rate authority under the rehabilitation loan authority under the Housing Act of 1964, which expired June 30, 1973, and provides for temporary waiver of certain limitations applicable to GNMA. S.J. Res. 144. Public Law 93–85, approved August 10, 1973. (VV)

Extends the authority of the Secretary of Housing and Urban Development to carry out its basic housing and community development programs under the National Housing Act to October 1, 1974; extends the Federal Housing Administration (FHA) insuring programs; provides continued authority for the Urban Renewal, Model Cities, Open Space, Neighborhood Facilities, Rehabilitation Loans, Comprehensive Planning and New Communities programs; extends the flexible interest rate authority of the Secretary to set interest rate ceilings for FHA mortgage insurance programs and VA guaranteed loans; requires the Secretary in processing and approving applications for assistance to give priority to any State or unit of local government which is adversely affected by a reduction in the level of expenditure of employment at any Department of Defense installation; and contains other provisions. H.J. Res. 719. Public Law 93–117, approved October 2, 1973. (VV)

Interest Equalization Tax Extension Act

Extends the application of the interest equalization tax for 15 months, to June 30, 1974; provides, with certain exceptions, that the interest equalization tax exclusion for stock or debt obligations issued by a less developed country corporation shall not apply to stock or debt obligations issued by a less-developed country shipping corporation after January 29, 1973; provides for an exclusion from the interest equalization tax for: original or new issues of stock or debt obligations; stock acquired by conversion of a debt obligation if no additional consideration is paid and the debt obligation itself qualifies for the exclusion; or for a debt obligation issued to refund or refinance an original or new issue which qualified for the exclusion, to finance direct investment in the United States except for the acquisition and exploitation of natural resources, subject to the foreign issuer or obligor agreeing to meet certain conditions with respect to that investment for a period of ten years; provides that a qualified lending or financing corporation, or a U.S. corporation engaged in a lending or financing business through offices located outside the United States, may use domestic source funds to lend for qualified export credit transactions or to buy goods made in the United States for leasing or sale outside of the United States; requires the Secretary of the Treasury to study the effect on international monetary stability of the Canadian exemption from the interest

equalization tax and make a report to the Congress not later than September 30, 1973; and contains other provisions. H.R. 3577. Public Law 93–17, approved April 10, 1973. (VV)

Interest rates on time and savings deposits

Instructs the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to take action to limit the rates of interest on dividends which may be paid on time deposits of less than $100,000 by institutions regulated by them. S.J. Res. 160. Public Law 93–123, approved October 15, 1973. (VV)

National banks investment in agricultural credit corporations

Permits a National Bank to purchase for its own account a minority stock interest in an agricultural credit corporation providing the amount invested at any one time shall not exceed 20 percent of the bank's unimpaired capital and surplus. S. 1884. P/S June 28, 1973. (VV)

Par Value Modification Act amendments

Directs the Secretary of the Treasury to take the necessary steps to establish a new par value of the dollar of $1 equals 0.828948 Special Drawing Right (SDR) or the equivalent in terms of gold, $42.22 per fine troy ounce of gold, thus devaluating the U.S. dollar by 10 percent and changing the official price of gold from $38 to $42.22 per ounce; states it is the sense of Congress that the President shall take all appropriate action to expedite realization of the international monetary reform noted at the Smithsonian on December 18, 1971; legalizes private ownership of gold as of the date the President reports to Congress that elimination of regulation on private ownership will not adversely affect the international monetary position of the United States; directs the Secretary of the Treasury to require multinational corporations to submit reports of foreign currency transactions; and contains other provisions. H.R. 6912. Public Law 93–110, approved September 21, 1973. (83, 374)

Public debt limit; unemployment compensation; health extension; campaign checkoff

Continues the present debt limitation level of $465 billion by extending the current temporary debt limit of $65 billion from June 30, 1973, through November 30, 1973; extends unemployment insurance benefits in States whose rate of insured unemployment is at least 4.5 percent without regard to present eligibility requirements regarding the rate in the prior 2 years or whether 13 weeks have expired since the last State extended benefit period, until such time as the State's insured unemployment rate drops below 4 percent; extends for one year the authorization for project grants under the maternal and child health program scheduled to expire June 30, 1973, and provides for a transition in funding to a State-coordinated program; requires the presidential campaign checkoff provisions on the income tax return form to be placed in a non-partisan form on the front page of the return or by the side of the page where signature is required, and contains other provisions. H.R. 8410. Public Law 93–53, approved July 1, 1973. (242, 258)

Public debt limit extension

Raises the current temporary debt limit increase of $65 billion to $75.7 billion, with no change in the permanent debt limit of $400 billion, and extends the temporary limit from November 30, 1973, to June 30, 1974. H.R. 11104. Public Law 93–173, approved December 3, 1973. (506)

Purchase of U.S. obligations by Federal Reserve Banks

Extends from June 30, 1973, to November 1, 1973, the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 1410. Public Law 93–93, approved August 14, 1973. (VV)

Extends from November 1, 1973, to July 1, 1974, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 2556. P/S October 10, 1973. (VV)

Railroad Retirement Act Amendments

Simplifies administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act by permitting the Board to disregard postretirement earnings for purposes of all guaranty provision calculations of an employee benefit; liberalizes the eligibility conditions for children's benefits under the act to conform with the liberalizations provided in such benefits under the Social Security Act by Public Law 92–603 whereby a survivor benefit will be paid as follows: after adoption by anyone, instead of only by a close relative; to a child for a disability which began before age 22 instead of age 18; to a student child after age 22 in some cases; to a dependent grandchild who is treated as a child of his grandparent; and extends kidney disease medicare coverage to railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for persons insured under the Social Security Act. H.R. 7357. Public Law 93–58, approved July 6, 1973. (VV)

Securities laws amendments

Amends the Securities Exchange Act of 1934 to establish a clear, congressional policy that membership on national securities exchanges is not to be denied to finance institutions so long as brokerage commission rates on those exchanges remain fixed; also provides that at such time as commission rates become competitive (when national securities exchanges cease to maintain or enforce fixed rates of commission, or April 30, 1976, whichever is later) all members of national securities exchanges must cease executing exchange transactions for their affiliates and the institutional accounts which they manage, and would thus, upon the elimination of fixed commission rates, prohibit financial institutions and securities firms which manage institutional accounts from using exchange memberships for their own benefit or for the benefit of such accounts; provides for a two year transition period following the last date upon which a national securities exchange maintains or enforces fixed rates of commission or April 30, 1976, whichever is later, in order to allow exchange members relying upon the income from performing brokerage for managed institutional accounts to phase out this combination of functions; gives the Securities and Exchange Commission (SEC) the authority to regulate the manner in which members of national securities exchanges may trade from on or off the floor of an exchange for their own account and for the account of their affiliates, which, accordingly, will have the authority to control the trading of financial institutions, as long as it is not inconsistent with the purpose of this proposed legislation, which are exchange members during the period before the elimination of fixed commission rates; amends the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to permit a mutual fund manager or investment adviser to cause a fund or client to pay commissions to a broker in excess of the commissions being charged by other brokers for effecting similar transactions, if that broker provides research services of value to the fund or client and the adviser makes appropriate disclosures concerning such payments, as the SEC may require; amends the Investment Company Act to remove the existing uncertainty as to the legality of the transfer for profit of a controlling interest in a mutual fund management company, and provides that a controlling interest in such a management company may be sold at a profit provided that for three years after the transaction at least 75 percent of the directors of the fund are independent of the new and old investment advisers, and that the transaction does not impose an "unfair burden," as defined, on the fund; and contains other provisions. S. 470. P/S June 18, 1973. (193)

Securities Processing Act

Amends the Securities Exchange Act of 1934, as amended, by vesting in the Securities and Exchange Commission (SEC) the power and the responsibility to direct the evolution of clearance and settlement methods employed by national securities associations and by broker-dealers engaged in interstate commerce; requires clearing agencies and securities depositories to register with and report to the SEC, and empowers the Commission to review and amend the rules of such entities; directs the Commission to proceed toward elimination, by December 31, 1976, of the negotiable stock certificate as a means of settlement in transactions between brokers and dealers, and to report to the Congress annually through 1976 on its progress, with any recommendations it might have for further legislation to eliminate the stock certificate; prohibits the imposition of State and local taxes in such a way as to inhibit unreasonably the development of an efficient national clearing and depository system; directs the Commission to consider the practice of registering securities in "street name" to determine whether such registration is consistent with the policies of the Securities and Exchange Act of 1934 and whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of "street name" registration; requires registration and reporting by transfer agents; and contains other provisions. S. 2058. P/S August 1, 1973. (VV).

Social Security Amendments, Welfare Reform

Makes a number of major substantive changes in the Social Security Act that affect social security cash benefits, the supplemental security income program (SSI), social services, child welfare services, child support, aid to families with dependent children (AFDC), medicare and medicaid; establishes a new tax credit for low-income workers with children; and contains other provisions including:

Social Security Cash Benefits: certain changes in the amount and the time of automatic cost-of-living increases (which as originally authorized by Public Law 92–336, would be effective beginning January 1975 with, as further authorized by Public Law 93–66 (Vote No. 255), an early partial payment of this increase of 5.9 percent effective for June 1974), including the replacement of the 5.9 percent June 1974 increase with an 11 percent increase in two steps of 7 percent effective with the month of enactment, followed by a second increase, starting with June 1974, to bring the benefits up to 11 percent above the present level, thus increasing the regular minimum benefit from $84.50 to $90.50 and $93.80; the average old-age benefit payment from $166 to $178 per month and to $186; the average benefit for an aged couple from $276 to $296 to $310; and for aged widows from $157 to $169 to $177;

Special Minimum Social Security Benefits: provisions, in regard to the new special minimum benefit which was established by Public Law 93–66 for persons retiring after many years of covered employment at relatively low wages, raising the special minimum after 30 years of coverage from $170 to $182, effective the month of enactment and to $190 effective for June 1974, with, thereafter, the special minimum to be increased automatically as the cost of living rises;

Taxable Wage Base: the raising of the taxable wage base from $12,600 in 1974 to $13,-

200, with the wage base to increase automatically as wages rise as under present law, and new tax rates;

Tax Credit for Low-Income Workers with Families: the addition of a provision to the tax laws which provides that a low-income worker with one or more children is to receive a credit equal to a specified percentage of the combined employer-employee social security taxes generated by his employment if his wages do not exceed $4,000 (the percentage of social security taxes being the equivalent of 10 percent of wages);

Supplemental Security Income: certain changes in the SSI program, which becomes effective in January 1974, and, under present law, would provide Federal payments to assure the aged, blind, and disabled a monthly income of at least $130 ($195 for couples), with, under Public Law 93–66, an increase to $140 and $210 July 1974 including provision for a further increase to $146 and $219 effective July 1974;

Food Stamp Eligibility for SSI Recipients: a repeal of the prohibition against participation by SSI recipients in the food stamp program and transitional provisions for States which have already acted in this regard;

Social Services: conversion of the present law as it affects social services to a $2.5 billion social services revenue sharing program, effective November 1, 1973;

Child Welfare Services: authorization for a national adoption information exchange system; establishment by the States of programs of protective services to prevent child abuse and neglect;

Child Support: inclusion of provisions regarding matching funds and penalties for States in regard to programs for collection of support and establishment of paternity, with the basic responsibility remaining in the States;

AFDC: provisions for a pass-along of social security benefit increases; increases in the amount of earnings which may be disregarded for AFDC payments; reinstatement of the community work and training programs that existed prior to 1968 under the Social Security Act, with the setting of prohibitions against requiring certain persons, including any mother with a child under age 6, to participate and provision for protective payments for a child if a parent refuses to participate;

Medicare and Medicaid Amendments: provisions which treat the matter of medicaid eligibility for SSI recipients; make medicaid coverage mandatory for persons who receive a mandatory State supplemental payment only; expand benefits for occupational therapy; permit certain individuals who are not yet 65 (the age for medicare eligibility) to buy into medicare at cost; and

Miscellaneous: a prohibition on the use of Federal funds under title 19 of the Social Security Act (which provides grants to States for medical assistance programs for low-income people) for abortions; a prohibition on the export of materials used for the exploration and production of crude oil or refined petroleum products to any foreign country which prohibits the export of such products to the United States, or to any country which exports such products to that foreign country. H.R. 3153. P/H April 2, 1973; P/S amended November 30, 1973; In conference.

Social Security—SSI benefits increase

Increases by 7 percent the monthly social security benefit as of March, 1974 and by an additional 4 percent beginning June, 1974, to bring benefits up to 11 percent above the present payment; provides that automatic cost-of-living increases in the future will become effective for the month of June rather than for January; increases the present taxable wage base of $12,600 to $13,200 in 1974; increases the Supplemental Security Income (SSI) payments to the aged, blind, and disabled from $130 to $140 per month for an individual beginning January 1974 with a further increase to $146 in July, 1974; increases SSI payments to a couple from $195 to $210 in January, 1974 and to $219 in July, 1974; provides that SSI recipients will continue to be eligible to participate in the Food Stamp program until July 1, 1974; further suspends the implementation of the social services regulations issued by the Department of Health, Education, and Welfare until December 31, 1974; contains provisions regarding: eligibility of SSI recipients to participate in the Medicaid program, care facilities which do not meet Medicaid standards, any reimbursement of physical therapists under Medicare; permits, for a 90-day period, Federal matching of extended unemployment compensation benefits in any State whose insured unemployment rate exceeds 4 percent without regard to the present requirement that unemployment must be at least 20 percent higher in that state than it was in a comparable period in the two prior years; and contains other provisions. H.R. 11333. Public Law 93–223, approved December 31, 1973. (524)

EDUCATION

Education of the handicapped amendments

Extends the Education of the Handicapped Act (Public Law 91–230) for three years, through fiscal year 1976, and authorizes therefor a total appropriation of $643.7 million; adds four new leadership positions at the Bureau of Education for the Handicapped to assist the associate commissioner in carrying out his duties; continues the advisory committee through July 1, 1976, at an annual authorization of $100,000; makes grant authorizations for preschool and school programs to the States of $65 million for fiscal year 1974, $80 million for fiscal year 1975, and $100 million for fiscal year 1976; requires each State to set forth a plan of the procedures it will use to identify, locate and evaluate every handicapped child in that State, to submit the plan to the Commissioner of Education for approval by December 31, 1974, to consider any amendment to the State plan a required portion of the State plan after June 30, 1975, and to establish policies and procedures to protect the confidentiality of data and information collected by the State; provides that no State shall expend funds for doing the plan required unless that State receives an amount greater than the amount allotted to that State in fiscal year 1973 and raises the minimum each State may receive from $200,000 to $300,000, increases the maximum allowable funds for administration and planning from $100,000 to $200,000, and provides that unless the aggregate of the amounts allotted to the States in fiscal year 1974 is $45 million or more these provisions shall not apply; authorizes for the three year period a total of $48 million for deaf/blind centers and services, $75 million for early childhood education, $37 million for regional resource centers, $1.5 million for recruitment and information, $135 million for manpower and personnel training, $42 million for research in the education of the handicapped, $55 million for handicapped persons, and $27.5 million for special programs for children with specific learning disabilities; amends the Higher Education Act of 1965, as amended, by allowing an institution to be eligible for funds if 10 percent of its current undergraduate body is composed of GI bill trainees; provides an entitlement of not less than 90 percent of funds obtained in the preceeding year to local educational agencies which qualify for a phaseout of impact aid over a 5 year period under certain circumstances; and contains other provisions. S. 895. P/S June 25, 1973. (VV)

National commission on the financing of postsecondary education

Extends the authorization of the National Commission on the Financing of Postsecondary Education and changes the date on which it must make its final report from April 30, 1973; provides that if fiscal year 1973 appropriations are $385 million or less for the basic educational opportunity grant program that the basic grants shall be limited to full time freshman students. H.J. Res. 393. Public Law 93–35, approved May 16, 1973. (VV)

ELECTION REFORM

Federal Election Campaign Act Amendments

Repeals the equal time requirement of Section 315 of the Communications Act as it applies to elective Federal office; makes at least 15 minutes of free time available to each of the candidates, whoever he may be; repeals the existing limitation on media and telephone spending with a total limitation on all expenditures by or on behalf of a candidate for Federal elective office; places a ceiling of 10 cents in the primary and 15 cents in the general election, multiplied by the estimated population 18 years old or older in the Congressional district or the State, respectively; limits the expenditures by a Presidential candidate in any one State to the amount that a candidate for Senator from that State is entitled to spend; provides a floor as follows: permits expenditures of at least $175,000 (without regard to the amount reached by using the multiplication formula) for all Senatorial candidates, Delegate, Resident Commissioners, and candidates for the House of Representatives in States which are entitled to only one Representative and permits expenditures of $90,000 by candidates for the House of Representatives from a State entitled to more than one representative; places a limit of $3,000 on the amount that may be contributed to any candidate in any one year by any one contributor; places a limit of $25,000 in the aggregate on the amount which an individual may contribute to a political committee or on behalf of any candidate; places, except for the central campaign committee or the State campaign of a candidate, the national committee of a political party, or the Democratic or Republican Campaign Committees of the Senate or House of Representatives, a limit of $3,000 on the amount political committees may contribute to candidates for the Congress and for the Presidency; prohibits expenditures of over $1,000 by an independent individual on behalf of a candidate without certification by the candidate that the payment of that charge will not exceed the expenditure limitation for that candidate; creates a Federal Election Commission to administer and enforce the act; contains provisions for assistance to the States for voter registration; and contains other provisions. S. 372. P/S July 30, 1973. (344)

Federal Election Reform Commission

Establishes an independent commission, to be known as the Nonpartisan Commission on Federal Election Reform, to conduct an extensive and exhaustive study of the practices engaged in by political parties and individuals in the course of Federal political campaigns; to consider the advisability of changing the term of office of Members of the House of Representatives, or the Senate, or the President of the United States; to make recommendations for such legislation, constitutional amendment, or other reforms as its findings indicate, and in its judgment are desirable to revise and control the practices and procedures of political parties, organizations, and individuals participating in the Federal electoral process; and contains other provisions. S.J. Res. 110. P/S July 30, 1973. (VV)

Federal elections, date for

Sets a time for the holding of primary elections or nominating conventions for choosing candidates for election to the offices of U.S. Senator, Representative, Delegate, or Resident Commissioner by providing that they shall be held at any time during the period beginning on the first Tuesday in August; provides that a political party which nominates its candidate for election to the office of President by holding a national nominating convention shall hold that convention beginning on the third Monday of August of the year in which the President and Vice President are elected; makes election day, the first Tuesday next after the first Monday in November, in 1976, and every second year thereafter, a national holiday; provides that the act shall take effect on January 1, 1976; and contains other provisions. S. 343. P/S June 27, 1973. (229)

Presidential election campaign of 1972

Select Committee on Presidential Election Campaign Activities

Establishes a Select Committee on Presidential Campaign Activities, consisting of 7 members of the Senate, to conduct an investigation and study of the extent to which illegal, improper, or unethical activities were engaged in by persons acting either individually or in combination with others in the Presidential election campaign of 1972, and to determine whether in its judgment, there is a necessity to enact new legislation to safeguard the electoral process by which the President of the United States is elected; provides for the appointment, by the President of the Senate, of the 7 member panel to consist of 4 members of the majority party and 3 members of the minority party, upon the recommendation of their respective leaders; empowers the committee to make a complete investigation and study of matters relating to the breaking, entering, and bugging of the Democratic National Committee in the Watergate Building in Washington, D.C., and sets the time for the committee to file a report of its findings at not later than February 28, 1974; authorizes an amount not to exceed $500,000 for committee expenses to be paid from the contingent fund of the Senate; and contains other provisions. S. Res. 60. Senate adopted February 7, 1973. (13)

Amends S. Res. 60 to increase the authorization for expenses of the Select Committee on Presidential Election Campaign Activities through February 28, 1974, from $500,000 to $1 million of which not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof. S. Res. 132. Senate adopted June 25, 1973. (VV)

Authorizes the Chairman of the Select Committee on Presidential Election Campaign Activities, Senator Sam J. Ervin, to appear and testify before the U.S. district court for the Southern District of New York in a criminal case entitled United States of America vs. John N. Mitchell, Maurice Stans, and others, which involves a campaign contribtuion for $250,000 allegedly made by Robert Vesco. S. Res. 181. Senate adopted October 10, 1973. (VV)

Declares Senate approval of actions taken by the Select Committee on Presidential Elections Campaign Activities in the issuance on July 23, 1973, of two subpenas duces tecum to the President for the production of tapes and other materials as being fully authorized under the provisions of S. Res. 60, under which the committee was established. S. Res. 194. Senate adopted November 7, 1973. (VV)

Confers jurisdiction upon the District Court of the District of Columbia over any civil action brought by the Senate Select Committee on Presidential Campaign Activities to enforce or secure a declaration concerning the validity of any subpena or order issued by the Committee to the President, Vice President or any officer or employee of any department or agency of the United States for the production of any information, documents, taped recordings, or other materials relevant to matters the Committee is authorized to investigate as set forth in S. Res. 60. S. 2641. Public Law 93–190, without approval December 18, 1973. (VV)

Amends S. Res. 60 to provide an additional $500,000 for expenses of the Select Committee on Presidential Election Campaign Activities through February 28, 1973, of which not to exceed $50,000 shall be available for the procurement of the services of individual consultants or organizations. S. Res. 209. Senate adopted December 4, 1973. (VV)

Special Prosecutor for Watergate Investigation

States the sense of the Senate that the President should (1) immediately designate an individual of the highest character and integrity outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it; (2) grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and (3)submit the name of such designee to the Senate, requesting a resolution of approval thereof. S. Res. 105. Senate adopted May 1, 1973. (VV)

Watergate Grand Jury

Extends to June 4, 1974, the term of the grand jury of the United States District Court for the District of Columbia which was impaneled on June 5, 1972, and provides that the United States District Court for the District of Columbia, upon determination by that Court that the business of the grand jury will not be completed by that date, may extend its term for an additional 6 months, or if the court fails to extend the term, the Chief Judge of the United States Court of Appeals for the District of Columbia may extend its term for an additional 6 months on application by the grand jury upon the affirmative vote of a majority of its members that it has not completed its business, provided however, that in no event shall such term extend beyond December 4, 1974. H.R. 10937. Public Law 93–172, approved November 30, 1973. (VV)

Voter Registration Act

Establishes a voter registration system for Federal elections through the mail; establishes within the Bureau of the Census a Voter Registration Administration to administer the program with an Administrator and two Associates of different political parties to be appointed for terms of 4 years by the President and confirmed by the Senate; provides that an individual who qualifies to be a voter under State law and registers as provided under this act shall be entitled to vote in Federal elections in that State; requires States to provide for an applicant to register up to 30 days before a Federal election; provides that the Administration shall prepare voter registration forms designed to provide a simple method to register by mail to be distributed by the Postal Service at least every two years, which the applicant shall mail or deliver when completed to the local registration agent who must then notify the applicant of his acceptance or rejection; provides, in regard to prevention of fraudulent registration, that, in addition to appropriate action under State law, a State official shall notify the Administration which shall provide assistance, and that when a State official or the Administration determines that a pattern of fraudulent registration or attempted fraudulent registration exists, either may request the Attorney-General to bring a civil action, in any appropriate United States district court to enjoin fraudulent registration; includes criminal penalties for the falsifying of voter registration forms or voting more than once; provides for payment to the States of the cost, as determined by the Administration, of processing registration forms under this act, and provides financial assistance to States adopting this system for State elections; and contains other provisions. S. 352. P/S May 9, 1973. (121)

ENERGY

Alaska pipeline

Authorizes the Secretary of the Interior, or appropriate agency head, to grant rights-of-way through Federal lands (except for National Park System, Indian, and Outer Continental Shelf lands) for transportation by pipeline of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom; provides that the width of a right-of-way shall not exceed 50 feet plus the ground occupied by the pipeline and related facilities unless the Secretary or the agency head determines otherwise; provides that a right-of-way may be supplemented by a temporary permit for the use of Federal lands in the vicinity of the pipeline with the approval of the Secretary or the agency head; contains provisions concerning the suspension or termination of a right-of-way, the reimbursement to the government for the use of the right-of-way at the fair market rental price as well as for certain other expenses, and the joint use of rights-of-way; provides that pipelines and related facilities be constructed, operated, and maintained as common carriers; prohibits the export of domestically produced oil unless the President certifies to Congress that such exports (1) will not diminish the total quantity or quality available to the United States, (2) are in the national interest, and (3) are in accord with the Export Administration Act of 1969 and Congress does not disapprove within 60 days;

Provides, in Title II, Trans-Alaska Pipeline Authorization Act, that the trans-Alaska oil pipeline, from the North Slope of Alaska to Port Valdez, be constructed promptly without further administrative or judicial delay under the National Environmental Policy Act of 1969 (NEPA); authorizes and directs the Secretary and other Federal officers to issue rights-of-way and other authorizations necessary for the construction and operation of the trans-Alaska oil pipeline system, including roads and airstrips, as described in the final Environmental Impact Statement issued on March 20, 1973; imposes strict liability of up to $50 million without regard to fault on the owners of the pipeline for any one incident on land; imposes strict liability on the owners of tankers carrying oil from the pipeline without regard to fault at $100 million for any one oil spill, with the owner and operator jointly liable for the first $14 million and the Trans-Alaskan Pipeline Liability Fund liable for the remainder up to $100 million; establishes the Trans-Alaskan Pipeline Liability Fund as a non-profit corporate entity to be administered by the holders of the trans-Alaska pipeline right-of-way, and provides that a fee of five cents per barrel will be collected from the owner of the oil at the time it is loaded on the vessel until $100 million has been accumulated in the Fund and resumed when the Fund falls below $100 million;

Authorizes the President to negotiate with Canada, in Title III, to determine its willingness to permit the construction of pipe-

lines or other transportation systems across Canada for the transport of natural gas and oil from Alaska to U.S. markets, including the use of tankers by way of the Northwest Passage; requires the President to report to the House and Senate Interior and Insular Affairs Committees on the results of such negotiations;

Contains miscellaneous provisions, in Title IV, regarding vessel construction standards, vessel traffic control by the Coast Guard in the Valdez area, Senate confirmation of the Director of the Energy Policy Office and the head of the Mining Enforcement and Safety Administration except for the present appointees unless such nominations are disapproved by the Senate, exemption of the first sale of crude oil and natural gas from stripper wells (those wells with an average daily production of not more than 10 barrels) from price restraints and allocation programs, and advance payment to Alaska natives of $5 million every six months beginning fiscal year 1976; grants the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce its subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices; exempts independent Federal regulatory agencies from obtaining advance approval from the Office of Management and Budget before collecting information from ten or more persons and provides a procedure for advance review by the General Accounting Office to insure that such information requested is obtained with a minimum burden upon businesses or persons required to furnish such information;

And contains other provisions. S. 1081. Public Law 93-153, approved November 16, 1973. (289,463)

Daylight Saving Time Energy Conservation Act

Seeks to alleviate the national energy shortage by imposing 1 hour advanced time on a year-round basis for a two-year trial period (beginning at 2:00 a.m. on Sunday, January 6, 1974, and ending at 2:00 a.m. on Sunday, April 27, 1975) throughout the country; amends the Uniform Time Act of 1966 to allow States the option to go permanently on year-round daylight saving time and authorizes the President to exempt any State upon a proclamation by the Governor of that State, prior to the effective date, that such an exemption from uniform advanced time is necessary to avoid undue hardship or to conserve fuel; requires the Secretary of Transportation to report to Congress on the operation and effects of this act on the use of energy, traffic safety (including the safety of children traveling to and from school), and school hours; and requires the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise. H.R. 11324. Public Law 93-182, approved December 15, 1973. (536)

Elk Hills Naval Petroleum Reserve

Authorizes the production and development of petroleum from Naval Petroleum Reserve Numbered 1 (known as Elk Hills Naval Petroleum Reserve) for national defense purposes and directs the exploration of Naval Petroleum Reserves Numbered 1 and 4. S.J. Res. 176. P/S December 19, 1973. (582)

Emergency Petroleum Allocation Act

Requires the President to implement a comprehensive mandatory allocation program providing for the compelled distribution of crude oil, residual fuel oil, and refined petroleum products in amounts and at prices in accordance with regulations to be promulgated not later than 15 days after the enactment date of this Act (with a 30 day delay permitted with respect to the allocation of gasoline and any allocation of products which are allocated under section 203(a)(3) of the Economic Stabilization Act prior to promulgation of the regulations under this act) which are to be designed to meet the following objectives: (1) the protection of public health, safety, and welfare (including residential heating), and the national defense; (2) the maintenance of all public services and agricultural operations; (3) the preservation of an economically sound and competitive petroleum industry; (4) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity; (5) the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users; (6) the allocation of residual fuel oil and refined petroleum products as necessary to maintain exploration for, and production of, fuels; (7) economic efficiency; and (8) the minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

Provides that in specifying prices the regulations shall provide for (1) a dollar-for-dollar passthrough of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products to retail distributors and (2) the use of the same date in the computation of markup, margin, and posted price for all distributors at all levels;

Directs, to the extent practicable, allocations of each refined petroleum product to each independent branded and non-branded marketer, and of crude oil to each independent refiner, in an amount equal to that which they were able to obtain in calendar year 1972, such allocations to be equitably adjusted to provide for new market entry, a change of circumstances, or a pro rata sharing of any greater or lesser amount produced that produced in 1972 but does not require supply at 1972 levels if to do so would be inconsistent with the objectives outlined above, and expressly authorizes the President to depart from 1972 allocation patterns if necessary to meet priority needs; exempts the first sale of crude oil from stripper wells (those wells having an average daily production of crude oil not exceeding 10 barrels per well) from allocation and price regulations of this Act;

Provides that the regulations shall remain in effect until March 1, 1975, with certain exceptions whereby the President may exempt products; provides that compliance with requirements of this Act are a defense to certain actions which might otherwise violate the antitrust laws; directs the Federal Trade Commission to monitor the program and report on its effectiveness to the Congress within 60 days after implementation; authorizes the President to delegate any part of his authority under this Act to any Federal officer or agency or to any State or officer thereof;

And contains other provisions. S. 1570. Public Law 93-159, approved November 27, 1973. (162,465)

Energy conservation in Federal buildings

Declares the policy of the United States to insure that energy conservation practices are employed in the design of Federal and federally assisted facilities and encourages Federal agencies to analyze the cost of the energy consumption of each facility including a complete life-cycle cost analysis for each facility exceeding 50,000 square feet. H.R. 11565. P/H December 3, 1973. P/S amended December 20, 1973. (VV)

Energy Policy Act

Creates in the Executive Office of the President a three member Council on Energy Policy to be appointed by the President by and with the advice and consent of the Senate which shall serve as the principal adviser to the President on energy policy; be a focal point for the collection, analysis, and interpretation of energy statistics; coordinate the energy activities of the Federal Government and provide leadership for State governments and other persons involved in energy activities; prepare a long-range comprehensive plan (the Energy Plan), to be updated annually, for energy development, utilization, and conservation; and, is to review all legislative recommendations and reports sent to Congress and, if it disapproves, send to the President and the Federal agency involved a statement in writing of its position and reasons therefor; directs the Council to prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan including estimates of energy needs for the ensuing ten-year period, discussion of sources of supply for meeting those needs, and an evaluation of trends in price, quality, management, and utilization of energy resources; authorizes the Comptroller General to monitor and evaluate the operations of the Council and report to Congress with respect to Federal energy programs including his recommendations; authorizes appropriations for the purposes of the act of $1 million for fiscal year 1974, $2 million for fiscal year 1975, and $4 million for each subsequent fiscal year; and contains other provisions. S. 70. P/S May 10, 1973. (123) (The provisions of this bill are contained in S. 2176, National Fuels and Energy Conservation Act.)

Federal Energy Emergency Administration Act

Establishes the Federal Energy Emergency Administration (FEEA) as an independent executive agency, to be headed by an Administrator to be appointed by the President with the advise and consent of the Senate; transfers to the Administration four existing agencies now in the Interior Department—the Offices of Petroleum Allocation, Energy Conservation, Energy Data and Analysis, and Oil and Gas; transfers the Energy Division of the Cost of Living Council into the new Administration and provides that additional Federal programs may be transferred to the Administration with Congressional approval; authorizes $75 million for fiscal year 1974 and $200 million annually for fiscal years 1975 and 1976; establishes, in Title II the "Energy Policy Act of 1973", a Council on Energy Policy in the Executive Office of the President, composed of three members to be appointed by the President with the advice and consent of the Senate, to assist the President with high-level coordination and policy development in the energy field for mid- and long-term energy policy issues, and authorizes therefore $1 million for fiscal year 1974, $2 million for fiscal year 1975 and $4 million for each fiscal year thereafter. S. 2776. P/S December 19, 1973. (580)

National Energy Emergency Act

Declares, by act of Congress, an energy emergency, and grants authority for 1 year to the President for the taking of specific actions to conserve scarce fuels, alleviate fuel shortages and increase domestic energy supplies, and for the development of emergency conservation and contingency plans at the national, State and local levels to reduce nonessential energy consumption and assure the continuation of vital services in the face of severe fuel shortages;

Requires the President to promulgate a plan for a nationwide energy rationing and conservation program within 15 days after the act becomes law and to assure that vital services will be maintained and unnecessary energy consumption reduced; also requires

a plan to assure equitable geographic distribution of fuel; requires that the rationing and conservation program must have the capability of reducing energy consumption up to 10 percent within 10 days and 25 percent within 4 weeks; requires State and major metropolitan areas to develop within 10 weeks after enactment emergency energy conservation and contingency programs to implement the Federal program, in accordance with requirements to be set by the President within 2 weeks after enactment; provides, subject to certain exceptions, that the act confers no authority on the President to regulate or allocate natural gas not otherwise subject to the jurisdiction of the Federal Power commission "intrastate gas");

Authorizes certain Federal actions for fuel conservation, including action by the President to require powerplants and industrial facilities now burning oil and gas to convert to coal or other fuel if they have a ready capability to burn coal or other fuels, and authorizes the suspension of air quality requirements in such cases; empowers independent regulatory agencies (the Civil Aeronautics Board, the Interstate Commerce Commission and the Federal Maritime Commission) to adjust existing regulations for carriers within their jurisdiction to conserve fuel during the energy emergency; requires the development and implementation of Federal measures to provide incentives for the use of public transportation, including priority rationing of fuel for mass transit systems and Federal subsidies for fares and operating costs, and encouragement of carpools; suspends the requirements for a full environmental impact statement for Federal actions of less than 1 year's duration;

Authorizes the President to take certain other actions to increase available domestic petroleum supplies, including requiring existing domestic oil fields to produce at their maximum efficient rate and certain designated oil fields on land in which there is a Federal interest to produce in excess of their maximum efficient rate, and limiting the export of petroleum products;

Includes provisions regarding administrative procedure in order to insure accountability and due process, judicial review, and sanctions; contains safeguards and procedures to preserve the integrity of the antitrust laws and provides a limited defense under the antitrust laws for persons or companies acting in compliance with Federal directives under this act;

Amends the Clean Air Act to authorize the Administrator during the period November 15, 1973, through August 15, 1974, to temporarily suspend any emission limitation related to control of pollutants resulting from fuel burning, or schedule or timetable for compliance with emission limitations, Federal, State, or local, unless he determines a suspension would present a substantial endangerment to health; authorizes grants to States to offset costs incurred in implementing plans and programs directed or authorized by this act or by the Emergency Petroleum Allocation Act of 1973; provides assistance to persons adversely affected by this act with unemployment benefits, food stamps, reemployment assistance, and small business loans; contains provisions for protection of franchised dealers;

Requires the President to submit an interim report to the Congress 6 months after enactment, and provides that if, at any time following receipt of this report, the Congress agrees to concurrent resolution terminating the action taken under this act, all authority granted by this act shall expire 30 days thereafter; also requires detailed reports by the President to the Congress every 60 days on the administration of this act and the Emergency Petroleum Allocation Act of 1973; and contains other provisions. S. 2589. P/S November 19, 1973; P/H amended December 15, 1973; Conference report filed.

National Energy Emergency; Wild and Scenic Rivers

Amends the Wild and Scenic Rivers Act in various respects.

Declares that the current and imminent fuel shortages have created a nationwide energy emergency; calls for proposals for energy emergency rationing and conservation measures and authorizes specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met.

Establishes a Federal Energy Emergency Administration (FEEA) until May 15, 1975, to be headed by an Administrator who will be appointed by the President with the advice and consent of the Senate; transfers powers and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 to the Administrator of the FEEA; authorizes the President to promulgate a rule for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and to assignment rights of precedence to use and make such adjustments in the allocations made under this regulation as may be necessary; provides procedures by which any end-user may petition for review of priorities and entitlements.

Authorizes the Administrator of the FEEA to promulgate by regulations one or more energy conservation plans to reduce energy consumption to a level which can be supplied by available energy resources through transportation controls, including highway speed limits, or such other necessary and reasonable restrictions on the public or private use of energy, including limitations on energy consumption of businesses, which are authorized by this Act; provides that no energy conservation plan promulgated by regulation under this authority may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax; terminates any such energy conservation plan on April 1, 1974; requires transmission of any plan to each House of Congress, and makes any plan which becomes effective on or after March 1, 1974, subject to Congressional disapproval; provides that energy plans proposed to be effective on or after April 1, 1974, must be approved by Act of Congress; provides procedures for Congressional review of the plans.

Authorizes the Administrator to prohibit, at its primary energy source, the burning of natural gas or petroleum products by any major fuelburning installation (including any existing electric power plant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal.

Directs the Administrator, within 30 days after enactment, to make a contingency plan for allocation of supplies of materials and equipment for exploring, production, refinings, and required transportation of energy supplies and for the construction and maintenance of energy facilities, subject to Congressional approval; authorizes the Administrator to require production of oilfields to be designated by the Secretary of Interior or the Secretary of Navy at the maximum efficient rate of production and in certain cases, in excess of the maximum rate; contains provisions for the protection of franchied dealers; provides, in relation to antitrust provisions, for procedures to achieve the goals of this act while retaining the integrity of the anti-trust laws; authorizes certain restrictions on exports; provides for employment impact and unemployment assistance; provides for administrative procedures and judicial review; contains enforcement provisions.

Amends the Clean Air Act to give the FEEA Administrator the temporary authority, until November 1, 1974, to suspend any stationary source fuel or emission limitation; provides for implementation plan revisions; extends the interim standards for motor vehicles emmissions to 1977; and contains other provisions. S. 921. P/S September 24, 1973: P/H amended December 3, 1973; Senate agreed to House amendment with an amendment December 21, 1973. House refused to suspend its rules and vote on S. 921 before adjournment.

National Energy Research and Development Policy Act

Authorizes $20 billion over the next 10 years to seek to develop the capability for the United States to become energy self-sufficient through the use of domestic energy resources by socially and environmentally acceptable means;

Establishes an interagency Energy Research Management Project headed by an independent chairman appointed by the President and assisted by representatives from Federal agencies involved in energy research (Interior, Atomic Energy Commission, Federal Power Commission, National Science Foundation, Environmental Protection Agency, National Aeronautics and Space Administration, and National Bureau of Standards) to undertake an aggressive start on a comprehensive research strategy pending completion of presently proposed Government reorganization for energy matters;

Provides for immediate research activities (through 1980) on the development of the folowing energy technologies: production of low sulfur boiler fuel, production of synthetic gas (as from coal gasification), production of syncrude and coal liquefaction, demonstration of geothermal technologies, development of oil shale, improved methods for extraction of petroleum and coal resources, demonstrations of solar energy for residential and commercial applications, improvement of environmental control systems, investigation of tidal power for electrical energy, and demonstration of energy conservation technologies; provides, for midterm (1980–2000), a continuation of the short term undertakings, plus improved transportation and storage by electricty, demonstration of the viability of hydrogen as a primary energy supply, demonstration of power generation from fuel cells, and development of synthetic energy supplies from agricultural products and wastes; provides for long term research (beyond 2000) including demonstration of fusion power and commercial aplication of previously demonstrated technologies;

Requires the chairman of the research project to recommend to Congress specific proposals for Federal assistance for the demonstration of new energy technologies; authorizes the chairman to select an appropriate mechanism for Federal assistance including: contractual arrangements with non-Federal entities, construction of federally owned facilties, Federal purchases or guaranted prices of demonstration products, and Federal loans and loan guarantees; provides that if the chairman proposes the establishment of a joint Federal-industry corporation, such a proposal must be submitted to Congress for approval on a case-by-case basis; authorizes for the project $2 million for fiscal year 1974 and $10 million each in fiscal years 1975 and 1976;

In Title II, "Geothermal Energy Act of 1973," authorizes the Secretary of the Interior to guarantee loans (up to 75 percent of the cost of the project) made by financial institutions to qualified borrowers for the purpose of geothermal energy development and

provides that a Geothermal Resources Development Fund be established in the Treasury for the loan guarantee program; authorizes the Atomic Energy Commission, in cooperation with industry, to undertake a research and development program for the utilization of all forms of geothermal energy; authorizes for fiscal years 1974 through 1976 as follows: $10 million annually to the Secretary of the Interior, $35 million annually to the Atomic Energy Commission, and such amounts as required to NASA;

And contains other provisions. S. 1283. P/S December 7, 1973. (545)

National Fuels and Energy Conservation Act

Declares as a national policy the conservation of fuels and energy resources through more efficient conversion and use and directs all Federal agencies to review their policies and programs and to recommend changes needed to assure conformity with this act; establishes a Council on Energy Policy in the Executive Office of the President to coordinate all Federal activities dealing with energy (similar to S. 70, the Energy Policy Act); gives statutory authority to the Office of Energy Conservation in the Department of the Interior; authorizes the Director of the National Science Foundation to coordinate the energy conservation research and development programs of the Federal Government and specifically authorizes $8 million for the National Bureau of Standards program and $4 million for the Department of the Interior program; directs all Federal agencies to utilize energy conservation practices in the design of Federal and federally assisted building facilities and requires a life cycle cost analysis to be performed for new Federal facilities exceeding 50,000 square feet; directs the Secretary of Housing and Urban Development, in coordination with the National Bureau of Standards and the General Services Administration, to develop standards for efficient energy use in buildings;

Amends the Federal Trade Commission Act with "truth in energy" provisions to require the disclosure to customers, prior to purchase, of the estimated annual operating costs of major energy consuming household products which consume more than 200 kilowatt hours per year (refrigerators, air-conditioners, ranges, freezers, water heaters, and clothes dryers) as well as air-conditioning and heating systems; provides a procedure whereby labels containing estimated operating costs will start to appear 18 months after the date of enactment to be updated as more test results are developed over a 36-month period; requires that the estimated annual operating costs be included in all advertisements which mention the purchase price of the product; contains enforcement provisions including declaration of unfair deceptive trade practices, injunctions, and civil penalties;

Amends the Motor Vehicle Information and Cost Savings Act with the addition of a new Title V, the "Automobile Fuel Economy Act" which establishes a goal for improving the industrywide fuel economy for new automobiles by at least 50 percent over a 10-year period; directs the Secretary of Transportation to establish a single minimum fuel economy standard for the 1978 model year and to develop a plan to meet this goal; requires fuel economy information to be displayed on a show sticker and in advertisements which mention price; prohibits the sale of automobiles which do not meet the minimum standard; contains civil and criminal penalties for violation of this act;

Directs every gas and electric public utility to submit annual reports on energy conservation policies to the Federal Power Commission; requires each Federal agency which is involved in the production of electrical energy to prepare a study of the effect of its various policies on the consumption and conservation of energy; Directs the Secretary of Transportation to prepare and submit to Congress within 9 months after enactment a report examining the potential for energy conservation in the transportation sector;

Further amends the Motor Vehicle Information and Cost Savings Act with the addition of Title VI, the "Automotive Transport Research and Development Act of 1973," which authorizes grants and loan guarantees for research and development leading to production prototypes of an advanced automobile within 4 years, emphasizing new engine concepts to reduce exhaust emission and fuel consumption;

Authorizes $30 million to finance demonstration projects in urban areas involving fare-free and low-fare urban mass transit systems; amends the Federal-Aid Highway Act to permit use of certain highway moneys for the development and promotion of carpool incentive programs in urban areas; directs the Secretary of the Treasury to conduct a comprehensive study of possible modifications in the Federal tax structure designed to encourage energy conservation; requires that all products imported into this country must meet applicable requirements of this act but makes no such requirement for exports;

And contains other provisions. S. 2176. P/S December 10, 1973. (549)

Speed limits

Sets in this measure, the Emergency Highway Energy Conservation Act, a uniform nationwide maximum speed limit of 55 miles per hour; conditions continued approval of Federal-aid highway projects upon the establishment by a State within 60 days of its enactment of a maximum speed limit not in excess thereof; and contains other provisions. H.R. 11372. Public Law 93-239, approved January 2, 1974. (VV)

Strip mining

Establishes a nationwide program to prevent the adverse effect to society and the environment resulting from surface mining; places the authority for the administration of the Act with the Secretary of Interior who shall prepare and publish within 6 months regulations concerning coal surface mining and reclamation operations and a detailed description of actions to be taken by a State to develop an acceptable State program to regulate such operations; establishes the Office of Reclamation and Enforcement in the Department of the Interior which will be headed by a Director to be named by the President, with the advice and consent of the Senate; establishes the prerequisites for any State to continue to obtain financial assistance and to assume full responsibility for all regulation of surface mining and reclamation within the State, and provides for Federal regulation of strip mining and reclamation in any State which proves unwilling or unable to do so itself; establishes an interim surface mining permit program which is in effect until the deadline for approval of a State program; sets requirements for performance bonds which must be filed before a surface mining permit is issued, such bond to satisfy the costs for reclamation of the land mined; sets criteria to be met by all surface mining and reclamation operations under a State program, a Federal program, the Federal Lands Program or the State or Federal interim permit; provides for civil and criminal penalties for certain violations of the act; provides for citizen suits against persons violating the act or against the responsible regulatory authority; sets guidelines for the establishment of a process for designation of areas as unsuitable for surface mining; applies the requirements of the Act to public corporations, agencies, and utilities, including the Tennessee Valley Authority, which engage in surface mining; authorizes $100 million to create an "Abandoned Mine Reclamation Fund" to be used to reclaim abandoned land which has been subjected to the worst ravages of past mining activities; authorizes $4 million for studies concerning:

(1) surface mining for minerals other than coal, open pit mining, and reclamation standards,

(2) the impact of Federal control on contour surface mining,

(3) the means to maximize resource recovery and minimize environmental impacts, and

(4) the regulation of surface mining on Indian lands; authorizes for administration and Federal-State matching grants $10 million for fiscal year 1973 and $20 million for the following two years; authorizes the President to suspend any of the provisions of the Act under emergency conditions; provides that where the surface owner is not the owner of the mineral rights, written consent or waiver by the owner must be obtained, or the surface miner must execute a bond to secure payment to the surface owner of any damage in addition to the performance bond required except where the owner of the mineral rights is the Federal Government in which case surface and pit mining is prohibited; authorizes $100,000 (which is increased to $250,000 in the fourth and subsequent years) to be used on a matching basis for the establishment of mining and mineral research centers at one college or university in each State; directs to offset whatever additional production costs may result from the implementation of the Act; authorizes grants to States to assist persons who become unemployed as a result of the administration and enforcement of the Act; and contains other provisions. S. 425. P/S October 9, 1973. (450)

ENVIRONMENT

Automobile emission standards

Extends for an additional year the interim emission requirements which the auto industry must meet for the 1975 model year, and this has the effect of postponing for one year the statutory standards established by the 1970 Clean Air Amendments (Public Law 91-604) which 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. S. 2772. P/S December 17, 1973. (565)

Clean air act extensions

Extends for 1 year, to June 30, 1974, the Clean Air Act, as amended; authorizes the appropriation therefor of $475 million for fiscal year 1974; and contains other provisions. S. 498. P/S January 26, 1973. (VV)

Extends for 1 year to June 30, 1974, the provisions of the Clean Air Act of 1970 and extends, at constant dollar amounts, the authorization of appropriations in the act, which would otherwise expire June 30, 1973, in the total amount of $475 million. H.R. 5445. Public Law 93-15, approved April 9, 1973. (VV)

Endangered Species Act

Provides for conservation, protection, and propagation of endangered species of fish, wildlife and plants by Federal action and by encouraging the establishment of State endangered species conservation programs; authorizes the Secretaries of Interior and Commerce to list within their respective jurisdictions species which are either endangered or likely to become endangered within the foreseeable future with the Secretary of Interior to have sole responsibility for maintaining the list; directs the Secretary of Interior to use funds under the Land and Water Conservation Fund Act of 1956 for land acquisition necessary for the purpose of conserving, protecting, restoring, or propagating any endangered species; provides for a program of grants in aid to states which will have the initial responsibility for management of resident species; authorizes international endangered species programs; ex-

empts Alaskan native Indians and any non-native resident of an Alaska Native village from the provisions of the bill thus allowing the State of Alaska to provide its own restrictions; imposes criminal and civil penalties for violations of this act; and contains other provisions. S. 1983. Public Law 93-205, approved December 28, 1973. (VV)

Interstate Environment Compact Act

Provides the congressional consent required for any two or more States to enter into interstate compacts in the field of air pollution as set forth in section 102(c) of the Clean Air Act, as amended, and in the field of water pollution by section 103(b) of the Federal Water Pollution Control Act, as amended, and gives advance consent to interstate agreements called for by the Solid Waste Disposal Act, as amended; permits signatories to enter into supplementary agreements not inconsistent with applicable Federal law with each other, with other interstate agencies, and with the Federal Government and its agencies for the purpose of controlling interstate environmental pollution problems in the fields of land use, coastal zone management, energy production and transmission, and related activities; provides that supplementary agreements are to become binding upon the signatory upon execution of the agreement by the chief executive and signatory legislative action to approve or condition the agreement, and provides that the Congress may by act of law expressly disapprove or condition the agreement within 90 days of congressional session following receipt of the agreement; provides for special supplementary agreements with foreign nations with the advance consent of Congress; provides that a signatory may withdraw from the compact by legislative enactment upon giving notice to all signatories a year in advance of its formal withdrawal; provides that nothing in this act shall affect Federal environmental protection legislation; and contains other provisions. S. 9. P/S June 22, 1973. (VV)

Land Use Policy and Planning Assistance Act

Establishes a national land use policy to encourage and assist the States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs; establishes a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, collect and analyze the data, and establish the institutions and procedures necessary to develop and implement State land use programs; authorizes for grants to states $100 million a year for 8 years; establishes a grant-in-aid program to encourage cooperation among the States concerning land use planning and mnaagement in interstate regions and authorizes $15 million a year for 8 years therefor; authorizes $2 million a year for 8 fiscal years for training and research grants and contracts; establishes a grant-in-aid program to assist Indian tribes to develop land use programs for reservation and other tribal lands and to coordinate such programs with the planning and management of Federal and non-Federal lands adjacent thereto, and authorizes for this purpose $10 million a year for 8 years; authorizes the Executive Office of the President to issue guidelines to implement this act; authorizes the Secretary of the Interior to administer the grant-in-aid and other programs established under this act, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this act, and to assist in the coordination of activities of Federal Agencies with State land use programs; authorizes $10 million each year for five fiscal years to the Secretary for administration of this act; provides that the programs of this act be consistent with anti-pollution regulations and policies already enacted; establishes an Interagency Advisory Board on Land Use Policy to assist in the exchange of data and information pertinent to land use decisionmaking among all levels of government and the public and to recommend to the Congress such legislation it deems appropriate to establish land use policies and any requirement or procedures necessary to assure that such policies are implemented; and contains other provisions. S. 268. P/S June 21, 1973. (205)

Office of Environmental Quality Authorizations

Authorizes (in addition to the standing authorization of $1 million per fiscal year contained in Public Law 91-190) an appropriation of $1.5 million for fiscal year 1974 and $2 million for fiscal year 1975 for the operations of the Office of Environmental Quality and the Council on Environmental Quality. S. 1379. Public Law 93-36, approved May 18, 1973. (VV)

Oil Pollution Act Amendments

Amends the Oil Pollution Act to conform with the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended dealing with intentional discharges of oil and oily wastes from vessels and expands the penalty provisions of the Act. H.R. 5451. Public Law 93-119, approved October 4, 1973. (VV)

Safe Drinking Water Act

Establishes a program within the Environmental Protection Agency (EPA) to regulate drinking water whereby the Federal Government will exercise a new responsibility to set standards and provide assistance in order to protect public water supplies from contamination by providing that (1) EPA establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection and construction standards for public water systems to assure safe dependable drinking water; (2) EPA establish recommended standards to assure esthetically adequate drinking water; (3) the States may establish standards which are more stringent than the Federal drinking water standards; (4) the States will be primarily responsible for enforcing the standards, with Federal enforcement if the States fail to act or in cases of imminent hazard; (5) a National Drinking Water Council be established to advise the administrator on scientific and engineering matters; (6) EPA conduct and promote research, technical assistance, and training of personnel for water supply occupations; (7) EPA conduct a rural water survey within two years of enactment; (8) EPA make grants for special study and demonstration projects with respect to water supply technology; (9) EPA make grants to the States to defray the costs of State programs; and (10) citizens be authorized to bring injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. S. 433. P/S June 22, 1973. (VV)

Sewage treatment facilities construction

Authorizes an additional $600,000,000 under the Federal Water Pollution Control Act Amendments of 1972 for reimbursement on sewage treatment construction projects began prior to the 1972 amendments in anticipation of future availability of Federal funds before 1972; extends the deadline for filing reimburesment applications from October 18, 1973, to December 31, 1973; and provides for preliminary disbursement of funds to projects which can be easily approved on the basis of available documentation pending final processing of all projects. S.J. Res. 158. P/S October 11, 1973. (VV)

Continues through fiscal year 1974 the pilot operator training program for wastewater treatment plants (section 104(g)(1) of the Federal Water Pollution Control Act) at the same level of funding ($7.5 million) through fiscal year 1974; amends section 206 (e) of the Federal Water Pollution Control Act by increasing from $2 billion to $2.6 billion the authorization for reimbursement of up to 55 percent of project costs for eligible sewage treatment plants on which construction was initiated between June 30, 1966, and July 1, 1972, and permits applications for reimbursement to be filed until January 31, 1974; permits interim payments to projects with approved applications on the basis of maximum pro rata entitlement of all applicants; and contains other provisions. S. 1776. Public Law 93-207, approved December 28, 1973. (VV)

Provides a formula for the allocation of sewage treatment facility construction grant funds authorized for fiscal year 1975; requires the Environmental Protection Agency to conduct a new survey of the needs for publicly owned treatment works before fiscal year 1976 construction grant funds are allocated; and clarifies the intent of Congress in the 1972 amendment to the Federal Water Pollution Control Act (P.L. 92-500) to specifically approve the practice of phased funding of large waste treatment works. S. 2812. P/S December 4, 1973; P/H amended December 18, 1973; P/S with an amendment to the House amendment. (VV)

Solid Waste Disposal Act extensions

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act, as amended; authorizes the appropriation of $216 million for fiscal year 1974 to the Administrator of the Environmental Protection Agency and $22.5 million for fiscal year 1974 to the Secretary of the Interior, to carry out the provisions of this act; and contains other provisions. S. 498. P/S January 26, 1973. (VV)

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act of 1967 (as amended by the Resource Recovery Act of 1970) and extends for 1 year, at constant dollar amounts, the authorization for appropriations therefor in the total amount of $238.5 million. H.R. 5446. Public Law 93-14, approved April 9, 1973. (VV)

Toxic Substances Control Act

Prevents unreasonable threats to human beings or the environment from the use of chemical substances and products containing chemical substances; authorizes the Environmental Protection Agency (EPA) to restrict the use or distribution of such substances or products by providing that: (1) new chemical substances which may pose unreasonable threats to human health or the environment be tested by their manufacturer prior to commercial production and the test results reviewed by EPA prior to production and that notification be given to EPA prior to the commercial production of all other new chemicals; (2) EPA specify and require testing of those existing chemical substances which there is reason to believe may present unreasonable threats to human health or the environment; (3) EPA be given regulatory authority, to restrict use or distribution, to seize chemical substances in violation of certain requirements of the Act, and to take immediate action against the chemical substances creating imminent hazards; (4) manufacturers and processors of chemical substances be required to maintain certain records and reports to enable the Administrator of EPA to properly determine hazards; and (5) citizens be allowed to bring suits to enjoin certain violations of the act and to require the performance of mandatory duties of the Administrator of EPA; and contains other provisions. S. 426. P/S July 18, 1973; P/H amended July 23, 1973; In conference. (VV)

Water Resources Planning Act amendments

Authorizes an appropriation of $3.5 million annually for fiscal years 1974 and 1975 for the Water Resources Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965, as amended. S. 1501. Public Law 93–55, approved July 1, 1973. (VV)

GENERAL GOVERNMENT

American Hospital in Paris, Inc.

Amends the Act incorporating the American Hospital in Paris by eliminating the maximum 20 member limitation on the Board of Governors. S. 1836. P/S November 28, 1973. (VV)

American Revolution Bicentennial Administration

Provides for the establishment of a temporary, independent Government agency, the American Revolution Bicentennial Administration, which would assume the functions and responsibilities of the present American Revolution Bicentennial Commission to be headed by a full time administrator and deputy administrator appointed by the President by and with the advice and consent of the Senate; give the Administrator the power to carry out the provisions of the act including the power to approve supplying services and property, make contracts and expand funds; creates an eleven member board to define basic policy and guidelines for the Administrator and a twenty-five member Advisory Council to advise the Board and the Administrator on all matters as provided for in the bill; define the functions and responsibilities of the new Administration and requires it to submit an annual report to the Congress; provides for annual authorizations, including the continuation of the annual grants to the States, territories, the Commonwealth of Puerto Rico, and the District of Columbia of $25,000 and matching grants to the States of not to exceed $200,000 per State from appropriated funds and a program of matching grants-in-aid financed from nonappropriated funds; and contains other provisions. H.R. 7446. Public Law 93–179, approved December 11, 1973. (VV)

American Revolution Bicentennial Commission

Authorizes an appropriation of $2,868,000 between February 16, 1973, and June 30, 1973, for expenses of the American Revolution Bicentennial Commission, of which not to exceed $1,200,000 would be for grants-in-aid to the States. H.R. 3694. Public Law 93–11, approved March 15, 1973. (VV)

American War Mothers, Inc.

Amends the Act incorporating the American War Mothers, Inc. to permit certain stepmothers and adoptive mothers to be members of that organization. S. 2441. P/S November 28, 1973. (VV)

Arctic Winter Games authorization

Authorizes an appropriation of $150,000 to the Secretary of Commerce for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974 and provides for disbursement of such funds on such terms and under such conditions as the Secretary deems appropriate. S. 907. Public Law 93–144, approved November 1, 1973. (VV)

Atomic Energy Commission authorizations, 1974

Authorizes a total appropriation of $2,429,055,000 for the Atomic Energy Commission for fiscal year 1974 of which $1,740,750,000 is for operating expenses and $688,305,000 for plant and capital equipment including construction, and land acquisition, and contains other provisions. S. 1994. Public Law 93–60, approved July 6, 1973. (206)

Amends Public Law 93–60, the Atomic Energy Commission Authorization Act for fiscal year 1974, by providing a supplemental authorization for appropriations of $10,700,000 for operating expenses and $30,000,000 for plant and capital equipment. S. 2645. Public Law 93–158, approved November 26, 1973. (VV)

Attorney General salary

Provides that the salary of the Attorney General shall be $35,000, instead of $60,000 as at present, until noon January 2, 1975 (the date Senator Saxbe's term of office in the Senate expires thereby seeking to remove the constitutional barrier against his nomination which prohibits a Senator or Congressman from being appointed to a Federal office for which the salary has been increased during his congressional term of office), and provides that any person aggrieved by any action of the Attorney General may challenge the constitutionality of his appointment in a three-judge Federal district court with direct appeal to the Supreme Court. H.R. 11710 (S. 2673). Public Law 93–178, approved December 10, 1973. (508)

Commission on Highway Beautification—extension

Extends to December 31, 1973, the date for the Commission on Highway Beautification to submit to the President and the Congress its final report concerning implementation of the Highway Beautification Act of 1965 and authorizes therefor an additional appropriation of $250,000. S.J. Res. 42. Public Law 93–6, approved February 16, 1973. (VV)

Council on International Economic Policy

Extends the authorization on the Council on International Economic Policy (CIEP) until June 30, 1977, and authorizes $1.4 million for fiscal year 1974; provides that, instead of serving as Chairman, the President shall designate a Chairman of CIEP; provides that any Executive Director of CIEP, other than the incumbent, shall be appointed by the President subject to confirmation by the Senate; and requires that the annual report by the President to Congress include comparative description and analysis of certain specific activities, policies, and programs of the United States, the European Community, Japan, and the U.S.S.R. as well as analysis concerning the relationship between the U.S. Government and American business and recommendations for programs and policies to insure that American business is competitive in international commerce. S. 1636. Public Law 93–121, approved October 4, 1973. (392)

Disaster relief

Emergency Disaster Bill

Authorizes and directs the President to make grants to units of local government and State and local public agencies for predisaster assistance for fire suppression, tree removal, and reforestation work on public and private lands in the counties of Alameda and Contra Costra, California, to reduce the fire threat caused by a freeze in December of 1972 which killed tens of thousands of eucalyptus trees throughout the area; provides for reimbursement to property owners for costs in removing trees on private property; and directs the President to exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to carry out the provisions of this act in order to avert or lessen the effects of a major disaster. S. 1697. P/S May 21, 1973. (VV)

Emergency Loan Program for Disaster Areas

Amends the Farmers Home Administration emergency loan program under the Consolidated Farm and Rural Development Act, which was curtailed by the Department of Agriculture by action announced on December 27, 1972, to provide a source of funds for farmers and ranchers in areas determined to be disaster areas by either the Secretary of Agriculture or the President; eliminates certain features, including the loan forgiveness feature and low interest rates, which became a part of the emergency loan program as a result of the Disaster Relief Act of 1970, Public Law 91–606, and the "Agnes-Rapid City" Act, Public Law 92–385; requires the Secretary to make, insure or guarantee loans to eligible applicants; sets the maximum interest rate on loans at 5 percent; requires that applicants be unable to obtain credit elsewhere at reasonable rates; makes it mandatory that the Secretary designate areas eligible for emergency loans where the criteria for such designation exists; repeals section 232 of the Disaster Relief Act of 1970, which, effective July 1, 1973, requires the Secretary of Agriculture to cancel a part or all of the principal amount of certain loans and charge interest at a rate to be determined by the Secretary of the Treasury; applies the same interest rate to and eliminates the forgiveness feature for Small Business Administration disaster loans made under the Small Business Act in connection with any disaster occurring on or after the date of enactment of this act; and contains other provisions. H.R. 1975. Public Law 93–24, approved April 20, 1973. (66)

Domestic Volunteer Service Act—Action

Provides for the operation of all domestic volunteer service programs by the ACTION Agency, which was established by Reorganization Plan No. 1 of July 1, 1971, in a single piece of enabling legislation; authorizes appropriations for fiscal years 1974 and 1975 for the ACTION Agency's programs: VISTA (Volunteers in Service to America), the Peace Corps, the Foster Grandparent Program, RSVP (Retired Senior Volunteer Program), UYA (University Year for ACTION Program), the Service Corps of Retired Executives and the Active Corps of Executives; provides for new voluntary activities to meet a broad range of human and social needs beyond the strict anti-poverty programs including programs to provide alternatives to the incarceration of youthful offenders, to promote educational and job opportunities for returning veterans and to provide community-based peer group counseling and outreach for drug abuses; provides for two new older American programs: "Senior Health Aides" and "Senior Companions" modeled on the Foster Grandparents program; and contains other provisions. S. 1148. Public Law 93–113, approved October 1, 1973. (VV)

Exemption of Federal Judiciary From Charges for Space and Services

Relieves the Federal Judiciary and the U.S. Tax Court from all administrative duties in the calculation of charges for service, maintenance, repair, space, quarters or other facilities as required by section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, by requiring the Administrator of the General Services Administration to provide such administrative services. S. 2079. P/S June 28, 1973. (VV)

Federal Fire Prevention and Control Act

Provides for the establishment, by the Secretary of Commerce, of a coordinated Program for Fire Prevention and Control, under the administration of a new Assistant Secretary of Commerce for Fire Prevention and Control, with the purpose of the Program to be to reinforce and support the fire prevention and control activities of State and local governments and volunteer fire companies through a research and development program, an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, the establishment of a National FIREPAC Academy, a national data center, a technical assistance program for State, local, and private fire services, a master-plans demonstration project, citizens' participation programs, and relevant studies; and contains other provisions. S. 1679. P/S November 2, 1973. (460)

Federal Reports Act Amendment

Places a limit on the broad authority given to the Office of Management and Budget (OMB) under the Federal Reports Act in reviewing the requests of government agencies for permission to elicit, through questionnaries, information from persons, firms and industries subject to their jurisdiction by requiring OMB to approve or deny such requests within 60 days after referral to that agency and in such cases where permission was denied, requires OMB to provide a full explanation of the reasons for disapproval. S. 1106. P/S November 26, 1973. (VV)

Flood Control Act

Authorizes development of flood control, multi-purpose and related projects and provides for studies and surveys to determine whether other plans should be developed. *NOTE:* (S. 4018 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 606. P/S February 1, 1973. (5)

Flood Disaster Protection

Increases available limits of both subsidized flood insurance coverage for all types of properties (doubles structure and contents limits on single-family dwellings as well as contents limits on multi-family residential property, triples limits on nonresidential structures, and increases limits on nonresidential contents from $5,000 to $100,000); requires the purchase of flood insurance in communities where Federal assistance for construction or acquisition purposes affecting a property located in a flood-prone area after the expiration of 60 days following the date of enactment; forbids all Federally supervised banks, savings and loan associations, and other similar institutions from making a loan in connection with a property in an identified flood hazard area after 60 days following enactment unless that property has the necessary flood insurance; defers until December 31, 1974 (or the effective date of the initial rate map published by the Secretary of Housing and Urban Development, whichever is later), the applicability of actuarial flood insurance premium rates to new construction; increases the Federal financial commitment in support of the insurance fund by increasing the Treasury borrowing authority to $500 million, plus an additional $500 million with the approval of the President; establishes an appeals process to challenge the Secretary's proposed determination of elevation standards; extends the emergency program authority for an additional two years until December 31, 1975; requires HUD to publish information on known flood-prone communities and notify them within 6 months of their tentative identification; prohibits Federal financial assistance or loans by Federally supervised lending institutions in connection with property within the identified flood-prone areas of communities that are not participating in the flood insurance program by July 1, 1975; requires the Secretary of HUD, in carrying out his land use responsibilities under the Act, to establish procedures insuring adequate consultation with appropriate local officials and citizens; and contains other provisions. H.R. 8449. Public Law 93–234, approved December 31, 1973. (VV) (The provisions of H.R. 8447 supersede those of S. 606 which passed the Senate on February 1, 1973.)

Flood Insurance

Amends the Housing and Urban Development Act of 1968 to increase from $2.5 billion to $4 billion the limitation on the face amount of flood insurance coverage authorized to be outstanding. S.J. Res. 26. Public Law 93–4, approved February 2, 1973. (VV)

Increases the authority for the Federal flood insurance program from $4 billion to $6 billion. S.J. Res. 112. Public Law 93–38, approved June 5, 1973. (VV)

Government Printing Office

Provides that certifying officers of the Government Printing Office be responsible for the vouchers they certify for payment to the disbursing officer in the same way as other certifying officers of the Government; and contains other provisions. S. 1795. P/S June 28, 1973. (VV)

Grants the Public Printer the authority to adopt an official Government Printing Office seal which would have judicial recognition, and to designate employees to administer and certify oaths. S. 1795. P/S June 28, 1973. (VV)

Amends the Act of October 30, 1965, 40 U.S.C. 759(e), known as the "Brooks Bill" to restore full authority to the Joint Committee on Printing in the field of printing and binding, and thereby continue the responsibility for the administration of the contract on marginally punched continuous forms in the Government Printing Office under the direction of the Joint Committee on Printing. S. 1802. P/S June 28, 1973. (VV)

Provides the Government Printing Office, the Public Printer, and all officers and employees of the Government Printing Office with immunity from civil or criminal liabiltiy in connection with any printing, binding, or distribution services performed at or through the Government Printing Office in accordance with provisions of title 44, U.S.C. S. 2399. P/S October 8, 1973 (VV)

Headstart Fee Schedule

Postpones the implementation of the Headstart fee schedule until July 1, 1975. H.R. 11441. Public Law 93–202, approved December 28, 1973.

Hobby Protection Act

Provides protection for coin, token, and other collectors by requiring the marking of domestic or imported numismatic items as a "copy" and political items with the calendar year of their manufacture in order to prevent their being sold or traded as originals, and contains other provisions. H.R. 5777. Public Law 93–147, approved November 29, 1973. (357)

Housing, Housing Assistance, and Community Development Programs Funding

Expresses the sense of the Congress that until the Congress terminates or replaces existing housing, housing assistance, and community development programs, funds authorized and appropriated for the purpose of carrying out these programs should be obligated or expended, to the extent current appropriations or other obligational authority permit, at rates which are not less than the rates at which funds were obligated or expanded for such programs during calendar year 1972. S. Con. Res. 57. Senate adopted November 20, 1973. (VV)

Joint Funding Simplification Act

Eliminates some of the red tape and duplication in our present categorical grant in aid system by simplifying funding and other procedures in those cases where an applicant for Federal assistance receives that assistance from two or more different Federal agencies or programs within an agency. S. 2299. P/S November 19, 1973. (VV)

Micronesian Claims Act Amendments

Enlarges the class of persons eligible to receive benefits under the Micronesian Claims Act of 1971 (Public Law 92–39) to include those who have taken up permanent residency and become citizens of the United States, and permits the Secretary of the Interior to make some payments prior to the adjudication and certification of all claims in order to prevent an inflationary effect on the economy of Micronesia. H.R. 6628. Public Law 93–131, approved October 19, 1973. (VV)

Mint Buildings

Increases from $45 million to $95 million the authorization to the Department of the Treasury for the construction of mint facilities, such funds to be appropriated as may be necessary for each fiscal year beginning after June 30, 1963, and ending before July 1, 1983, with the provision that aggregate of such sums shall not exceed the $95 million authorization. S. 1901. P/S June 27, 1973. (VV)

NASA Authorization

Authorizes appropriations totaling $3,064,500,000 to the National Aeronautics and Space Administration for fiscal year 1974, as follows: for Research and Development, $2,245,500,000, including for space flight operation, $555.5 million, space shuttle, $75 million, advanced missions, $1.5 million, physics and astronomy, $63.6 million, lunar and planetary exploration, $311 million, launch vehicle procurement, $17.4 million, space applications, $161 million of which $2 million is provided for NASA to formulate a long-term energy program that would explore options for energy generation and management from the many technologies the agency has developed, aeronautical research and technology, $180 million, space and nuclear research and technology, $72 million, tracking and acquisition data, $244 million, and technology utilization, $4.5 million; for Construction of Facilities, $112,000,000; and for Research and Program Management, $707,000,000; and contains other provisions. H.R. 7528. Public Law 93–74, approved July 23, 1973. (195)

National Commission on Productivity—Extension

Extends for an additional 2 months, to June 30, 1973, the President's Commission on Productivity. S.J. Res. 93. Public Law 93–34, approved May 14, 1973. (VV)

National Commission on Productivity and Work Quality

Renames the President's National Commission on Productivity as the National Commission on Productivity and Work Quality; sets the promotion of the productivity of the American economy and improvement of worker morale and work quality as objectives of the Commission and defines its functions; and contains other provisions. S. 1752. P/S May 10, 1973. (VV)

National Foundation on the Arts and Humanities Amendments

Authorizes appropriations at an increased level of funding for the National Endowment for the Arts and the National Endowment for the Humanities, grants-in-aid to States by the National Endowment for the Arts, and matching funds for gifts to the Endowments, in the total amount of $145 million, $200 million, and $252 million for fiscal years 1974, 1975, and 1976, respectively. S. 795. Public Law 93–133, approved October 19, 1973. (107)

National Historic Preservation Act

Amends the National Historic Preservation Act of 1966; increases authorizations to $15.6 million, $20 million, and $24.4 million for fiscal years 1974, 1975, and 1976 respectively for matching Federal grants to States and the National Trust for Historic Preservation; extends authorizations of $100,000 for each of fiscal years 1974 and 1975 and authorizes $125,000 for fiscal year 1976 for United States participation in the activities of the Rome Centre; and provides that the Advisory Council on Historic Preservation shall continue in existance until December 31, 1985. S. 1201. Public Law 93–54, approved July 1, 1973. (VV)

National Science Foundation Authorization Act

Authorizes appropriations to the National Science Foundation for fiscal year 1974 in the amount of $632.6 million, and in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States. $3 million

for fiscal year 1974. H.R. 8510. Public Law 93–96, approved August 16, 1973. (VV)

Nursing Homes

Amends section 232 of the National Housing Act to authorize the Secretary of Housing and Urban Development to insure loans for fire safety equipment in nursing homes and intermediate care facilities necessary to meet the 1967 Life Safety Code or to meet other fire safety requirements approved by the Secretary of Health, Education, and Welfare as a condition of participation under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act, S. 513. Public Law 93–204, approved December 28, 1973. (VV)

Older Americans Comprehensive Services Amendments

Extends and amends the Older Americans Act of 1965 to enlarge the scope of the Services provided therein; improves the organizational structure at the Federal, State, and local level of the agencies having responsibility for the delivery of such services; creates a Federal Council on the Aging to act as an advocate for the elderly with respect to Federal government policies and programs relating to their particular needs and problems; places the Administration on Aging in the Office of the Secretary of Health, Education, and Welfare and assigns primary responsibility for carrying out the act to the Commissioner on Aging; expands the existing program of formula grants to the States by providing funding for a range of social services in accordance with approved State plans; authorizes funds for direct grants to model projects with priority to projects in the areas of housing, education, and special transportation and other services for the physically and mentally impaired elderly; authorizes grants for multi-disciplinary centers of gerontology and for multi-purposes senior centers; authorizes grants for training programs for personnel and for research and development projects in the field of aging; provides for a special study and demonstration projects on transportation problems of older Americans; makes surplus commodities available for nutrition programs; authorizes grants to States for older readers services; establishes an Older American Community Service Employment program and contains other provisions. *NOTE:* (H.R. 15657 [92d–2d], a measure containing similar provisions, was pocket vetoed by President Nixon on October 30, 1973.) S. 50. Public Law 93–29, approved May 3, 1973. (17

Preservation of Historical and Archeological Data

Amends a 1960 law under which the Secretary of the Interior through the National Park Service, conducts archeological salvage programs at reservoir construction to broaden the scope of activity to include all Federal or federally assisted or authorized construction projects which result in alteration of the terrain; authorizes the Secretary to conduct a survey and salvage program upon notification not only by the instigation agency but also by any other Federal or State agency or responsible private organizations or individuals; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; provides that the costs incurred in connection with public works projects for archeological work under this act would become non-reimbursible project costs; and contains other provisions. S. 514 P/S May 22, 1973. (VV)

Program Information Act

Provides needed information on Federal domestic assistance programs to intended beneficiaries by publication of a catalog of Federal assistance programs designed to (1) identify the program, (2) describe the program structure, (3) provide financial information, (4) identify the appropriate officials to contact, (5) provide a general description of the application process, and (6) identify closely related programs. S. 928. P/S November 16, 1973. (VV)

Public Works and Economic Development Act Amendments

Extends the Economic Development Administration (EDA) programs authorized by the Public Works and Economic Development Act of 1965 to enable disadvantaged local and regional areas to put in place the public facilities essential to economic development, for one fiscal year through June 30, 1974, with a total authorization of $430 million as follows: $200 million for grants under title I for public works and development facilities, of which not less than 25 percent nor more than 35 percent is for newly defined redevelopment areas under section 401(a)(6); $55 million for loan assistance under title II for financing public works and facilities and redevelopment area projects; $35 million for technical assistance under title III for alleviating conditions of excessive underemployment in certain areas; $45 million under title IV for projects in economic development centers and for an increase in grant assistance for projects to redevelopment areas; and $95 million for title V Regional Action Planning Commissions; continues the moratorium on changing the designation of economic development districts for one year; provides for up to 100 percent instead of up to 75 percent funding for administrative expenses of Indian tribes eligible for certain grants-in-aid under title III; and contains other provisions. H.R. 2246. Public Law 93–46, approved June 18, 1973. (117)

Recreation and Public Purposes Act Amendment

Amends the Recreation and Public Purposes Act by deleting acreage and site limitations as to lands conveyed by the Secretary of the Interior to States, their political subdivisions, or nonprofit organizations for recreational or public purposes and authorizes sales and leases for recreational purposes without monetary consideration but limits the application of this provision to State and local governments. S. 2013. P/S October 16, 1973. (VV)

Recreation Use Fees

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use. S. 1381. P/S May 16, 1973. (VV)

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use; provides that there will be no charge for access to or use of any campground not having certain specified sanitary and convenience facilities; and defines the term "single visit" for purposes of charging admission fees as the length of time a visitor remains within the boundary of a designated fee area from the day he arrives to the day he leaves except that on the same day such admission is paid, the visitor may leave and re-enter the same area without payment of an additional fee. H.R. 6717. Public Law 93–81, approved August 1, 1973. (VV)

Renegotiation Act Amendments; Social Security Benefit Increase

Extends to June 30, 1974, the Renegotiation Act of 1951, as amended, which authorizes the Government to recapture excessive profits on certain Government contracts and subcontracts; provides a social security cost of living benefit increase of approximately 5.6 percent effective June 1, 1974; increases the monthly income guaranteed under the Federal Supplemental Security Income (SSI) program for aged, blind and disabled persons from $130 to $140 for an individual and from $195 to $210 a month for a couple for months after June 1974; increases the earnings limitation for persons drawing social security from $2,100 to $2,400; raises taxable wages under social security from $12,000 in 1974 to $12,600; contains provisions to assure that aged, blind, and disabled persons now receiving cash assistance or eligible for Medicaid are protected from a reduction in benefits or loss of Medicaid eligibility when the SSI program becomes effective next January 1975; suspends for 4 months the Department of Health, Education, and Welfare's authority to issue new social services regulations scheduled to become effective July 1, 1973, unless new changes are proposed by the Department and approved by the Senate Finance Committee and the House Ways and Means Committee; and contains other provisions. H.R. 7445. Public Law 93–66, approved July 9, 1973. (225)

Service Contract Act Extension to Canton Island

Amends section 8(d) of the Service Contract Act of 1965 (which provides labor standards and prevailing wage requirements for employees working under Government service contracts) to extend the jurisdiction of the act to Canton Island in the central Pacific which, in 1939, the United States and the United Kingdom jointly agreed to administer until 1989. H.R. 5157. Public Law 93–57, approved July 6, 1973.

Small Business Act Amendments

Amends section 4(c)4 of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration (SBA); consolidates and expands the present authorities in the Small Business Act provided by the Coal Mine Safety Act of 1969, the Occupational Safety and Health Act of 1970, and the Egg Product Inspection Act of 1970, into a new section and authorizing loans to help small business concerns comply with standards imposed under any Federal law in order to provide a uniform approach and single framework for the extension of economic disaster loans to aid small business firms in complying with new Federal environmental consumer, pollution, and safety standards; provides that Farmers Home Administration (FHA) and Small Business Administration disaster loans made in connection with disasters occurring after December 26, 1972, and prior to April 20, 1973, the enactment date of Public Law 93–24 which amended the emergency loan programs, are to be made on the same loan terms; provides disaster relief assistance through the SBA and FHA programs which is retroactive to April 20, 1973, and is to terminate on July 1, 1975, whereby borrowers may obtain a $2,500 forgiveness on their loan and finance the balance at 3 percent or may choose not to accept any forgiveness and finance the entire loan at 1 percent; makes victims of erosion eligible for disaster relief; authorizes loans to persons engaged in the business of raising livestock who suffer substantial economic injury as a result of animal disease; authorizes loans to small businesses which suffer substantial economic damage as a result of the closing or reduction in the scope of operation of military bases; and contains other provisions. S. 1672. Vetoed September 22, 1973. Senate sustained veto September 25, 1973. (140,407)

Increases the Small Business Administration's (SBA) loan authority; authorizes SBA loans to meet regulatory standards; specifies that Farmers Home Administration disaster loans made in connection with disasters occurring after December 26, 1972, when the program was curtailed, and prior to April 20, 1973 the enactment date of Public Law 93–24 which amended the emergency loan programs, are to be made under the terms of the law then in effect, as are SBA loans, and not

under Public Law 93–24, thus putting FHA and SBA loans on the same footing with regard to the lower interest and forgiveness features for that period deletes the requirement that applicants for FHA loans for disasters occurring on or after December 27, 1972, must be unable to obtain credit elsewhere at reasonable rates and terms, thus placing availability of FHA loans on a par with SBA disaster loans, and also deletes the "credit elsewhere" requirement for FHA loans in Public Law 93–24 in regard to disasters occurring on or after April 20, 1973, thus making the 5 percent rate under Public Law 93–24 uniformly available; authorizes SBA loans for adjustment assistance in base closings; and contains other provisions. S. 2482. Public Law 93-237, approved January 2, 1974. (VV)

Travel Agents Registration

Amends the Travel Agents Registration Act to require persons "engaged in the business of conducting a travel agency" to secure, by January 1, 1974, registration certificates from the Secretary of Transportation through the Director of a Bureau of Travel Agents Registration to be established in the Department of Transportation. S. 2300. P/S October 11, 1973. (VV)

Trust Territory of the Pacific Islands

Authorizes $60 million for fiscal years 1974 and 1975 for the Trust Territory of the Pacific Islands for civil works and administrative programs and an additional sum of not to exceed $10 million for each of these fiscal years to be used if necessary to offset reduction in or termination of Federal grant-in-aid programs or other funds made available to the territory by other Federal agencies; extends the authority of the Federal Comptroller for Guam to the Trust Territory of the Pacific Islands and prescribes his duties and responsibilities; and contains other provisions. S. 1385. Public Law 93–111, approved September 21, 1973. (VV)

Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments

Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide, until July 1, 1976, for full Federal funding of the first $25,000 for any single relocation payment for persons displaced by federally assisted programs and projects; expands coverage of the act to persons displaced by eight specified Federal programs; authorizes, through June 30, 1973, the head of a Federal agency to pay a State not in compliance with the act such funds as are necessary, in excess of the first $25,000 of cost, to make all payments and provide all benefits required by the act; and contains other provisions. S. 261. P/S February 2, 1973. (VV)

United States Travel Service Authorization

Authorizes an aggregate amount of not to exceed $15 million, $20 million, and $25 million for fiscal years 1974, 1975, and 1976 respectively, for the United States Travel Service which is charged with promoting foreign tourism to the United States, and transfers the authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18–18d), to encourage travel throughout the United States to the Secretary of Commerce. S. 1747. Public Law 93–193, approved December 19, 1973. (VV)

Virgin Islands Legislature

Amends the Revised Organic Act of the Virgin Islands so that the Legislature of the Virgin Islands is empowered and directed to provide the procedure for filling any vacancy in the office of a member of the legislature which under present law is filled by appointment by the Governor. H.R. 7699. Public Law 93–130, approved October 19, 1973. (VV)

Wagner-O'Day Act Amendment

Amends the Wagner-O'Day Act of 1938, as amended by Public Law 92–28, to increase the authorization to the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped for fiscal year 1974 from $200,000 to $240,000. S. 1413. Public Law 93–76, approved July 30, 1973. (VV)

Waiver-of-Claims Authority

Extends the same waiver-of-claims authority as that granted to the Executive Branch for overpayments of pay and certain allowances to all agencies of the Legislative Branch except the House of Representatives. S. 1803. P/S July 24, 1973. (VV)

War Claims—Vietnam Conflict

Increases the rate of detention benefits payable under the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from $60 per month to $150 per month. S. 1728. P/S October 8, 1973. (VV)

White House Conference on Library and Information Services

Requests the President to call a White House Conference on Library and Information Services in 1976 to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public. S.J. Res. 40. P/S November 20, 1973. (VV)

White House Conference on the Handicapped

Declares that it is the sense of Congress that the President call a White House Conference on the Handicapped within 2 years from the date of enactment of the resolution in order to make recommendations for further research and action in this field, and contains other provisions. S.J. Res. 118. P/S July 18, 1973. (VV)

Youth Conservation Corps

Authorizes the expansion of the Youth Conservation Corps Program and establishes it on a permanent basis to be administered by the Departments of Interior and Agriculture at an annual authorization of $100 million; permits the establishment of a new program of Federal support to States in their administration of Youth Conservation Corps to utilize surplus and/or unused Federal property; and make available for off-season use by local educational institutions Youth Conservation Corps facilities. S. 1871. P/S October 8, 1973. (VV)

GOVERNMENT EMPLOYEES

Central Intelligence Agency Retirement Act Amendments

Amends section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to (1) increase the quota on retirements from 800 to 2,100 for the period July 1, 1969, to June 30, 1974, and (2) establish a quota of 1,500 for retirements between July 1, 1974, and June 30, 1979. S. 1494. Public Law 93–31, approved May 8, 1973. (VV)

Amends the Central Intelligence Agency Retirement Act of 1964 for certain employees to incorporate in such act the changes recently made by Public Law 93–136 which provides that all civil service retirees who retire after the effective date of a cost-of-living increase, but before the next cost-of-living increase becomes effective, may be entitled to the earlier increase, and increases the pay and allowances of certain retired officers of the Armed Forces to reflect changes in the Consumer Price Index. S. 2714. P/S November 16, 1973. (VV)

Civil Service retirement

Amends section 8340(c), title 5, United States Code, to correct an anomaly regarding employee and survivor's annuities occasioned by the provisions of the present law whereby an employee retiring after the effective date of a cost-of-living increase may receive a smaller annuity than an employee retiring just before the effective date of the increase, retroactively effective to immediate annuities which commence on or after July 2, 1973, the first day after the effective date of the last preceding cost-of-living increase. H.R. 3799. Public Law 93–136, approved October 24, 1973. (VV)

Civil Service retirement annuities

Establishes a minimum civil service retirement annuity equal to the social security minimum primary insurance amount; excludes any individual receiving benefits under title II of the Social Security Act from receiving the civil service retirement annuity benefit; provides minimum amounts to survivors in an amount not less than the monthly minimum allowed under social security and in the case of a surviving child, in an amount not less than three-fourths of the minimum monthly amount allowed under social security; increases annuity payments from the Civil Service Retirement Fund by $240 to an annuitant and $132 to the surviving spouse of an annuitant (resulting in monthly increases of $20 and $11 respectively) whose separation from service occurred prior to October 29, 1969; makes effective immediately upon enactment of this act the social security cost-of-living increase, which under present law (Public Law 93–66) would become effective in June of 1974, in an amount based on "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1973"; and contains other provisions. S. 1866. P/S September 11, 1973. (379)

Civil Service survivors benefits

Amends the Civil Service Retirement Act to change the 2 year marriage requirement regarding eligibility for survivor benefits under the Federal retirement system to a 1 year requirement. S. 2174. Public Law 93–211, approved December 28, 1973. (VV)

Executive, legislative, and judicial salaries

Provides that the Commission on Executive, Legislative, and Judicial Salaries submit its report to the President every other year instead of every four years and that the President likewise make his salary recommendations to the Congress biennially, by August 31, in the odd numbered years beginning in 1973; provides for such recommended pay increases to become effective on the first day of the first pay period which begins after 30 calendar days of continuous session of Congress unless disapproved by Congress by specific legislation changing the pay rates or by passage of a disapproval resolution by either body; and contains other provisions. S. 1989. P/S July 9, 1973. (VV)

Federal employees health insurance

Increases the Government's contribution for Federal employees health benefit plans from 40 to 50 percent beginning in 1974 and from 50 to 60 percent beginning in 1975 and each year thereafter; allows Federal employees retired prior to January 1, 1960, who are now covered under the Retired Federal Employees Health Benefits Program to change to the Federal Employees Health Benefits Program; and requires a carrier to pay or provide health benefits in individual cases where the Commission makes a determination that the covered employee, annuitant, or family member is entitled to the benefit under the terms of the contract. H.R. 9256. Public Law 93—, approved 1973. (VV)

Federal employee leave system

Permits employees to accumulate leave beyond the current maximums if they lost leave through no fault of their own through administrative error, exigencies of public business, or illness; provides for improved administration of the Federal employee leave system by permitting employees to take leave during the first 90 days of employment, by providing for lump-sum payment for leave beyond present maximums in the year of separation, and by adding new provi-

sions for recovery from employees for excess leave; and provides for restoration of annual leave forfeited under section 6304 of title 5, U.S.C. for employees of the Federal Government in a missing status on or after January 1, 1965, giving such employees the option, within 90 days following the date of enactment or within 90 days following the termination of his missing status, whichever is later, to credit the annual leave to a separate account until used, or to receive payment for the accrued leave at the employees basic rate of pay in effect at the time the leave was forfeited. H.R. 1284. Public Law 93–181, approved December 14, 1973. (VV)

Federal employees pay adjustments

Expresses the disapproval of the Senate of the President's alternative pay plan sent to the Congress September 5, 1973, which would postpone a pay adjustment for Federal employees under the Federal Pay Comparability Act from October 1, to December 1, 1973, thus nullifying the President's postponement so that Federal employees would receive an October 1, 1973, pay adjustment. S. Res. 171. Senate adopted September 28, 1973. (422)

Federal employees retirement

Allows Federal employees, who meet the present requirements for retirement upon involuntary separation of 25 years of service, or 20 years of service at age 50, to retire at their own option during a period when the employing agency is undergoing a major reduction in force. H.R. 6077. Public Law 93–39, approved June 12, 1973. (VV)

Foreign Service Institute language instructors retirement credit

Authorizes credit under the Civil Service Retirement System for certain Foreign Service Institute Language instructors erroneously employed under non-personal service contracts between 1948 and 1960 when in fact functioning as Federal employees and provides that such employees will be required to deposit to the Retirement Fund amounts equal to the amounts they would have contributed had they been on the Federal rolls. S. 2264. P/S December 14, 1973. (VV)

Insurance coverage for U.S. nationals

Extends coverage of Federally employed noncitizen nationals under the Federal Employees' Group Life Insurance Plan and the Federal Employees' Health Benefits Plan which is now limited to those in the United States and the Canal Zone, to all Federally employed noncitizen U.S. nationals outside the United States. H.R. 3801. Public Law 93–160, approved November 27, 1973. (VV)

Library of Congress

Provides pay increases for members of the police force of the Library of Congress. S. 1904. P/S June 28, 1973. (VV)

Provides pay increases for members of the police force of the Library of Congress thereby placing the Library's pay scale in a position superior to that of GSA and equating Library police compensation with that received by the National Zoological Park police force. H.R. 10840. Public Law 93– , approved 1973. (VV)

National Guard technicians' retirement

Changes, retroactively, from January 1, 1969, the crediting pre-1969 technician service as follows: (1) grants retirement credit for technician service performed before 1969 to all former technicians serving in any position subject to the retirement law or after January 1, 1969; (2) allows credit for 100 percent of pre-1969 technician service for annuity computation purposes; and (3) permits eligible technicians to pay the full amount rather than 55 percent otherwise owed as a deposit for pre-1969 technician service. S. 871. P/S July 31, 1973. (VV)

Selective Service pay and position classification

Includes employees of the Selective Service System local boards and appeal boards under the position classification and General Schedule pay provisions of title 5 of the United States Code thus giving them the same rights as other statutory employees, and removes the existing 10 year maximum limit on the appointment of executive secretaries of local boards. H.R. 6334. Public Law 93–176, approved December 5, 1973. (VV)

Survivor annuities of Civil Service retirees

Amends chapter 83, title 5, U.S.C. by eliminating the reduction in annuity that a retiree takes to provide survivor benefits for his spouse during periods of nonmarriage allowing in effect, full annuity to an annuitant during these periods. S. 628. P/S July 31, 1973. (VV)

Training report requirements

Eliminates present detailed reporting requirements to Congress by the Civil Service Commission through the President on each Federal employee trained for more than 120 days in a non-Government facility and on each Federal employee who receives an award or contribution resulting from his training in a non-Government facility and provides instead that the Commission shall annually send to Congress an analysis of the administration and operation of the Government employees' training program. H.R. 5692. Public Law 93–156, approved November 21, 1973. (VV)

HEALTH

Child Abuse Prevention and Treatment Act

Provides financial assistance for demonstration programs for the prevention, identification, and treatment of child abuse and neglect through the creation of a National Center of Child Abuse and Neglect within the Office of Child Development in the Department of Health, Education, and Welfare; creates a National Commission on Child Abuse and Neglect to study the effectiveness of existing laws and of programs to prevent, identify, and treat child abuse and neglect, its extent and causes, and the adequacy of Federal, State and local funding for child abuse programs; and contains other provisions. S. 1191. Public Law 93– , approved 1973. (282)

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments

Extends for 2 years through fiscal year 1976 the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91–616, maintaining the annual authorization level at $80 million; extends the contract and project grant authority of the Act of 1970 for an additional 3 years through fiscal year 1976, and authorizes therefor appropriations of $90 million for fiscal year 1974, $100 million for fiscal year 1975, and $110 million for fiscal year 1976; adds a new special grant authority providing an additional allotment of $100,000 plus 10 percent of its formula allotment for each State which adopts the Uniform Alcoholism and Intoxication Treatment Act, or legislation substantially similar to that Act, which requires intoxication to be treated as a responsibility of the community's public health and social service agencies rather than of its criminal justice system; prohibits public or private general hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment policies against any person solely because of his alcohol abuse or alcoholism; deletes the language of the Act of 1970 placing the National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health and substitutes language placing it within the Department of Health, Education, and Welfare, thereby permitting, not requiring, the Secretary to place the Institute elsewhere within the Department; gives the National Institute on Alcohol Abuse and Alcoholism authority for eleven top level positions; places alcoholism project and contract authority under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; eliminates duplication by deleting section 247 of the Community Mental Health Centers Act; and contains other provisions. S. 1125. P/S June 21, 1973. (VV)

Diabetes mellitus

Amends the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus. S. 2830. P/S December 19, 1973. (VV)

* *Emergency Medical Services Systems Act*

Adds a new title XII to the Public Health Service Act authorizing for public and nonprofit private entities three separate programs of grant and contract assistance (1) for projects which include both feasibility studies and planning for emergency medical services systems; (2) for the establishment and initial operation of such systems, and (3) for expansion and improvement of such systems, and a new program in the present title VII of the act for training programs, especially those that afford clinical experience in systems assisted under the new title XII.

Requires an applicant for a grant or contract for the establishment and operation or for expansion or improvement of an emergency medical services system (EMS) to demonstrate that the system will meet each of specified component requirements within certain time limitations; provides that applications for grants and contracts for feasibility studies and planning shall include a showing of the need of the area for such a system, the applicant's planning qualifications and willingness to conduct the planning in cooperation with the areawide health planning agency and with the entity responsible for evaluation of the provision of such services in the areas of State health planning; provides that applications for grants and contracts for research in an amount in excess of $35,000 must be recommended for approval by an appropriate peer group review panel designated or established by the Secretary; provides that special consideration shall be given to applications for grants and contracts for establishment and initial operation of systems which will coordinate with statewide systems; contains requirements for emergency medical services systems' components including provisions for: an adequate number of health professions and allied health professions personnel, appropriate training (including clinical training) for its personnel and continuing education programs, a central communications system interconnected within the system and with other appropriate EMS systems, a transportation system, easily accessible facilities capable of providing services on a continuous basis and access to specialized critical medical care units in the system's service or neighboring area (including transportation); necessary emergency medical services (without prior inquiry as to ability to pay) to all patients requiring such services; the transfer of patients for follow-up care and rehabilitation (including vocational rehabilitation), public education and information programs, periodic, comprehensive, and independent review and evaluation of the system, the capability for providing emergency medical services in its service area dur-

ing mass casualties, natural disasters, or national emergencies, reciprocal arrangements for services with other or similar systems serving neighboring areas, and "consumers" (persons without professional training or financial interest in the provision of health care) to have adequate opportunity to participate in the making of policy for the system;

Establishes an interagency Committee on Medical Services to coordinate all Federal programs and activities which relate to emergency medical services and make recommendations to the Secretary respecting the administration of the new title XII, authorizes appropriations therefor for fiscal years 1974–1976 of $45 million, $65 million, and $75 million respectively, for a total of $185 million for those three fiscal years;

Directs the Secretary to continue the operation of the Public Health Service hospitals in Seattle, Boston, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Norfolk at the level in effect on January 1, 1973, and prohibits the Secretary from closing or transferring control of a hospital or reducing its services or activities unless specifically authorized by law enacted after the date of enactment of this legislation. S. 504. Vetoed August 1, 1973; Senate overrode veto August 2, 1973; House sustained veto September 12, 1973. (134, 294, 358)

Reintroduced with the deletion of the provisions concerning Public Health Service Hospitals and passed with certain relatively minor changes. S. 2410. Public Law 93–154, approved November 16, 1973. (390)

Health Maintenance Organization Act

Authorizes grants and contracts for public or nonprofit private entities for feasibility surveys or other activities, and for planning projects to establish Health Maintenance Organizations (HMO's) or expand present HMO's and loan guarantees for private profit-making entities for planning projects to establish or expand HMO's which serve medically underserved populations; limits any single grant or contract for feasibility survey to $50,000 and for a planning project to $125,000, with a second grant permitted if necessary, and the aggregate amount of assistance for any project to 90 percent of the costs or 100 percent for entities serving medcally underserved populations; authorizes grants and contracts with public or nonprofit private entities for projects to initially develop HMO's and loan guarantees to those serving medically underserved populations; provides, in regard to initial operating assistance, for loans (from revolving fund) for public and nonprofit HMO's to assist them in meeting for three years a portion of initial operating costs in excess of gross revenues, and authorizes loan guarantees for private profit HMO's for such costs where the HMO will serve medically underserved areas;

Authorizes an aggregate appropriation for grants and contracts for feasibiltiy surveys, planning, and initial development for fiscal years 1974–1976 of $25 million, $55 million, and $85 million respectively; authorizes for fiscal year 1977 an additional $85 million for initial development grants and contracts; and authorizes for capitalization of the initial operating loan revolving fund the appropriation of $75 million in the aggregate for fiscal years 1975 and 1976;

Provides, in regard to rural areas, that, in any fiscal year, 20 percent of the funds appropriated for making grants or contracts, or available for making loans, must be set aside for projects for HMO's at least 66 percent of whose members can or could reasonably be expected to be residents of nonmetropolitan areas, which applies to funds for feasibility studies, planning and initial development, and for initial operations;

Authorizes the Secretary of Health, Education, and Welfare to contract with private or other non-Federal health agencies or organizations to provide health services to Indians on a fee-for-service basis, or a prepayment or other similar basis, with the consent of the Indian people serviced, and to arrange for the provision of health services to domestic agricultural migratory and seasonal workers and their families through HMO's;

Requires continued regulation of assisted HMO's for compliance with the terms of this act in regard to services, organization and operation; prohibits the transfer of funds appropriated under any other part of the Public Health Sevice Act for programs under this part; requires a report by the Secretary on medically underserved and non-metropolitan areas, and a program evaluation by the Comptroller General; and an annual report to the Congress by the Secretary on the programs under this act;

Provides for a health care quality assurance programs study by directing the Secretary to contract for a health care quality assurance program study, including a study of health care providers assisted under the Public Health Service Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act, with a nonprofit private organization with a national reputation for objectivity, the ready capacity to make such a study, a history of interest and activity in health policy issues related to such study, and with extensive existing contracts with interested public and private agencies and organizations;

And contains other provisions. S. 14. Public Law 93–222, approved December 29, 1973. (132,581)

Health Programs Extension Act

Extends the 12 expiring health authorities in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, for health research and development; health statistics; public health training; migrant health; comprehensive health planning and services; medical libraries; Hill-Burton facilities construction; allied health training; regional medical programs; family planning; community mental health centers; and developmental disabilities for 1 year to June 30, 1974, at a total authorization level of $1,270.6 million; restricts the authorization for project grants under section 304(e)d of the Public Health Service Act to programs respecting neighborhood health centers, family health centers, lead-based paint poisoning prevention, and rodent control, by prohibiting the funding under this section of programs for which an alternative authority is contained in title I of this act; denies any court, public official, or public authority the right to require individuals or institutions to perform abortions or sterilizations contrary to their religious beliefs or moral convictions because an individual or institution had received assistance under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Act; and extends to June 30, 1974, the provisions of section 601, title VI, the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton amendments) designed to assure availability of appropriated health funds. S. 1136. Public Law 93–45, approved June 18, 1973. (63,163)

Little Cigar Act

Amends the Federal Cigarette Labeling and Advertising Act (15 USC 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 by expanding the prohibition on advertising media to include "little cigars"; defines the term "little cigar" to mean any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than cigarettes) and weighing not more than 3 pounds per 1,000 units; and provides that it shall be unlawful to advertise little cigars on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. S. 1165. Public Law 93–109, approved September 21, 1973. (VV)

National Institute of Health Care Delivery Act

Amends the Public Health Service Act to establish a National Institute of Health Care Delivery as a separate agency within the Department of Health, Education, and Welfare to carry out an accelerated multidisciplinary research and development effort to improve the organization and delivery of health care in the nation; authorizes up to eight regional centers and two National Special Emphasis Centers, a Health Care Technology Center, and a Health Care Management Center; authorizes, for both the Institute and the Centers, $115 million, $130 million, and $145 million for fiscal years 1974, 1975, and 1976 respectively; establishes a 21 member National Advisory Council on Health Care Delivery to advise the Institute on the development, priorities, and execution of its programs, and contains other provisions. S. 723. P/S May 15, 1973. (VV)

National Research Service Awards and Protection of Human Subjects Act

In title I, the National Research Service Award Act, consolidates the existing research training and fellowship programs into a single National Research Service Awards authority which would be the major element in the training programs of the National Institutes of Health (NIH) and National Institute of Mental Health and would increase their capability of maintaining a superior national program of research, and provides a revised procedure whereby awards would be provided through the Office of the Director of NIH by the Secretary of Health, Education, and Welfare in consultation with the Directors of NIH and the National Institute for Mental Health;

Establishes, in title II, the Protection of Human Subjects Act, a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research within the Department of Health, Education, and Welfare, to be composed of 11 members appointed by the President for 4 year terms, with not more than five members to have been engaged in biomedical or behavioral research involving human beings; provides that the Commission is first to undertake a comprehensive investigation and study to identify the basic ethical principles and develop guidelines which should underlie the conduct of biomedical and behavioral research involving human subjects, and second, to develop and implement policies and regulations to assure that research is carried out in accordance with the ethical principles they have identified, develop procedures for certification of Institutional Review Boards and also develop procedures for and make recommendations to the Congress in the areas of sanctions, compensation for injuries or death, and appropriate mechanisms to extend the scope of the Commission's jurisdiction;

Provides protection for individuals and institutions in matters of religious beliefs or moral convictions; prohibits research and experimentation on human fetuses until such time after certification of Institutional Review Boards has been established and the Commission develops policies with regard to the conduct of research on the living fetus or infants;

Contains interim provisions denoting that, until the certification of Boards has been established, it is the responsibility of each institution engaged in such research to determine that the rights and welfare of the subjects involved are fully protected, that the risks are outweighed by the potential

benefits to the subject or the importance of the knowledge to be gained, and that informed consent is to be obtained by adequate methods in all but exceptional cases as specified in this act;

Calls for the Commission, in title III, the Special Study of Biomedical Research Act, to make a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, with a report to be sent to the President and the Congress at least every 2 years together with recommendations for needed legislation or appropriate action by public or private organizations or individuals;

And contains other provisions. H.R. 7724. P/H May 31, 1973; P/S amended September 11, 1973; Senate requested conference September 11, 1973. (382)

Research in Aging Act

Amends title IV of the Public Health Service Act to provide for the establishment by the Secretary of Health, Education, and Welfare (HEW) of a National Institute on Aging (NIA) in the National Institutes of Health (NIH) for the conduct and support of biomedical, social, and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aged, as authorized under section 301 of the Public Health Service Act and presently focused in the National Institute of Child Health and Human Development; provides that the Director of NIH shall assign functions to NIA or another institute when the activities overlap; directs the Secretary of HEW to:

(1) conduct scientific studies, through the Institute, for the purpose of measuring the impact on the biological, medical, and psychological aspects of aging, of all programs conducted or assisted by HEW to meet the needs of the aging in order to obtain data for assessment of the programs by the Institute;

(2) carry out public information and education programs to disseminate information developed by the Institute which may aid in dealing with, and understanding, the problems associated with aging; and

(3) prepare a comprehensive aging research plan within 1 year after enactment for presentation to the Congress and the President, along with a statement of the staffing and funding requirements necessary to implement the plan; and contains other provisions.

NOTE.—(H.R. 14424 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 30, 1972.) S. 775. P/S July 9, 1973. (VV)

School lunch and child nutrition programs

Amends section 6 of the National School Lunch Act which authorizes expenditures for commodities to provide a means to enable the Department of Agriculture, to meet school lunch and breakfast program needs for this fiscal year only, to make an estimate as of March 15 of the amount of commodities which the Department will deliver to schools; requires the Secretary (if this estimate is less than 90 percent of the value of the amount the Department originally planned to deliver to schools) to pay the States, no later than April 15, a cash amount equal to the difference between the initial estimate and the amount to be delivered this fiscal year as determined by the March 15 estimate, and to distribute the money to the States according to their ratio of meals served under the school lunch and breakfast program; directs the Secretary to use section 32 funds and funds from section 416 of the Agricultural Act of 1949 for the purposes of this act to request, if necessary, a supplemental appropriation; waives the matching requirements for the funds distributed under this act; and contains other provisions. H.R. 4278. Public Law 93–13, approved March 30, 1973. (VV)

Increases the present 8 cent Federal cash reimbursement for the school lunch program to 10 cents per lunch and sets the school breakfast program reimbursement at 8 cents; provides for an automatic adjustment in Federal reimbursement rates for both the school lunch and school breakfast program for January 1, 1974, and semi-annually thereafter, to reflect changes in the cost of operating such programs; makes permanent the requirement that the Secretary of Agriculture make cash payments to the States of any funds programmed for the purchase of commodities but not expended for that purpose; extends the authorization for the Special Supplemental Food Program to June 30, 1975, and increases the authorization for fiscal year 1975 to $40 million; makes agencies of Indian tribes eligible to administer the Special Supplemental Food Program; requires that the Special Milk Program be available to any school or non-profit child care institution that requests it and requires that children who qualify for free lunches shall also be eligible for free milk; increases the membership of the National Advisory Council on Child Nutrition from 13 to 15 members by adding an urban and rural school lunch program supervisor; changes the method of apportioning funds for free and reduced-price lunches and makes eligible for reduced price lunches those students whose parents' income is 75 percent, instead of 50 percent as presently provided, above the income poverty guideline prescribed to receive free lunches; and contains other provisions. H.R. 9639. Public Law 93–150, approved November 7, 1973. (403)

Sudden Infant Death Syndrome Act

Provides financial assistance to identify the causes and preventive measures needed to eliminate Sudden Infant Death Syndrome and provides information and counseling services to families affected by Sudden Infant Death Syndrome and to personnel who come in contact with the victims or their families. S. 1745. P/S December 11, 1973. (VV)

INDIANS

American Indian Policy Review Commission

Provides for a Congressional Commission of bipartisan composition from both the Senate and House of Representatives and five members from the Indian community to be selected by the Commission; charges the Commission with reviewing all of the treaties, statutes, judicial decisions, and executive orders, as well as the Constitution itself, to determine the legal-historical basis for the unique relationship that Indian people maintain with the Federal Government in order to bring a fundamental reform of such relationship; provides the authority to conduct an in-depth management study of the Bureau of Indian Affairs; requires the Commission to submit its recommendations to the Congress; and authorizes $2 million for the purposes of carrying out this Act. S.J. Res. 133. P/S December 5, 1973.

Assistant Secretary for Indian Affairs

Establishes within the Department of the Interior an additional Assistant Secretary of the Interior who will be responsible only for Indian Affairs, and amends the Alaska Native Claims Settlement Act (85 Stat. 688) to establish a thirteenth region for Alaska Natives who are not residents of Alaska. H.R. 620. P/H October 1, 1973; P/S amended December 14, 1973; House disagreed to Senate amendments December 19, 1973; Senate requested conference December 19, 1973. (VV)

Choctaw, Chickasaw, and Cherokee Nations

Grants the consent of the United States for the Choctaw Nation, the Chickasaw Nation, and the Cherokee Nation to sue each other and other persons or entities to quiet title to certain portions of the bed of the Arkansas River in eastern Oklahoma. H.R. 5089. Public Law 93–195, approved December 20, 1973. (VV)

Glen Canyon National Recreation Area Concession Operations

Directs that the annual franchise fee received by the Secretary of the Interior from the concessioner in connection with the Rainbow Bridge floating concession operation in Glen Canyon National Recreation Area be placed in a separate fund of the Treasury, and authorizes the Secretary to transfer annually such fees from the fund to the Navajo Tribe of Indians, in consideration of the tribe's continued agreement to the use of former Navajo Indian Reservation lands for the purpose of anchoring the Rainbow Bridge floating concession facility. S. 1384. P/S May 23, 1973. (VV)

Indian Claims Commission

Authorizes not to exceed $1.2 million for the expenses of the Indian Claims Commission for fiscal year 1974, and an additional $900 million for the expense assistance revolving loan fund. S. 721. Public Law 93–37, approved May 24, 1973. (VV)

Indian Financing Act

Provides to Indian organizations and individual Indians capital in the form of loans and grants that is needed to promote their economic development; authorizes a $50 million increase for the Revolving Loan Fund; provides a Loan Guarantee and Insurance Program which could generate as much as $200 million in new private capital; authorizes an Interest Subsidy Program; and provides an Indian Business Development Grant Program. S. 1341. P/S July 28, 1973. (VV)

Indian Judgment Distribution Act

Provides that if neither House of Congress, within 60 calendar days (excluding adjournments of more than 3 days) from the date of submission of a recommended plan by the Secretary of the Interior regarding the distribution of funds awarded to Indian Tribal groups by the Court of Claims, passes a committee resolution disapproving such plan and thus requires authorizing legislation, the plan will become effective and the distribution of such funds made upon the expiration of the 60 day period or earlier if waived by committee resolutions by both the House and the Senate Committees on Interior and Insular Affairs, thereby relieving the Committees of the necessity of having to legislate on all judgment awards except for the most complicated. S. 1016. Public Law 93–134, approved October 19, 1973. (VV)

Joint Committee on Navajo-Hopi Administration—abolishment

Abolishes the Joint Committee on Navajo-Hopi Indian Administration created during the 81st Congress to consider the problems peculiar to the Navajo and Hopi Tribes and oversee the expenditure of funds appropriated for the development of their reservations, construction of facilities, and other needed improvements, work which was principally completed in 1964. S. 267. P/S February 5, 1973. (VV)

Klamath Indian tribal land acquisition

Directs the Secretary of Agriculture to acquire by condemnation the remainder of the Klamath Indian Forest lands, for inclusion in the Winema National Forest, which the Klamath Tribe has directed the United States National Bank of Portland, a private trustee, to sell by the terms of its trust agreement and authorizes for this purpose an amount not to exceed $70 million. H.R. 3867. Public Law 93–102, approved August 16, 1973. (VV)

Knife River Indian Village National Historic Site

Authorizes the Secretary of the Interior to acquire a cluster of 5 archeological sites located near the Knife and Missouri Rivers to-

gether with additional lands as may be necessary and to administer the area as the Knife River Indisn Villages National Historical Site. S. 1468. P/S November 30, 1973. (VV)

Menominee Restoration Act

Reinstates the act terminating supervision over the affairs of the Menominee Indian Tribe of Wisconsin; makes available to the tribe the Federal services lost through termination; and provides for the reestablishment of tribal self-government. H.R. 10717. Public Law 93–197, approved December 22, 1973. (VV)

National Trail Act amendment

Provides for the addition of an Indian Nations Trail to the trials to be studied for possible inclusion in the national scenic trails system. S. 1976. P/S November 30, 1973. (VV)

Publication of material relating to the constitutional rights of Indians

Amends, for technical reasons, section 701(c) of title VII of Public Law 90–284 to authorize the appropriation of such sums as may be necessary for the Secretary of the Interior (1) to annually revise and republish the document entitled "Indian Affairs, Laws and Treaties," (2) to revise and republish the treatise entitled "Federal Indian Laws," and (3) to have prepared and printed as a government publication an accurate compilation of the official opinions of the Solicitor of the Department of the Interior relating to Indian affairs. S. 969. P/S June 27, 1973. (VV)

INTERNATIONAL

Atlantic Union delegation

Authorizes the creation of a delegation of 18 eminent citizens (6 each to be appointed by the House of Representatives, the Senate, and the President) to meet with similar unofficial delegations "from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise" in order to explore the possibility of agreement on a "declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles," and empowers the convention to invite other parliamentary democracies to participate in the process, which would also explore the possibilities for a timetable and a commission to move toward the goal by stages. S.J. Res. 21. P/S March 26, 1973. (VV)

Board for International Broadcasting Act

Authorizes $50,209,000 for fiscal year 1974 for the operation of Radio Free Europe and Radio Liberty and creates a new Board for International Broadcasting charged with making grants to the radios and overseeing their operations, which shall take over the role presently performed by the State Department of administering grants to the radios. S. 1914. Public Law 93–129, approved October 19, 1973. (369)

Department of State Authorization Act

Authorizes a total of $682,036,000, including $4.5 million for the U.S. share of expenses of the International Commission on Control and Supervision in Vietnam; prohibits the use of funds on or after August 15, 1973, for further involvement of U.S. forces in hostilities in North Vietnam, South Vietnam, Laos, or Cambodia or direct or indirect aid to North Vietnam unless specifically authorized hereafter by Congress; establishes a new Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State to be headed by an additional Assistant Secretary; requires that military base agreements with foreign countries be submitted to the Congress where they can be approved either by passage of a concurrent resolution by both the House and the Senate or by the Senate giving its advice and consent to the agreement; requires that funds be cut off for foreign affairs agencies which do not comply within 35 days with requests for information by the Senate Committee on Foreign Relations or the House Committee for Foreign Affairs, and amends section 634(c) of the Foreign Assistance Act containing similar provisions concerning access to information by the Congress and the General Accounting Office, to eliminate the President's privilege of waiving its provisions except with regard to Presidential communications; prohibits the use of funds appropriated pursuant to the act to be used for publicity or propaganda to attempt to influence the outcome of legislation pending before Congress or the outcome of a political election; requires by law the listing by rank order of Foreign Service personnel selected for promotion; states the sense of Congress that the United States and Russia seek agreement on specific mutual reductions in military expenditures; and contains other provisions. H.R. 7645. Public Law 93–126, approved October 18, 1973. (191)

Diplomatic relations between Sweden and the United States

Expresses the sense of the Senate that "the United States Government and Sweden should restore their normal friendly relation, and confirm this return to normalcy by appointing and dispatching ambassadors to their respective capitals on an immediate basis." S. Res. 149. Senate adopted October 4, 1973. (VV)

Environmental modification as a weapon of war

Expresses as a sense of the Senate that the United States Government should seek the agreement of other governments, including all permanent members of the Security Council of the United Nations, to a proposed treaty for the complete cessation of any research experimentation or use of any environmental or geophysical modification activity as a weapon of war, including weather, climate, earthquake, and ocean modification activity. S. Res. 71. Senate adopted July 11, 1973. (266)

Euratom Cooperation Act of 1958 amendment

Amends section 5 of the EURATOM Cooperation Act of 1958, as amended, by increasing the amount, from 215,000 kilograms to 583,000 kilograms, of contained uranium 235 which the United States Atomic Energy Commission is authorized to transfer to the European Atomic Energy Community under the Agreements for Cooperation between the United States and EURATOM. S. 1993. Public Law 93–88, approved August 14, 1973. (VV)

Foreign Assistance Act

Authorizes appropriations for economic assistance to foreign countries comprised of grants and loans of $1,218,200,000 divided among five development assistance categories, Food and Nutrition, Population Plan ning and Health, Education and Human Resources Development, Selected Development Programs, and Selected Countries and Orga nizations, instead of, as formerly, providing funds for development loans, technical cooperation and development grants, and the Alliance for Progress; provides for greater transferability of funds among the five categories than is now permitted among present funding categories, whereby the President may transfer not to exceed 15 percent of the funds under one category to another in an amount which does not increase the funds in the other category by more than 25 percent; requires that the country receiving assistance provide at least 25 percent of the total costs of the project or program, which may be on an "in kind" basis, if necessary; repeals section 203 of the Foreign Assistance Act of 1961, thereby eliminating the loan repayment revolving fund administered by the Agency for International Development, from which loan repayment dollar receipts were used to make further development loans, and making all such loans subject to the regular authorization and appropriation process of the Congress; cuts off all funds for the continued involvement of U.S. military forces in hostilities in Indochina by prohibiting the use of funds under this or any other law for military or paramilitary operations by the U.S. in or over Vietnam, Laos, or Cambodia, thus requiring specific Congressional action to authorize and fund any renewal of American involvement in war in these countries; prohibits U.S. funding or support for any military or paramilitary activities by third country military personnel in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand, unless specifically authorized by act of Congress enacted after this bill becomes law; contains a sense of the Congress resolution that the United States should not furnish aid to South Vietnam or any other party to the Vietnam cease-fire agreement if that party does not comply with the agreement; and contains other provisions. S. 2335. P/S October 2, 1973; P/H amended October 10, 1973, (442) (Comparable provisions are contained in S. 1443.)

Foreign Assistance Act of 1973

Authorizes $1,429,734,000 for foreign economic assistance and $962,500,000 for foreign military assistance, with a total of $2,392,-234,000 for fiscal year 1974; adds the following five new categories for development assistance: Food and Nutrition; Population Planning and Health; Education and Human Resources Development; Selected Development Programs; and Selected Countries and Organizations, instead of, as formerly, providing funds for development loans, technical cooperation and development grants, and the Alliance for Progress; requires that the country receiving grant assistance provide at least 25 percent of the total costs of the project or program, which may be on an "in kind" basis, if necessary; prohibits the use of funds to pay for the performance of abortions or to motivate or coerce any person to practice abortion;

Prohibits the use of funds made available under this Act for police training and related programs in any foreign country; repeals, effective July 1, 1975, section 203 of the Foreign Assistance Act of 1961, and provides that not more than 50 percent of the dollar receipts scheduled for repayment thru the loan repayment revolving fund administered by the Agency for International Development would be available; authorizes $512.5 million for military assistance including military training, for fiscal year 1974 and reduces the number of countries eligible to receive military grant assistance, other than training in the United States, from forty to thirty-one;

Places a ceiling on the amount of military assistance and sales that can be made or furnished to Latin America and Africa in any fiscal year; transfers effective June 30, 1974, the authorization for military assistance and sales program for Laos, from the Department of Defense to the Foreign Assistance and Military Sales Acts; amends the act in a technical nature to assure that the Cambodia ceiling would not apply to assistance furnished under this Act; authorizes $125 million for security supporting assistance of which not less than $50 million is to be available solely for Israel; modifies section 620(e)(1) of the Foreign Assistance Act—the Hickenlooper amendment—by permitting the President to waive upon notification to the Congress its sanctions when he determines that such a waiver was important to the national interests of the United States; requires the submission of semiannual reports on the status of each outstanding loan, contract of guaranty or insurance, credit sale of defense articles, defense services, or agricultural commodities, and each Export-Import Bank Loan, guaranty, or insurance for transactions in excess of $1 million, and annual reports showing the debt-servicing problems of foreign countries,

debt relief granted by the United States, and the consequences thereof; authorizes $25 million for relief for African Sahel and endorses international planning for relief of the West African famine;

Authorizes $504 for postwar reconstruction in South Vietnam, Cambodia, and Laos; authorizes $325 million for military sales credits for fiscal year 1974, establishes an aggregate ceiling on military credit sales of $730 million for fiscal year 1974 of which $300 million shall be available only for Israel; prohibits the use of funds authorized or appropriated under this or any other law to finance military or paramilitary operations by the U.S. in or over Cambodia, Laos, or South Vietnam; (similar provisions are contained in Public Laws 93–50, 52, 126, and 155); prohibits the use of funds to finance directly or indirectly "military or paramilitary combat operations" by third country forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand, unless specifically authorized by legislation; prohibits assistance to the Government of North Vietnam unless that assistance is specifically authorized by legislation; prohibits the use of any foreign currency, including principal and interest, which accrues in connection with any sale for foreign currency under any provision of law, under any agreement to aid any foreign country to procure equipment for defense entered into after the enactment of this Act or revision of an existing agreement, unless such agreement is specifically authorized by legislation enacted after such date; S. 1443; Public Law 93–189, approved December 17, 1973. (226, 537)

Foreign Service Building Act Amendments

Authorizes a total of $59,611,000 for fiscal years 1974 and 1975 for the Foreign Buildings program administered by the Department of State of which $13,811,000 is for new construction, acquisition and development, and $45,800,000 is for operations. H.R. 5610. Public Law 93–47, approved June 22, 1973. (VV)

International Monetary Fund and International Bank for Reconstruction and Development

Amends subsection (b) of section 3 of the Bretton Woods Agreements Act to authorize the President, by and with the advice and consent of the Senate to appoint different individuals to serve as alternates for the governor of the International Monetary Fund and of the International Bank for Reconstruction and Development. S. 1887 Public Law 93–94, approved August 15, 1973. (VV)

International Voyage Load Line Act

Repeals the Foreign Load Lines Act, 1929, as amended, and substitutes this act, which provides the necessary legislation to implement the provisions of the International Convention on Load Lines, 1966, to which the United States is a party and which came into force on July 21, 1968, making it unlawful for a vessel to be so loaded as to submerge the prescribed load line or the point where an appropriate load line should be marked. S. 1352. Public Law 93–115, approved October 1, 1973. (VV)

Intervention on the High Seas Act

Incorporates into statutory law the rights, duties, and responsibilities of the United States under the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, signed November 29, 1969, at Brussels, which permits a coastal nation to take whatever action it deems necessary to prevent, mitigate, or eliminate a threat of oil pollution resulting from a maritime accident beyond that coastal nation's territorial limits by vesting such authority in the Secretary of the Department in which the Coast Guard is operating; gives the Secretary the authority to determine the extent of danger resulting from a collision, stranding, or other disablement of a vessel carrying oil, and to remove and, if necessary, destroy the ship and cargo which is the source of the danger; incorporates general guidelines for determining the permissible scope of intervention actions; authorizes actions against the United States in the Federal courts by persons claiming compensation; creates a mechanism for settling controversies between signatory nations, or between such nations and claimants relating to compensation for excessive measures; authorizes the Secretary to issue rules and regulations to carry out the purposes of this act; imposes criminal penalties to insure full compliance with the legislation; and extends the right of intervention now inherent in the Federal Government for vessel incidents in territorial waters to incidents on the high seas involving potential oil pollution damage. S. 1070. P/S November 5, 1973. (VV)

Israel, Assistance To

Authorizes to be appropriated to the President $2.2 billion for emergency military assistance or foreign military sales credits, or for both as the President may determine, for Israel, of which $1.5 billion may be used only if the President (1) determines it to be important to our national interest that Israel receive assistance exceeding $1.5 billion and (2) reports to Congress each such determination at least twenty days prior to date on which funds are obligated or expended in excess of $1.5 billion; provides that the 20 day notification requirement shall not apply if hostilities are resumed in the Middle East; provides that the President may use sums authorized herein to pay the United States share of the expenses of the United Nations Emergency Force in the Middle East; and contains other provisions. H.R. 11088. Public Law 93–, approved 1973. (587)

Middle East crisis

States as a sense of the Senate that we deplore the outbreak of hostilities in the Middle East and support the use of the offices of the United States by the President and Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, and further, that the Senate expresses its hope for a more stable condition leading to peace in that region. S. Res. 179. Senate adopted October 8, 1973. (VV)

National security

States as a sense of the Senate that other nations should not construe domestic events as adversely affecting our resolve to uphold world peace nor seize upon them as an opportunity to undermine the security of the United States or as impairing the full commitment of our Government to achieve a just and durable peace in the Middle East and calls upon all friendly nations to join us in pursuance of these vital common objectives, which have as their goal respect for law and a stable and secure peace throughout the world. S. Res. 200. Senate adopted November 9, 1973. (VV)

Peace Corps Act amendments

Continues the Peace Corps program on a one year authorization of $77,001,000 for fiscal year 1974, and places the Peace Corps under Federal procurement law. H.R. 5293. Public Law 93–49, approved June 25, 1973. (VV)

People's Republic of China—Diplomatic privileges

Authorizes the President to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. S. 1315. Public Law 93–22, approved April 20, 1973. (VV)

Privileges and immunities

Organization of American States (OAS)

Reenacts the 1985 Organization of American States Act to authorize the President to extend diplomatic privileges and immunities to a newly established group, the Permanent Observers to the OAS, which consists of nonmember American States and non-American States participating in OAS programs. H.R. 5943. Public Law 93–149, approved November 7, 1973. (VV)

Organization of African Unity (OAU)

Amends the International Organization Immunities Act of 1945 making the provisions of that Act applicable to the OAU in the same way as they may be extended to a public international organization in which the United States participates. S. 1526. P/S October 23, 1973. (VV) (Comparable provisions are contained in H.R. 8219 which became Public Law 93–161.)

Amends the International Organization Immunities Act of 1945 making the provisions of that Act applicable to the OAU in the same way as they may be extended to a public international organization in which the United States participates. H.R. 8219. Public Law 93–161, approved November 27, 1973. (VV)

Prohibition of intervention in foreign political affairs

Prohibits any citizen or resident of the United States from offering a contribution to any agency or employee of the United States for the purpose of influencing the outcome of an election for public office in a foreign country; makes it unlawful for any officer, employee, or agent of the United States to solicit or accept contributions to candidates or political parties to influence an election for public office in a foreign country; and contains other provisions. S. 2239. P/S July 26, 1973. (VV)

Radio Free Europe and Radio Liberty supplemental authorization, 1973

Authorizes additional fiscal year 1973 appropriations of not to exceed $1.5 million for Radio Free Europe and Radio Liberty to provide for increased costs resulting from the devaluation of the dollar on February 12, 1973. S. 1972. Public Law 93–59, approved July 6, 1973. (VV)

Rhodesian chrome importation

Amends the United Nations Participation Act of 1945 so as to provide that full United Nations sanctions will be legally observed by the United States and the importation of chrome from Rhodesia will be halted. S. 1868. P/S December 18, 1973. (571)

Shrimp Fisheries Act

Provides the necessary legislation to implement the agreement (Ex. P, 92d–2d) between the United States and Brazil concerning shrimp which establishes a basis for regulating the conduct of shrimp fishing in a defined area off the coast of Brazil. H.R. 8529. Public Law 93–242, approved January 2, 1974. (VV)

Southeast Asia Collective Defense Treaty

Directs the Senate Committee on Foreign Relations to conduct a full and complete review of U.S. participation in the Southeast Asia Collective Defense Treaty (SEATO) including a "re-examination of the basic foreign policy considerations which originally led the United States to join the SEATO Organization and reassessment of those considerations in the light of subsequent developments relating to that Organization and the foreign policy interests of the United States" and report its findings and recommendations to the Senate no later than March 31, 1974. S. Res. 174. Senate adopted November 2, 1973. (VV)

Transfer of trust funds to the Republic of the Philippines

Authorizes the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines, sixty days after the date of enactment, the money then held in a special trust account in the Treasury for making payment on certain Philippine bonds issued before 1934, all of which have matured, thus terminating U.S. liability for them. S. 1398. P/S November 15, 1973. (VV)

Treaties

Agreement With Canada for the Promotion of Safety on the Great Lakes

Terminates and replaces a similar agreement between the United States and Canada providing for safety on the Great Lakes; requires that, effective January 1, 1975, all vessels covered by the agreement must have very high frequency radiotelephonic equipment operating in a certain band; designates a uniform distress, safety and calling frequency; and updates the technical regulations to conform with modern radio practices and capabilities. Ex. U, 93d–1st. Resolution of ratification agreed to October 1, 1973. (422)

Amendment to Article 61 of the Charter of the United Nations

Amends article 61 of the United Nations Charter relating to the composition of the Economic and Social Council (ECOSOC) and the election to membership thereon by the General Assembly which would increase the size of the council from 27 to 54 members and provide for an interim procedure to achieve this new size. The primary function of ECOSOC, whose powers are recommendatory and advisory, is to promote economic and social progress, cultural cooperation and universal respect for human rights, and to coordinate the activities of the various U.N. specialized agencies and the International Atomic Energy Agency. Ex. L, 93d–1st. Resolution of Ratification agreed to September 5, 1973. (366)

Consular Convention With Hungary

Establishes consular relations between the United States and the People's Republic of Hungary which will afford American citizens in Hungary a greater degree of consular protection and guarantee quick and unhindered communication between a citizen and his consul and prompt notification to the consul of any detention or other limitation, and provides for the establishment of consulates and the exchange of consular appointments according each country the facilities, privileges, and immunities afforded under similar bilateral consular conventions in force with a number of other countries. Ex. W, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (58)

Consular Convention With Poland

Establishes consular relations between the United States and the Polish People's Republic; guarantees early notification of detention of a country's nationals and access thereto; describes consular functions and responsibilities in such fields as the issuance of visas and passports and the performance of notorial services; provides for the inviolability of consular personnel with regard to legal proceedings in the host country; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. U, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (56)

Consular Convention With Romania

Replaces the convention currently in existence between the United States and the Socialist Republic of Romania; improves consular services in both countries to include the issuance of passports and visas, performance of notorial services, and representation of the interests of nationals in estate matters; assures that consuls whose nationals are detained or whose personal freedom is limited will be notified promptly and will have the right to visit and communicate with such nationals; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. V, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (57)

Convention Concerning the Protection of the World Cultural and Natural Heritage

Provides a means for the identification and protection of natural and cultural areas of outstanding universal value considered as the common heritage of mankind through the establishment of a World Heritage Committee to develop and maintain lists of areas of outstanding importance and a World Heritage Fund to provide international assistance for the protection and conservation of these areas. Ex. F, 93d–1st. Resolution of ratification agreed to October 30, 1973. (458)

Convention for the Protection of Producers of Phonograms

Provides that contracting states, under their respective domestic laws, will protect the nationals of other contracting states against the making or importation of duplicate phonograms (records and tapes) without the consent of the producer if the intent is to distribute them to the public. Ex. G, 93d–1st. Resolution of ratification agreed to October 1, 1973. (429)

Convention for the Safety of Life at Sea Amendments

Provides for improved radio-telephonic watch procedures, more modern radiotelephonic devices, more detailed procedures for the operation of radiotelephonic equipment, and new regulations concerning traffic separation schemes. Ex. I, 93d-1st. Resolution of Ratification agreed to August 3, 1973.

Convention on Endangered Species

Establishes a system by which governments may strictly control the international trade in specimens of species which are, or may be, in danger of becoming extinct as a result of that trade. Ex. H, 93d-1st. Resolution of Ratification agreed to August 3, 1973. (360)

Convention on the Prevention of Marine Pollution

Establishes in each country party to the Convention a national system for regulating the ocean disposal of wastes comparable to the system provided for the United Saes by Title I of Public Law 92–532, the Marine Protection, Research and Sanctuaries Act of 1972. Ex. C, 93d-1st. Resolution of Ratification agreed to August 3, 1973. (359)

Convention With Japan for the Protection of Birds and Their Environment

Provides for the protection of species of birds which are common to the United States and Japan or which migrate between them, and provides that each country will develop programs to preserve and enhance the environment of the birds protected by this agreement. Ex. R, 92d-2d. Resolution of Ratification agreed to March 27, 1973. (60)

Exchange of Notes With Ethiopia Concerning the Administration of Justice

Terminates the notes exchanged on September 7, 1951, concerning the administration of justice and constituting an integral part of the Treaty of Amity and Economic Relations Between the United States and Ethiopia. Termination of the notes, which set forh special commitments on the part of the Ethiopian Government regarding the trial of cases involving American citizens, would be in conformity with the U.S. policy of basing international agreements, in general, on the principles of equality and reciprocity. Ex. B, 93d-1st. Resolution of Ratification agreed to March 27, 1973. (59)

Extradition Treaty With Italy

Terminates and replaces the extradition treaty between the United States and Italy signed at Washington on March 23, 1968, as later amended and supplemented; provides for the extradition of persons charged with any of 30 specified offenses including offenses relating to narcotic drugs and aircraft hijacking or in the case of conspiracy to commit any of the specified offenses; defines territorial application to include all territory under the jurisdiction of either party including territorial waters and airspace as well as registered aircraft in flight; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. M, 93d-1st. Resolution of ratification agreed to October 1, 1973. (430)

Extradition Treaty With Paraguay

Terminates and supersedes the Extradition Treaty between the United States and the Republic of Paraguay done at Asuncion on March 26, 1913; provides for the extradition of persons charged with any of 30 specified offenses including offenses relating to narcotic drugs and aircraft hijacking or in the case of conspiracy to commit any of the specified offenses; defines territorial application to include all territory under the jurisdiction of either party including territorial waters and airspace as well as registered aircraft in flight; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. S, 93d–1st. Resolution of ratification agreed to October 1, 1973. (431)

Extradition Treaty With Uruguay

Terminates a 1905 treaty between the United States and Uruguay except that crimes listed in that treaty and committed prior to the entry into force of the present treaty shall be subject to the provisions of the 1905 treaty; provides for the extradition of persons charged with any of 30 specified offenses including offenses relating to narcotic drugs and aircraft hijacking or in the case of conspiracy to commit any of the specified offenses; defines territorial application to include all territory under the jurisdiction of either party including territorial waters and airspace as well as registered aircraft in flight; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. K, 93d–1st. Resolution of ratification agreed to October 1, 1973. (432)

International Coffee Agreement of 1968, as Extended

Extends the International Coffee Agreement of 1968 for 2 years, to September 30, 1975, deleting all operative provisions but preserving the structure of the International Coffee Organization. Ex. O. 93d-1st. Resolution of ratification agreed to October 1, 1973. (427)

International Convention on Load Lines Amendments

Amends the 1966 Load Lines Convention (which established uniform rules concerning the limits to which ships on international voyages may be loaded and brought international load line regulations into accord with modern developments and techniques in ship construction) by correcting a number of errors and ambiguities which have become apparent in such matters as technical terminology, geographic reference points, and cross references. Ex. D. 93d-1st. Resolution of Ratification agreed to August 3, 1973. (361)

Patent Cooperation Treaty and Annexed Regulations

Simplifies the procedure for applying for patents on the same invention in a number of countries by providing, among other things, a centralized filing procedure and a standardized application format. Ex. S. 92d-2d. Resolution of ratification agreed to October 30, 1973. (455)

Protocol Amending the 1928 Convention on International Expositions

Amends the 1928 Convention on International Expositions placing the rules and procedures governing international expositions in line with current techniques, including a reduction in the frequency of international expositions and a simplification of categories, and modernizes the provisions concerning the activities of the Bureau of International Expositions. Ex. N, 93d-1st. Resolution of ratification agreed to November 26, 1973. (495)

Protocol to the International Civil Aviation Convention

Increases the size of the Air Navigation Commission of the International Civil Aviation Organization (ICAO) from 12 to 15 members. Ex. Q, 93d-1st. Resolution of ratification agreed to November 26, 1973. (496)

Statutes of the World Tourism Organization

Transfers the International Union of Official Travel Organizations (IUOTO), a nongovernmental organization, into the World Tourism Organization (WTO), an inter-governmental tourist organization, for the purpose of promoting and developing international tourism to further the economic, social, and cultural progress of all nations. Ex. R, 93d-1st. Resolution of ratification agreed to October 30, 1973. (457)

Strasbourg Patent Classification Agreement

Adopts a common world-wide system of international classification for patents for inventions, inventors' certificates, utility models and utility certificates providing that each contracting party shall have the right to use the classification as a principal or as a subsidiary system and that the classification shall be solely of an administrative character. The agreement is similar in purpose to the Nice Agreement Concerning International Classification of Goods and Services to Which Trademarks are Applied (Ex. M, 91st-2d), and the Locarno Agreement Establishing an International Classification for Industrial Designs (Ex. I, 92d-2d), which were approved by the Senate on December 11, 1971. Ex. E, 93d-1st. Resolution of ratification agreed to October 30, 1973. (456)

United Nations Environment Program Participation Act

Authorizes an appropriation of $40 million for the total U.S. contribution to the United Nations Environment Fund and limits the fiscal year 1974 contribution to $10 million. H.R. 6768. Public Law 93-188, approved December 15, 1973. (VV)

U.S. Information Agency authorization

Authorizes $216,775,00 for fiscal year 1974 for the United States Information Agency to carry out international informational activities under the authority of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Number 8 of 1953, including $56,063,000 for Voice of America operations; prohibits the obligation of funds if the USIA does not make information requested by the Senate Committees on Commerce or Foreign Relations and the House Committee on Foreign Affairs available within 35 days; and contains other provisions. S. 1317. Vetoed October 23, 1973. Senate sustained veto October 30, 1973. (151,452,459)

Replaces the vetoed bill, S. 1317, without access to information provisions; authorizes $215,614,000 for fiscal year 1974 for the United States Information Agency to carry out international informational activities under the authority of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Number 8 of 1953; prohibits the use of any appropriation for which there is not an authorization or the use of any appropriation above the amount authorized; and contains other provisions. S. 2681. Public Law 93-168, approved November 29, 1973 (VV)

United States oceans policy

Endorses the ocean policy objectives which were envisioned in the President's Ocean Policy Statement of May 23, 1970, and which are now being pursued by the United States delegation to the United Nations Seabed Committee preparing for the Law of the Sea Conference with regard to: (1) Protecting the freedoms of the high seas, beyond a twelve mile territorial sea, for navigation, communication, and scientific research, and free transit through and over international straits; (2) recognizing certain international community rights; (3) providing for the orderly and just development of mineral resources of the deep seabed as the common heritage of mankind; and (4) for the conservation and protection of living resources with regulation of fisheries, coastal State management of coastal species, and international management of such migratory species as tuna; and commends the United States delegation for its excellent work and encourages its efforts for an early agreement on an ocean treaty embodying these goals. S. Res. 52. Senate adopted July 9, 1973. (VV)

LABOR

Emergency Employment Act amendments

Extends for 2 years, through fiscal year 1975, the Emergency Employment Act of 1971 (public employment program) and authorizes $1.25 billion for fiscal year 1974 and such sums as may be necessary for fiscal year 1975; focuses the legislation to those in greatest need and for whom the government has the clearest responsibility: the disabled and Vietnam-era veterans, the economically disadvantaged, those unemployed for 15 weeks or more, and persons unemployed as a result of the closing of or a reduction in activities at a Defense Department facility; seeks assurance that sponsors will fill at least half of the public service jobs with disabled or Vietnam-era veterans; and contains other provisions. S. 1560. P/S July 31, 1973. (346) (Comparable provisions are contained in S. 1559, Job Training Employment Opportunities (Manpower Revenue Sharing).)

Fair labor standards amendments (minimum wage)

Extends coverage to include under the definitions of employer and employee: the United States and any State or political subdivision of a State or political subdivision of a State or intergovernmental agency, with the exemption of elected officials, their personal staff, appointees on the policy making level, or immediate advisors in State and local governments; includes within coverage, employees whose vocation is domestic service;

Establishes, for employees in activities covered by the Act prior to the 1966 amendments, an hourly minimum of $2.00 during the period ending June 30, 1974, and $2.20 thereafter; establishes, for employees in agriculture, an hourly minimum of $1.60 during the period ending June 30, 1974, $1.80 during the year beginning July 1, 1974, $2.00 an hour the year beginning July 1, 1975, and $2.20 an hour after June 30, 1976; establishes, for employees newly covered by the 1966 amendments and by the 1973 amendments, an hourly minimum of $1.80 during the period ending June 30, 1974, $2.00 during the year beginning July 1, 1974, and $2.20 thereafter;

Provides for presently covered employees in Puerto Rico and the Virgin Islands effective on the effective date of the legislation: (A) increases of 12 cents an hour if their wage order rates are less than $1.40 an hour; and (B) an increase of 15 cents an hour if their wage order rates are $1.40 an hour or higher; provides that newly covered employees (including commonwealth and municipal employees) are to have their wage rates set by special industry committees, and that this wage rate may not be less than 60 percent of the otherwise applicable or $1.00 an hour, whichever is greater; and that all employees (other than commonwealth and municipal employees) will receive, beginning one year after the effective date of this legislation, yearly increases of (A) 12 cents an hour per year if their wage order rates are less than $1.40, and (B) increases of 15 cents an hour per year if their wage order rates are $1.40 an hour or higher; provides that the following employees in Puerto Rico and the Virgin Islands are to have their rates set as if they were employed in the U.S. mainland: hotel, motel, restaurant and food services employees and U.S. employees and employees of the government of the Virgin Islands; And contains other provisions. H.R. 7935. Vetoed September 6, 1973. House sustained veto September 19, 1973 (229,355).

Job training—Employment opportunities

Provides job training and employment opportunities for economically disadvantaged, unemployed, and underemployed persons; authorizes the Secretary of Labor to provide financial assistance under the terms of existing law repealed by this act until July 1, 1974, and makes special provisions for the continuation of the summer youth job program for the summer of 1974; establishes a program to provide comprehensive manpower services throughout the Nation to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency by establishing a flexible and decentralized system of Federal, State and local programs; make special provisions regarding prime sponsors and special manpower target groups; contains provisions relating to manpower programs for Indians and for migrant and seasonal farmworkers; establishes within the Department of Labor a "Job Corps" to assist low-income disadvantaged young persons in becoming more employable and productive citizens; establishes a National Commission for Manpower Policy to cooridnate manpower programs; and contains other provisions. S. 1559. Public Law 93-203, approved December 28, 1973. (314, 346)

Labor-Management Relations Act amendments

Amends section 302(c) of the Labor-Management Relations Act of 1947 to add legal service programs for employees, their families, and dependents for counsel or plan of their choice to the specified employer financed fringe benefits which may be established through joint labor-management administration, with the provision that legal services funds may not be used in suits against contributing employers except in workmen's compensation cases, suits against participating labor organizations, or suits against any employer or labor organization where the matter arises under the National Labor-Relations Act or this act or where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1957. S. 1423. Public Law 93-95, approved August 15, 1973. (136)

Penn Central Rail dispute

Provides for Federal intervention to bring about a temporary halt in the strike of certain employees of the United Transportation Union against the Penn Central Transportation Company arising out of the Penn Cen-

tral's plan to eliminate approximately 5,700 train crew positions by applying the final paragraph of section 10 of the Railway Labor Act (45 USC 160) and extends the 30-day period provided for in section 10, to 12:01 A.M., May 9, 1973, in order to secure additional time for an agreement to be reached; requires the Secretary of Transportation, not later than 45 days following enactment, to file a report to the Congress providing a full and comprehensive plan for the preservation of essential rail transportation services in the northeast section of the Nation; requires the Secretary of Labor, not later than 30 days following enactment, to submit to Congress a report detailing the progress, if any, of all negotiations, and any recommendations for a proposed solution; and contains other provisions. S.J. Res. 59. Public Law 93–5, approved February 9, 1973. (VV)

**Rehabilitation Act of 1972*

Amends the Vocational Rehabilitation Act to provide for more services to handicapped individuals; places greater emphasis on research and training of rehabilitation personnel and the development of innovative rehabilitation techniques, equipment, and devices which would make employment more feasible for a handicapped individual; establishes an Office for the Handicapped within the Department of Health, Education, and Welfare; creates a Federal Interagency Committee on Employment of the Handicapped, a National Commission on Transportation and Housing, and an Architectural and Transportation Barriers Compliance Board to continue and expand services to the handicapped and provides for an order of priority to serve those individuals with the most severe handicaps; and contains other provisions. *NOTE:* (A similar measure, H.R. 8395 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 7. Vetoed March 27, 1973. Senate sustained veto April 3, 1973. Senate sustained veto April 3, 1973. (24, 74)

Rehabilitation Act of 1973

Repeals the existing Vocational Rehabilitation Act (29 U.S.C. 31–42) ninety days after the date of enactment of this act; provides, in title I, the administrative provisions for vocational rehabilitation services and includes State plan provisions; includes in the State plan requirements provisions to insure that special emphasis is given to serving those individuals with the most severe handicaps; requires that an individualized written rehabilitation program be drawn up for every handicapped individual served in consultation with that individual; directs the Secretary of Health, Education, and Welfare to undertake a comprehensive study of the feasibility of the methods designed to prepare individuals with the most severe handicaps for entry into vocational rehabilitation programs and report his findings and any recommendations to the Congress by February 1, 1975; consolidates, in title II, Research and Training, all research and training authority in existing law, to be administered by the Secretary through the Commissioner of the Rehabilitation Services Administration (RSA), providing a statutory basis for the RSA and the appointment of the Commissioner by the President; emphasizes applied research and the development of technology and devices to aid in solving rehabilitation problems of handicapped individuals and directs the establishment of Rehabilitation Engineering and Research Centers in order to aid in such development; includes a program of international research and exchange of personnel and technical assistance; contains, in title III, all special programs, grants, and related service activities which are not carried out by the State rehabilitation agency; includes a consolidated special project authority, with special emphasis on projects for spinal cord injured, severely handicapped deaf and older blind individuals, and an earmarking of money under special projects for migratory agricultural workers; combines, in title IV, provisions of existing law, with changes and additions, relating to Secretarial responsibilities for administration and evaluation; directs the Secretary to ensure that maximum coordination and consultation takes place with the Veterans' Administration at the national and local levels with respect to rehabilitation services and related programs for disabled veterans; directs the Secretary to prepare, in consultation with other agencies, handicapped individuals and public and private organizations, a long-range projection for the provision of comprehensive services to handicapped individuals; includes, in title V, Miscellaneous Provisions, the creation of a Federal Interagency Committee on Handicapped Employees and an Architectural and Transportation Barriers Compliance Board; and contains other provisions. H.R. 8070. Public Law 93–112, approved September 26, 1973. (384)

MEMORIALS, TRIBUTES, AND MEDALS

B. Everett Jordan Dam and Lake

Changes the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake. S. 2282. Public Law 93–141, approved October 26, 1973. (VV)

Boston National Historical Park, Mass.

Authorizes the Secretary of the Interior to acquire by purchase or donation the following areas of historical importance located in Boston, Massachusetts: Fanueil Hall; the Paul Revere House; the Old State House; Bunker Hill; and the Old South Meeting House. S. 210. P/S December 7, 1973. (VV)

Cable Car Medals

Authorizes the Secretary of the Treasury to strike and furnish to the San Francisco Cable Car Centennial Committee not more than 150,000 medals commemorating the 100th anniversary of the invention of the cable car, and contains other provisions. S. 776. Public Law 93–114, approved October 1, 1973. (VV)

"Carl Vinson" aircraft carrier

Names the nuclear-powered aircraft carrier CVN–70 the U.S.S. Carl Vinson after the former member of the House of Representatives. H. Con. Res. 386. House adopted December 17, 1973; Senate adopted December 18, 1973. (VV)

Cecil M. Harden Lake

Designates the Mansfield Lake in Indiana as the Cecil M. Harden Lake. S. 1561. P/S December 14, 1973. (VV)

Colorado statehood

Directs the Secretary of the Treasury to strike and furnish to the Colorado Centennial-Bicentennial Commission national medals commemorating the 100th anniversary of Colorado Statehood on August 1, 1976. H.R. 4738. Public Law 93–227, approved December 29, 1973. (VV)

Commemoration of members of the armed services who served in the Vietnam war

States as a sense of the Senate that on Memorial Day, May 28, 1973, special commemoration be accorded the 359,879 dead and wounded members of the Armed Forces whose loss and suffering were occasioned by the war in Vietnam. S. Res. 117. Senate adopted May 21, 1973. (VV)

Earle Cabell Federal Building

Names the Federal Office Building and United States Courthouse in Dallas, Texas as the "Earle Cabell Federal Building." S. 2503. Public Law 93–187, approved December 15, 1973. (VV)

Eisenhower Memorial

Authorizes the use, for grants to Eisenhower College, Seneca Falls, New York, of $1 of the proceeds of the sale of each of the silver dollar proof coins being offered to the public at $10 each which bear the likeness of the late President of the United States, Dwight David Eisenhower. S. 1264. P/S May 2, 1973. (VV)

Fort Scott, Kans.

Amends the act of August 31, 1965, commemorating certain historical events in the State of Kansas to authorize additional Federal participation in the historic restoration, preservation, and commemoration of Fort Scott, Kansas. H.R. 7976. Public Law 93–128, approved October 18, 1973. (VV)

H. V. Eastman Lake

Designates Buchanan Dam in California as the H. V. Eastman Lake. H.R. 655. Public Law 93–217, approved December 28, 1973. (VV)

Hale Boggs Federal Building

Names the new Federal Building and United States Courthouse under construction in New Orleans, Louisiana as the "Hale Boggs Federal Building", and contains other provisions. S. 2173. Public Law 93–215, approved December 28, 1973. (VV)

Herbert Hoover Memorial Educational Building

Provides $5 million in matching grants to the Hoover Institution of War, Revolution, and Peace for constructing and equipping a new educational building to be located at Stanford University, such funds to be available without fiscal year limitation for a period of 5 years beginning on the date of enactment. S. 1418. P/S November 15, 1973. (VV)

International Exposition on Environment

Authorizes the Secretary of the Treasury to strike and furnish to the Spokane World Exposition, Inc. not more than 750,000 medals commemorating the International Exposition on Environment to be held in Spokane, Washington in 1974. H.R. 5760. Public Law 93–221, approved December 29, 1973. (VV)

James G. Fulton Flood Protection Project

Designates the Chartiers Creek flood protection in Allegheny County, Pennsylvania, as the James G. Fulton flood protection project. S. 2535. P/S December 14, 1973. (VV)

James W. Trimble Dam

Renames the Beaver Dam on the White River in northwest Arkansas the James W. Trimble Dam. S. 2463. P/S October 10, 1973. (VV)

Jim Thorpe Medals

Authorizes the Secretary of the Treasury to strike and furnish to the Jim Thorpe Memorial-Oklahoma Athletic Hall of Fame Commission up to 100,000 national medals commemorating the outstanding achievements of Jim Thorpe. H.R. 4507. Public Law 93–132, approved October 19, 1973. (VV)

John Wesley Powell Federal Building

Names the headquarters building in the Department of the Interior's Geological Survey National Center now under construction in Reston, Virginia, as the "John Wesley Powell Federal Building." S. 1618. Public Law 93–183, approved December 15, 1973. (VV)

Law Day

Pays tribute to the law enforcement officers of the United States on Law Day, May 1, 1973. S.J. Res. 11. P/S March 15, 1973. (VV)

Lincoln National Memorial

Authorizes the Secretary of the Interior to have the names of Alaska and Hawaii inscribed on the walls of the Lincoln Memorial in a manner and style consistent with the other forty-eight states. S. 903. S/S December 4, 1973. (VV)

Lyndon B. Johnson

Expresses the profound sorrow and deep regret of the Senate on the announcement of the death of Lyndon B. Johnson, a former President of the United States and a former Representative and Senator from the State of Texas, and designates the Presiding Officer

of the Senate to appoint a committee to consist of all the members of the Senate to attend the funeral of the former President. S. Res. 24. Senate adopted January 23, 1973. H. Res. 152. House adopted January 23, 1973. (VV)

Expresses the sense of the Congress that in recognition of the long and distinguished service rendered to the nation and to the world of Lyndon B. Johnson, 36th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973. H. Con. Res. 90. House adopted January 23, 1973. Senate adopted January 23, 1973. (VV)

Provides for payment out of the contingent fund of the Senate of all necessary expenses incurred as a result of S. Res. 24, which provides for members of the Senate to attend the funeral of Lyndon B. Johnson. S. Res. 34. Senate adopted January 24, 1973. (VV)

Lyndon B. Johnson Memorial Grove

Lyndon B. Johnson Memorial Grove on the Potomac in Washington. S.J. Res. 178. P/S December 20, 1973. (VV)

Lyndon B. Johnson Space Center

Designates the manned spacecraft center in Houston, Texas, as the "Lyndon B. Johnson Space Center" in honor of the late President. S.J. Res. 37. Public Law 93–8, approved February 17, 1973. (VV)

Members of the Armed Forces missing in action in Indochina

Pays special tribute to the members of the Armed Forces who are missing in action in Indochina on Memorial Day, May 28, 1973, and contains other provisions. S. Res. 115. Senate adopted May 15, 1973. (VV)

Monument to 1st Infantry Division

Authorizes the erection, in the District of Columbia, of a monument to the dead of the First Infantry Division, United States Forces in Vietnam. S.J. Res. 66. P/S February 19, 1973. (VV)

Richard B. Russell Dam and Lake

Renames the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, the Richard B. Russell Dam and Lake. S. 2496. Public Law 93–139, approved October 26, 1973. (VV)

Roberto Walker Clemente Medals

Authorizes the Secretary of the Treasury to strike and furnish to the Chamber of Commerce of Greater Pittsburgh, Pittsburgh, Pa., one gold medal and not more than 200,000 duplicate medals to commemorate the outmanitarian contributions of Roberta Walker Clemente, and contains other provisions. H.R. 3841. Public Law 93–33, approved May 14, 1973. (VV)

Senator Stennis' birthday

Extends congratulations to Senator John C. Stennis on his birthday. S. Res. 156. Senate adopted August 3, 1973. (VV)

Skylab III astronauts

Commends the astronauts of the Skylab III and their support teams on the ground for successfully completing man's longest stay in space. S. Res. 175. Senate adopted September 26, 1973. (VV)

Springfield Armory

Provides for the preservation and management of the Springfield Armory, located in Massachusetts, as a national historic site. S. 979. P/S December 4, 1973. (VV)

Tuskegee Institute National Historical Park

Authorizes the Secretary of the Interior to acquire lands by donation, purchase, or exchange to establish the Tuskegee Institute National Historic Site, a memorial to Booker T. Washington and George Washington Carver, consisting of lands and buildings on or adjacent to the Tuskegee Institute campus in Tuskegee, Alabama. S. 262. P/S December 7, 1973. (VV)

Veterans Day

Expresses gratitude and pay respects to the Vietnam veterans on Veteran's Day 1973 for their part in attaining peace in Vietnam and making is possible to observe Veteran's Day 1973 in peace. S. Con. Res. 51. Senate adopted October 11, 1973; House adopted October 16, 1973. (VV)

Vietnam MIA's

Urges the President to continue to use every diplomatic avenue, including North Vietnam's allies and the United Nations to assist in obtaining the necessary cooperation and information concerning those missing in action through the Vietnam conflict, and pays special tribute to these men during this Christmas season. S. Res. 217. Senate adopted December 19, 1973. (VV)

Vietnam War Memorial

Provides for the erection in the District of Columbia for a memorial in honor of those who served in the Armed Forces of the United States in the Vietnam war; and contains other provisions. S.J. Res. 45. P/S April 12, 1973. (VV)

W. Turner Wallis Pumping Station

Designates structure S–5A of the Central and Southern Florida Flood Control District, located in Palm Beach County, Florida, as the W. Turner Wallis Pumping Station. S. 2509. P/S December 14, 1973. (VV)

Wright Patman Dam and Lake

Designates the Texarkana Dam and Reservoir on the Sulphur River in Texas as the "Wright Patman Dam and Lake". H.R. 974. Public Law 93–186, approved December 15, 1973. (VV)

American Falls Dam replacement

Authorizes the Secretary of the Interior to enter into appropriate agreements to permit the water-users to arrange for the financing and construction of a replacement for the existing American Falls Dam, Upper Snake River project, Idaho, which has become unsafe as a result of deteriorating concrete, which would be acquired by the Secretary and operated as a feature of the existing Minidoka Reclamation project. S. 1529. Public Law 92–206, approved December 28, 1973. (VV)

Arkansas River Basin Compact

Grants the consent of the United States to an interstate compact between Arkansas and Oklahoma, signed on behalf of the two States on March 16, 1970, to provide for the equitable apportionment of the waters of the Arkansas River and tributaries between the two States and encourages each State to maintain active programs of anti-pollution controls to further reduce water pollution in the Arkansas River Basin. S. 11. Public Law 93–152, approved November 13, 1973. (VV)

Grand Canyon National Park, Ariz.

Provides greater protection to the Grand Canyon of Arizona by creating an enlarged Grand Canyon National Park consisting of 272.5 miles of the Grand Canyon which will be managed as a single, natural area by the National Park Service. S. 1296. P/S September 24, 1973. (VV)

Indiana Dunes

Increases the authorization for the acquisition of land for the Indiana Dunes National Lakeshore from $27,900,000 to $35,526,000. S. 584. P/S December 4, 1973. (VV)

National park system authorization

Authorizes funds for the acquisition of lands for areas of the national park system enacted prior to January 9, 1971, and those areas covered by omnibus parks legislation passed in April of 1972 (Public Law 92–272; 86 Stat. 120) to provide for moving costs, relocation benefits and other expenses incurred pursuant to the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and contains other provisions. S. 1039. P/S December 4, 1973. (VV)

National Sea Grant College and Program Act of 1966 amendments

Provides an authorization of $30 million, $40 million, and $50 million for fiscal years 1974, 1975, and 1976 respectively for the National Sea Grant College marine research development programs within the Department of Commerce; authorizes $200,000 for a study of means of sharing, through cooperative programs with other nations, the results of marine research; and authorizes the Secretary to make contracts with and grants to participants for this purpose without matching share requirements; and contains other provisions. H.R. 5452. Public Law 93–73, approved July, 1973. (VV)

Saline water program authorization, 1974

Authorizes appropriations at an increased level of $9,127,000 for fiscal year 1974 for the Federal Saline Water Conversion programs conducted by the Secretary of the Interior to support a continuing research program into attractive new desalting technologies and to retain a technical capability in the Federal government to support planning and development which involves desalination, and contains other provisions. S. 1386. Public Law 93–51, approved July 1, 1973. (VV)

U.S. fishing industry

Sets forth Congressional resolve to provide all necessary support to strengthen the United States fishing industry and to protect our coastal fisheries against excessive foreign fishing, and to provide interim measures to conserve overfished stocks and to protect our national fishing industry; recognizes, encourages, and supports the key responsibilities of the several states for conservation and scientific management of fisheries resources within the United States territorial waters; and commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal-aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs. S. Con. Res. 11. Senate adopted June 1, 1973; House adopted amended December 4, 1973. Senate adopted as amended December 21, 1973. (VV)

Wild and Scenic Rivers Act amendments

Extends to October 2, 1978, the protection period from water resource projects for the 27 rivers now under study for possible inclusion in the national wild and scenic rivers system; increases the funding authorization from $17 million to $37.6 million to permit completion of acquisitions for seven of the eight rivers designated as the first components of the system; authorizes the Secretaries of the Interior and Agriculture to acquire State land within the river corridors of components of the system not only by donation but also by exchange of Federal land in other areas; puts a definite three fiscal year time limit on the studies for all rivers designated by Congress; removes the authority of either Secretary, without ever reporting to Congress, to terminate a study of, and remove protection for, any river which Congress has designated for study; and provides that the President must report to Congress on each river study. S. 921. P/S September 24, 1973; P/H amended December 3, 1973. P/S amended with energy emergency amendment December 21, 1973. (VV; 594)

Wilderness areas

Eagles Nest Wilderness

Designates as wilderness approximately 128,384 acres in the Arapahoe and White River National Forests in Colorado to be known as the Eagles Nest Wilderness. S. 1864. P/S October 11, 1973. (VV)

Flat Tops Wilderness

Designates as wilderness approximately 237,500 acres in the White River and Routt National Forests in Colorado to be known as the Flat Tops Wilderness. S. 702. P/S October 30, 1973. (VV)

Shenandoah National Park

Designates as wilderness approximately 80,000 acres in the Shenandoah National Park, Virginia, under the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890). S. 988. P/S September 20, 1973. (VV)

NOMINATIONS—ACTION BY ROLLCALL VOTE

Alvin J. Arnett, of Maryland, to be Director of the Office of Economic Opportunity: Nomination confirmed September 12, 1973. (383)

Vincent R. Barbara, of California, to be Director of the Census: Nomination confirmed July 24, 1973. (315)

Peter J. Brennan, of New York, to be Secretary of Labor: Nomination confirmed January 31, 1973. (4)

William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense: Nomination confirmed January 23, 1973. (1)

William Egan Colby, of Maryland, to be Director of Central Intelligence: Nomination confirmed August 1, 1973. (352)

Gerald R. Ford, of Michigan, to be Vice President of the United States: Senate confirmed November 27, 1973; House confirmed December 6, 1973. (499)

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation: Nomination confirmed June 27, 1973. (228)

Dr. Henry A. Kissinger, of the District of Columbia, to be Secretary of State: Nomination confirmed September 21, 1973. (394)

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense: Nomination confirmed January 29, 1973. (3)

Elliot L. Richardson, of Massachusetts, to be Attorney General: Nomination confirmed May 23, 1973. (145)

William B. Saxbe, of Ohio, to be Attorney General: Nomination confirmed December 17, 1973. (568)

James R. Schlesinger, of Virginia, to be Director of Central Intelligence: Nomination confirmed January 23, 1973. (2)

James R. Schlesinger, of Virginia, to be Secretary of Defense: Nomination confirmed June 28, 1973. (243)

William L. Springer, of Illinois, to be a member of the Federal Power Commission: Nomination confirmed May 21, 1973. (141)

Russell E. Train, of the District of Columbia, to be Administrator of the Environmental Protection Agency: Nomination confirmed September 10, 1973. (375)

Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare: Nomination confirmed February 8, 1973. (14)

PROCLAMATIONS

Digestive Disease Week

Designates the week of May 20–26, 1973, as "Digestive Disease Week." S.J. Res. 114. P/S May 17, 1973. (VV)

Grandparents Day

Designates the fourth Sunday in May of each year as "Grandparents Day." S.J. Res. 126. P/S November 15, 1973. (VV)

Honor America Day

Declares the twenty-one days from Flag Day, June 14, 1973, to Independence Day, July 4, 1973, as a period to honor America. S. Con. Res. 27. Senate adopted May 31, 1973; House adopted June 13, 1973. (VV)

International Clergy Week in the United States

Designates the week of January 28, 1973, as "International Clergy Week in the United States". H.J. Res. 162. Public Law 93–2, approved January 26, 1973. (VV)

Jim Thorpe Day

Designates April 16, 1973, as "Jim Thorpe Day". S.J. Res. 73. Public Law 93–19, approved April 16, 1973. (VV)

John C. Stennis Day

Designates Monday, October 15, 1973, as "John C. Stennis Day". S. Res. 180. Senate adopted October 9, 1973. (VV)

Johnny Horizon '76 Clean Up America Month

Designates the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month". H.J. Res. 695. Public Law 93–108, approved September 19, 1973. (VV)

Mississippi River

Designates June 17, 1973, as a day of commemoration marking the 300th anniversary of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet. S.J. Res. 102. Public Law 93–41, approved June 14, 1973. (VV)

National Arthritis Month

Designates the month of May 1973 as "National Arthritis Month". H.J. Res. 725. Public Law 93–21, approved April 20, 1973. (VV)

National Autistic Children's Week

Designates the week which begins on June 24, 1973, as "National Autistic Children's Week". H.J. Res. 296. Public Law 93–42, approved June 15, 1973. (VV)

National Clean Water Week

Designates the period beginning April 15, 1973, as "National Clean Water Week". H.J. Res. 437. Public Law 93–18, approved April 14, 1973. (VV)

National Consumer Effort to Save Gas and Arrive Alive

Calls for all motor vehicle operators traveling on high-speed roads on week-ends and holidays, between the date of passage of this resolution and Labor Day, September 3, 1973, to: (1) travel at speed no greater than 10 miles per hour less than the posted speed limit, and (2) turn on headlights to encourage fellow travelers to join in the nationwide campaign to slow down, save gas, save lives and save money. S. Res. 138. Senate adopted August 2, 1973. (VV)

National Employ the Older Worker Week

Designates the second full calendar week in March 1973 as "National Employ the Older Worker Week". H.J. Res. 334. Public Law 93–10, approved March 15, 1973. (VV)

National Historic Preservation Week

Designates the calendar week beginning May 6, 1973, as "National Historic Preservation Week". S.J. Res. 51. Public Law 93–30, approved May 5, 1973. (VV)

National Hunting and Fishing Day

Designates the fourth Saturday of September 1973 as "National Hunting and Fishing Day". H.J. Res. 210. Public Law 93–23, approved April 20, 1973. (VV)

National Legal Secretaries' Court Observance Week

Designates the second full week in October of each year as "National Legal Secretaries' Court Observance Week". H.J. Res. 466. Public Law 93–104, approved August 16, 1973. (VV)

National Moment and Day of Prayer and Thanksgiving

Designates the moment of 7:00 pm. E.S.T., January 27, 1973, a national moment of prayer and thanksgiving for the peaceful end to the Vietnam war and the 24 hours beginning at the same time as a national day of prayer and thanksgiving, and contains other provisions. H.J. Res. 246. Public Law 93–3, approved February 1, 1973. (VV)

National Next Door Neighbor Day

Designates the fourth Sunday in September 1978 as "National Next Door Neighbor Day". S.J. Res. 25. Public Law 93–103, approved August 6, 1973. (VV)

National Nurse Week

Designates the period from February 10 to February 16, 1974, as "National Nurse Week." S.J. Res. 168. P/S November 15, 1973. (VV)

National Nutrition Week

Designates the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week." S.J. Res. 99. Public Law 93– , approved 1973. (VV)

National Prayer Day

Designates April 30, 1974, as a National Day for Humiliation, Fasting, and Prayer. S.J. Res. 83. P/S December 20, 1973. (VV)

Nicolaus Copernicus Week

Designates the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth. H.J. Res. 5. Public Law 93–16, approved April 9, 1973. (VV)

Vietnam Veterans' Day

Designates March 29, 1974, as "Vietnam Veterans' Day." H.J. Res. 865. Public Law 93–232, approved 1973. (VV)

Walk a Mile for Your Health Day

Designates the last Sunday of May of each year as "Walk a Mile for Your Health Day". S.J. Res. 159. P/S December 14, 1973. (VV)

Warsaw Ghetto Uprising

Proclaims April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising. H.J. Res. 303. Public Law 93–20, approved April 20, 1973. (VV)

Women's Equality Day

Designates August 26 of each year as Women's Equality Day in commemoration of that day in 1920 on which the women of America were first guaranteed the right to vote. H.J. Res. 52. Public Law 93–105, approved August 16, 1973. (VV)

TRANSPORTATION—COMMUNICATIONS

Aircraft hijacking

Amends the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy on both the international and domestic levels; implements, in Title I, the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention—Ex. A [92d–1st] to which the United States is a party and which came into effect on October 4, 1971; provides the President authority to suspend air service between the United States and any foreign nation he determines is not acting consistently with the provisions of the Hague Convention, in effect imposing, unilaterally, a U.S. air transport boycott; permits the Secretary of Transportation, with the approval of the Secretary of State, to restrict, limit, or revoke the operating authority of any foreign air carrier failing to afford necessary security safeguards to the traveling public; provides, in Title II, for the screening of all passengers and carry on baggage by weapons detecting devices prior to their being boarded on the aircraft; establishes under the Administrator of the Federal Aviation Administration an Air Transportation Security Force to provide a Federal law enforcement presence at the nation's major airports; and contains other provisions. S. 39. P/S February 21, 1973. (21)

Airport Development Acceleration Act

Amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 to increase Federal financial assistance for airport development throughout the United States; increases the present minimum annual authorization for airport development grants to air carrier and reliever airports to $27 million, and to general aviation airports to $35 million, for each of fiscal years 1974 and 1975, and the five year limit

on obligational authority for the fiscal years 1971–1975 to $1.46 billion, funds which will come from the Airport and Airway Trust Fund; provides that the maximum 50 percent Federal share of project costs will be determined by the total number of passengers enplaned for all air carrier airports operated by the same sponsor and raises the maximum Federal share to 75 percent for general aviation or reliever airports; prohibits the levying by State and local governments of passenger "head" taxes or use taxes on the carriage of persons in air transportation; and contains other provisions. *NOTE*: (An earlier measure, S. 3755 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 38. Public Law 93–44, approved June 18, 1973. (9)

AMTRAK Improvement Act

Amends the Rail Passenger Act of 1970 to upgrade the quality of rail passenger service and put it on a par with quality rail passenger systems operating in other countries; increases the $22.7 million authorization in existing law to $334.3 million and increases the ceiling on federally guaranteed obligations of the National Railroad Passenger Corporation from $200 million to $500 million; restructures the Corporation's board of directors; authorizes the Corporation to make all reasonable efforts to insure that elderly and handicapped individuals are given equal opportunity to utilize intercity transportation on passenger trains operated by or on behalf of the Corporation; gives the Corporation the power of eminent domain in order to acquire from owners other than governments and railroads right-of-way land, or other property, and authorizes an Interstate Commerce Commission (ICC) proceeding through which the Corporation can acquire interest in property owned by a railroad; provides that quality of service must be considered by the ICC in fixing the compensation the Corporation must pay to railroads providing it with passenger service; requires the Corporation to initiate one new experimental route each year, and to operate it for a two year period and provides a means of discontinuing such service if it proves unsuccessful; vests jurisdiction over safety-related matters in the Department of Transportation and grants the ICC full and adequate power to assure that adequate service, equipment, tracks, and other facilities are provided for intercity rail passenger service; confirm's the Corporation's authority to institute auto-ferry service as part of the intercity rail passenger service authorized in existing law and limits the right of any person to compete with the Corporation on its basic rates in providing auto ferry service; prohibits any preclearance of budget requests, legislative recommendations, proposed testimony, or comments on legislation before submission to the Congress; and contains other provisions. S. 2016. Public Law 93–146, approved November 3, 1973. (VV)

Bicentennial Advanced Technology Transportation System Demonstration Act

Authorizes the Secretary of Transportation to make an investgation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability, of (1) a tracked aircushioned vehicle or other high-speed ground transportation system between Washington, D.C., and Annapolis, Maryland, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia for use as part of the Bicentennial celebration and authorizes therefor an appropriation of not to exceed $300,000; directs the Secretary to report the results of such investigation and study, together with his recommendations, to the President and the Congress, no later than 9 months after enactment of this act; and authorizes the Secretary to enter into such contracts and other arrangements as necessary for the construction and operation of such systems if such study demonstrates their feasibility; and contains other provisions. S. 797. P/S June 14, 1973. (VV)

Corporation for Public Broadcasting authorizations, 1973

Amends the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting to an increased level for fiscal years 1974 aind 1975 of 50 million and up to an additional $5 million in matching funds for gifts for fiscal year 1974 and $60 million and up to an additional $5 million in matching funds for gifts for fiscal year 1975; authorizes appropriations of $25 million for fiscal year 1974, and $30 million for fiscal year 1975 for construction of educational television and radio broadcasting facilities; requires radio and television stations receiving Federal assistance to make audio recordings of programs involving discussions of important public issues and make them available to the public at cost; and contains other provisions. *NOTE*: (H.R. 13918 [92d-2d], a similar bill, was vetoed by President Nixon on June 30, 1972.) S. 1090. Public Law 93–84, approved August 6, 1973. (113)

Delta Queen

Extends until November 1, 1978, the existing exemption of the steamboat "Delta Queen" from certain vessel laws relative to the construction standards of the Safety at-Sea act (Public Law 89–777). H.R. 5649. Public Law 93–106, approved August 16, 1973. (VV)

Emergency commuter relief

Authorizes not to exceed $800 million ($400 million for fiscal year 1974, and an aggregate of not to exceed $800 million for fiscal year 1975) for fiscal years 1974 and 1975 for the Secretary of Transportation, on such terms and conditions as he may prescribe, to make grants or loans to State or local public bodies in order to assist them in maintaining adequate transportation services in urban areas by providing financial assistance (requiring one-third local contribution) to pay operating expenses incurred as a result of providing such services; provides for the establishment of a reasonable fare structure for each area according to its particular local needs; authorizes an additional $20 million for each of fiscal years 1974 and 1975 for research and development, establishment, and operation of demonstration projects to determine the feasibility of farefree urban mass transportation systems; and contains other provisions. S. 386. P/S September 10, 1973; P/H amended October 3, 1973; in conference. (376)

Emergency Rail Services Act amendments

Assures the continuance of essential rail service in the Northeast and Midwest by authorizing the Secretary of Transportation to contract with the trustees of any railroad in reorganization under section 77 of the Bankruptcy Act for the continued provision of service in the case of actual or threatened cessation of such services; allows the Secretary to acquire by purchase, lease, or other transfer any equipment, facilities, or operating rights over the tracks of such a railroad; and contains other provisions. S. 2060. P/S July 27, 1973. (332)

Essential Rail Services Continuation Act

Assures the continuance of essential rail service in the Northeast and Midwest in the event that one or more of the seven railroads presently in reorganization under section 77 of the Bankruptcy Act ceases operations by authorizing the Interstate Commerce Commission to direct one carrier by railroad to operate over the lines of a nonoperating carrier; requires the Commission to issue just and reasonable directions to the operating carrier which cover the handling, routing, and movement of traffic of the nonoperating carrier; limits the duration of such directions to sixty days unless extended by the Commission for a period of not to exceed 180 days; authorizes funds to be appropriated in such amounts as may be necessary to reimburse a directed carrier for losses incurred because of operations it is directed to engage in by the Commission; and contains other provisions. S. 1925. P/S July 14, 1973. (VV)

Federal-Aid Highway Act

Authorizes, in title I, the Federal-Aid Highway Act of 1973, for the Interstate highway program $2.6 billion for fiscal year 1974, $3 billion each for fiscal years 1975 and 1976, and $3.25 billion each for fiscal years 1977, 1978, and 1979;

Eliminates the present signal authorization for the primary and secondary systems and their urban extensions and substitutes a separate authorization for the rural and urban portions of these systems as follows: primary system in rural areas, $680 million for fiscal year 1974 and $700 million for each fiscal year thereafter, secondary systems in rural areas funded at $390 million and $400 million per fiscal year thereafter; authorizes for the urban system, $780 million for fiscal year 1974 and $800 million per fiscal year thereafter, with extensions of the primary and secondary system in urban areas funded at $290 million for fiscal year 1974 and $300 million per fiscal year thereafter; for forest development trails, $140 million per fiscal year; for parkways, $60 million for fiscal year 1974 and $75 million thereafter; for Indian reservation roads and bridges, $75 million per fiscal year; for economic growth center development highways, $50 million for fiscal year 1974, $75 million for 1975, and $100 million for 1976;

Extends the time for completion of the Interstate system until June 30, 1979;

Expands the urban system as presently designated to encompass all urban areas and to include collector streets and access roads to airports and other transportation terminals, with the urban system to be established as the State highway department may designate, and with the routes to be selected by local officials with the concurrence of the State highway departments;

Permits the Secretary to approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters) and fringe and transportation corridor parking facilities; permits, beginning with funds authorized for fiscal year 1975, the Secretary to approve as a project on the urban system the purchase of buses, and beginning with funds atuhorized for fiscal year 1976 for the urban system, to approve projects for the construction, reconstruction, and improvement of fixed rail facilities including the purchase of rolling stock for fixed rail; provides that not more than $200 million of urban system funds for fiscal year 1975 shall be expended for the Federal share for the purchase of buses;

Increases the Federal share payable on account of any non-Interstate project from 50 to 70 percent with respect to all obligations incurred after June 30, 1973;

Provides that urban system funds apportioned to a State that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in the State in accordance with a formula developed by the State and approved by the Secretary, and in the event a formula has not been developed and approved for a State, to be allocated among such urbanized areas within the State in the ratio the population of such urbanized area bears to the population of all such urbanized areas or parts thereof within that State:

Authorizes the Secretary to promulgate noise level standards for the control of highway noise levels for Federal-aid projects approved prior to July 1, 1972; provides that

buses must meet Environmental Protection Agency standards under the Clean Air Act and the Noise Control Act of 1972, and, wherever practicable, the equipment must meet special criteria for low-emission products; requires that the planning and design of mass transportation facilities must be such as to meet special needs of the elderly and handicapped;

Authorizes under title II, entitled the Highway Safety Act of 1973, $100 million for fiscal year 1974, $125 million for 1975, and $150 million for 1976, from the Highway Trust Fund, for highway safety programs to be carried out by the National Highway Traffic Safety Administration, $42.5 million for fiscal year 1974, $55 million for 1975, and $65 million for 1976, for highway safety research and development to be carried out by the Administration, and $25 million for 1974, $30 million for 1975, and $35 million for 1976 for highway safety programs to be carried out by the Federal Highway Administration;

Authorizes programs for the elimination of hazards at rail highway crossings, the elimination or reduction of high hazard locations on highways and the elimination of roadside obstacles; provides for various studies concerned with safety; requires curb ramps for the handicapped for curbs constructed or replaced at all pedestrian crosswalks after July 1, 1976;

Increases, in title III, the Federal share of capital grants under the Urban Mass Transportation Act of 1964, as amended, to 80 percent, and increases from $3.1 billion to $6.1 billion contract authority under the Act;

And contains other provisions. S. 502. Public Law 93-87, approved August 13, 1973. (40,351)

Federal-Aid Highway Act amendment

Amends Section 164(a) of the Federal-Aid Highway Act of 1973 to authorize the Secretary of Transportation to make agreements with certain applicants for Federal assistance under that act and the Urban Mass Transportation Act, to assure that the financial assistance will not enable public bodies and operators to foreclose private operators from the inter-city charter bus industry. H.R. 10511. (VV) (Pocket vetoed during adjournment.)

Federal Railroad Safety Act authorization, 1973

Authorizes appropriations of $19,440,000 for implementation of the railroad safety functions and $1,200,000 for implementation of the hazardous materials control functions of the act for fiscal year 1974. S. 2120. Public Law 93-90, appdoved August 14, 1973. (VV)

Highway Safety Act

Authorizes $455 million for fiscal year 1974 and $475 million for fiscal year 1975 for highway safety programs, including $100 million for each of fiscal years 1974 and 1975 for the bridge replacement program, establishes a Federal-aid safer roads system, and authorizes $200 million of the total amounts authorized for each of fiscal years 1974 and 1975, to be available on a 90 percent Federal, 10 percent State matching basis, for the correction of highway hazards on that system; requires States to identify, by June 30, 1974, projects on the Federal-aid safer roads system which have to be corrected and assign priority to the correction of hazards falling within the following three major categories: (1) projects to improve highway marking and signing, (2) elimination of roadside obstacles, and (3) elimination of hazards at railroad-highway grade crossings; includes bicycle safety in the areas to be covered by highway safety standards and adds bicycle safety to required driver education programs; authorizes the use of appropriated funds for State highway safety programs for use in developing and implementing manpower training and demonstration programs; increases the minimum apportionment to any State for highway safety programs from one-third of one percent to one-half of one percent; authorizes the Secretary to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate a highway safety program standard on drug use and highway safety; and contains other provisions. S. 893. P/S April 12, 1973. (VV) (Similar provisions are contained in the Federal-Aid Highway Act which became Public Law 93-97.)

Interim apportionment of interstate and other highway funds

Directs the Secretary of Transportation to apoprtion, as provided in the act, $1 billion of the sums authorized to be apportioned for fiscal year 1974 for immediate expediture for the National System of Interstate and Defense highways, and authorizes the appropriation of $500 million from the Highway Trust Fund for fiscal year 1974 funding of the Federal-aid primary and secondary systems and their urban extensions, such funds to be available as follows: 45 percent for projects on the primary system; 30 percent for projects on the secondary system and 25 percent for projects on extensions of the primary and secondary systems in urban areas. S. 1808. Public Law 93-61, approved July 6, 1973. (VV)

Interstate apportionment

Directs the Secretary of Transportation to apportion out of the Highway Trust Fund, $1 billion of the funds authorized for fiscal year 1974 for expenditure on the Interstate and Defense Highway systems. S. Con Res. 6. Senate adopted March 6, 1973. (VV)

Maritime authorization, 1974

Authorizes $531,315,000 for fiscal year 1974 for programs of the Maritime Administration within the Department of Commerce, and amends title XI of the Merchant Marine Act, 1936, as amended, to increase the loan guarantee authority of the Maritime Administration from $3 billion to $5 billion. H.R. 7670. Public Laws 93-70, approved July 10, 1973. (VV)

Ocean transportation in noncontiguous States and territories

Amends section 607(k)(8) of the Merchant Marine Act, 1936, as amended, to expressly include within the definition of "noncontiguous trade" trade between two or more points within Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States for the purpose of insuring that vessels trading between points within such States and insular territories and possessions are eligible for assistance from capital construction funds (tax deferred reserve funds) generated by the deposits made by eligible vessel operators under agreements with the Secretary of Commerce, and to make it clear that a vessel which has been built with such funds is legally permitted to between such points. S. 902. Public Law 93-116, approved October 1, 1973. (VV)

Rail freight car shortage

In view of the current railroad transportation crisis caused by a freight car shortage and other factors, declares it to be the sense of the Senate that (1) the Commodity Credit Corporation should make available to farmers the option to reseal loans on farm-stored wheat and feed grains with respect to the 1971 and 1972 crops; and (2) the President is urged and requested to appoint a special committee to conduct a study of the railroad freight car shortage problem and to submit to the President and the Senate Committees on Agriculture and Forestry and Commerce, within thirty days after its appointment, a report along with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded. S. Res. 59. Senate adopted February 19, 1973. (15)

Rail Transportation Act

Authorizes and directs the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States; provides, in order to salvage the rail services operated by seven insolvent class I railroads in the Midwest and Northeast region, which are threatened with cessation, for their replacement with a new and viable rail services system; establishes a non-profit United States Railway Association to plan and finance the acquisition, rehabilitation, and modernization of the new system and establishes a private Consolidated Rail Corporation to operate the system. H.R. 9142. Public Law 93-236, approved January 2, 1974. (554, 588)

Railroad Retirement Act and Interstate Commerce Act amendments

Increases the tax which railroads are required to pay under the Railroad Retirement Act; provides for retirement eligibility for men at age 60 with 30 years of service; provides for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provides for a pass-through of social security benefit increases which might be enacted between July 1, 1973, and December 31, 1974; provides for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with a final report and recommendations to be submitted to the Congress by April 1, 1974; declares the intent of Congress to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system; amends the Interstate Commerce Act to provide that the Interstate Commerce Commission shall, by informal rule-making under the Administrative Procedure Act, establish the requirements for petitions for adjustments of rates of common carriers occasioned by the tax increases prescribed in this act or by other law on or before January 1, 1975, and provides for expedited freight-rate making procedures applicable to interstate and intrastate rates; and contains other provisions. H.R. 7200. Public Law 93-69, approved July 10, 1973. (VV)

Reduced rate transportation

Amends the Federal Aviation Act and the Interstate Commerce Act to authorize air carriers and surface carriers to offer reduced rate transportation to the handicapped on a positive-space basis and to persons 65 years of age and older and persons 21 years of age and younger on a space-available basis. S. 2651. P/S November 5, 1973. (VV)

Amends the Federal Aviation Act of 1958 to expand the authority of air carriers to offer free or reduced rate transportation to widows, widowers and minor children of employees killed in the line of duty to include survivors of those who have died after having been employed for 20 years or more by such air carriers. S. 1432. P/S November 5, 1973. (VV)

Rolling Stock Utilization and Financing Act

Establishes an Obligation Guarantee Board in the Department of Transportation as an independent agency, and an Obligation Guarantee Fund to insure obligations incurred for the acquisition of rolling stock and equipment or facilities; provides for Federal efforts to improve utilization of freight cars and other rolling stock by means of a national rolling stock information system, development and quarterly publishing of an index measuring freight-car utilization, a study by the Secretary on the utilization of freight cars and means to improve

such utilization, and action under existing authority to improve utilization; provides, in the event of failure to solve the shortage problem, for potential direct government action to attempt to do so; provides for a railroad equipment corporation to acquire rolling stock and to manage rolling stock as a pool; and contains other provisions. S. 1149. P/S July 23, 1973. (306)

Ship construction

Amends section 502(a) of the Merchant Marine Act, 1936, as amended, to extend from June 30, 1973, to June 30, 1976, the authority of the Secretary of Commerce to award subsidies for the construction of vessels on which the price has been established by negotiation between the prospective ship owner and the shipyard. H.R. 6187. Public Law 93–71, approved July 10, 1973. (VV)

TV blackout—professional sports

Provides that if any game of professional sports club is to be televised pursuant to a league television contract and all tickets for seats made available 120 hours (5 days) or more before the scheduled beginning time of the game have been purchased 72 hours (3 days) or more before such time, no agreement preventing the televising of such game at the same time and in the same area in which the game is being played would be valid; requires the Federal Communications Commission to conduct a continuing study of the effect of this act and to report, not later than April 15 of each year, the results of its study to the Committees of Commerce and Interstate and Foreign Commerce of the Senate and House respectively. S. 1841. Public Law 93–107, approved September 14, 1973. (369)

Water carrier barge rule legislation

Removes outmoded restrictions upon the application and scope of the qualified exemption from regulaton contained in section 303(b) of the Interstate Commerce Act which stands as a bar to the realization of greater efficiency of operations in the transportation of commodities by barge on inland waterways. S. 2267. Public Law 93—, approved 1973. (VV)

West Coast Corridor Feasibility Study Act

Directs the Secretary of Transportation to make an investigation and study for the purpose of determining the social advisability, technical feasibility, and economic practicability of a high-speed ground transportation system between Tijuana, Mexico, and Vancouver, Canada, including the various means of providing such transportation, the cost, usage, environmental impact, and energy utilization and impact on energy resources; directs the Secretary to report the results of his study and investigation together with his recommendations to the Congress and the President no later than January 30, 1976, and submit an interim report to Congress on January 30, 1975; authorizes therefor an appropriation of not to exceed $8 million to carry out the provisions of this act; and contains other provisions. S. 1328. P/S July 11, 1973. (VV)

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act

Provides for a fully-funded, comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of service connection or the nature of their discharge; establishes a special medical treatment and rehabilitative services program for any veteran with a drug dependence or drug abuse disability, stressing highly individualized community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance; requires the Administrator to carry out a program of vocational rehabilitation for those Vietnam era veterans with addiction disabilities; broadens the eligibility for basic V.A. hospital care and medical services for service-connected disabilities; and contains other provisions. S. 284. P/S March 6, 1973. (31)

GI bill benefits during the energy crisis

Amends Chapter 36 of title 38, United States Code, to authorize the Administrator to continue to pay educational benefits to eligible veterans, wives, widows, and children during periods when educational institutions are temporarily closed pursuant to an established policy proclaimed by the President, such as closings to conserve energy, or are closed due to emergency conditions. S. 2794. Public Law 93– —, approved ——— 1973. (VV)

Health Care Expansion Act

Improves the ability of the Veterans' Administration (VA) to deliver quality medical care to its beneficiaries by widening the scope of treatment (particularly for ambulatory and nursing care); expands coverage to certain dependents of beneficiaries or former beneficiaries; provides for a voluntary, comprehensive sickle cell anemia screening and counseling program; expands the primary function of the Veterans Administration Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower; provides for a contract to be made with the National Academy of Sciences for a study of staffing with a view to improving the staff-to-patient ratio in V.A. medical facilities; ensures that V.A. facilities are structurally safe; and contains other provisions. *Note:* (H.R. 10880 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 59. Public Law 93–82, approved August 3, 1973. (29)

National Cemeteries Act

Establishes within the Veterans' Administration (V.A.) a National Cemetery System consisting of those cemeteries presently under the jurisdiction of the V.A. and those to be transferred by September 1, 1973, to the V.A. from the Department of Army with the exception of certain specified cemeteries, including Arlington National Cemetery and those located at the service academies; directs the V.A. to conduct a comprehensive study and submit its recommendations on or before January 3, 1974, as to what our National Cemetery System and national burial policy should be; authorizes the Administrator of Veterans' Affairs to permit the flying of the American flag at cemeteries in the national cemetery system 24 hours a day; authorizes a special burial plot allowance of $150 (in addition to the present V.A. allowance for burial and funeral expenses of $250) in any case where a veteran is not buried in a national or other Federal cemetery; authorizes the burial of an unknown soldier from the Vietnam Conflict at Arlington National Cemetery; and contains other provisions. *NOTE:* (H.R. 12674 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 49. Public Law 93–43, approved June 18, 1973. (30)

Veterans' Administration flexible GI interest rate authority

Restores the authority of the Administrator of the Veterans' Administration to set flexible interest rates on loans to veterans, which expired June 30, 1973; authorizes the Administrator to consult with the Secretary of Housing and Urban Development in order to set flexible interest rates on guaranteed, insured, and direct loans in excess of 6 percent as he determines the current loan market demands; and establishes that, to the maximum extent practicable, the Administrator shall carry out a coordinated policy on interest rates and loans insured by the Federal Housing Administration and the Veterans' Administration. H.R. 8949. Public Law 93–75, approved July 26, 1973. (VV)

Veterans' benefits

Amends title 38 U.S.C., to increase the monthly rates of disability and death pensions and dependency and indemnity compensation and to increase income limitations relating thereto, and contains other provisions. H.R. 9474. Public Law 93–177, approved December 6, 1973 (VV)

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

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

The second assistant legislative clerk read the resolution (S. Res. 223) as follows:

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

The ACTING PRESIDENT pro tempore. Pursuant to the resolution just agreed to, the Chair appoints the Senator from Montana (Mr. MANSFIELD), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Michigan (Mr. GRIFFIN) as the members of the committee on the part of the Senate to notify the President.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be read.

The second assistant legislative clerk read the resolution (S. Res. 224) as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable GERALD R. FORD, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the Ninety-third Congress.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. HUGH SCOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

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

The second assistant legislative clerk read the resolution (S. Res. 225) as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable JAMES O. EASTLAND, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the Ninety-third Congress.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE

Mr. ROBERT C. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

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

The second assistant legislative clerk read the resolution (S. Res. 226) as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable LEE METCALF, Acting President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over the deliberations during the first session of the Ninety-third Congress.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

AUTHORITY FOR THE PRESIDENT OF THE SENATE TO MAKE APPOINTMENTS TO COMMISSIONS AND COMMITTEES

Mr. GRIFFIN. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

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

The second assistant legislative clerk read the resolution (S. Res. 227) as follows:

Resolved, That notwithstanding the final adjournment of the present session of the Congress, the President of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action or the two Houses, or by order of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

AUTHORITY FOR THE PRESIDENT OF THE SENATE, THE PRESIDENT PRO TEMPORE, OR THE ACTING PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AFTER SINE DIE ADJOURNMENT

Mr. MANSFIELD. Mr. President, I send to the desk another resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The second assistant legislative clerk read the resolution (S. Res. 228) as follows:

Resolved, That, notwithstanding the sine die adjournment of the two Houses, the President of the Senate, the President's pro tempore, or the Acting President pro tempore be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed and found truly enrolled.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate.

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

AUTHORIZATION FOR INSERTIONS IN THE RECORD FOLLOWING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make Extensions of Remarks insertions in the RECORD following the adjournment of Congress until the last edition authorized by the Joint Committee on Printing is published; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress. I wish to advise that the time for filing information to be included in the RECORD will be up to January 14, 1974.

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

PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. MANSFIELD. Furthermore, Mr. President, with reference to the printing of committee activity reports for the first session, I state, on behalf of the chairman of the Joint Committee on Printing, that the Joint Committee has very properly ruled that the printing of such reports, both as committee prints and in the RECORD, is duplication, the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the RECORD, since the Government Printing Office will be directed not to print them both ways.

EXPRESSION OF APPRECIATION BY THE MAJORITY LEADER

Mr. MANSFIELD. Mr. President, before the joint leadership departs to place a call to the President of the United States, I wish to express to all of the leaders, the distinguished Senator from Michigan, the distinguished Republican leader, with whom I have worked so long and whom I have known so long—we both served in the House together—to the distinguished assistant majority leader, who has been a workhorse and has put in of his time and talent more than anyone will ever understand, a man who makes a tremendous contribution to this side of the aisle and the Senate as a whole—to all of them and to all 99 Senators—my deepest thanks for what they have done in the way of making this job a little easier and the functioning of the Senate a little more careful.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

REPORT FROM COMMITTEE TO NOTIFY THE PRESIDENT

Mr. MANSFIELD. Mr. President, from the committee appointed by the Senate to notify the President of the United States that the Congress has concluded its business and is ready to adjourn unless he has further communications to give to it, on behalf of the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT), the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), and the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), I wish to report that the committee has performed its duty and that the President has informed us that he has no further communications to give to the Congress at this session and is looking forward to seeing us on January 21.

Mr. HUGH SCOTT. Mr. President, I do not think I can add anything except to say that we expressed our regrets that we were unable to finish in time to call the President the half time intermission, and we still have hopes that the outcome of the game will be favorable to those still present in the Government in Washington.

Other than that, I have nothing to say except to again express my thanks to all of our colleagues and to the leadership on both sides.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my gratitude to the distinguished majority leader for his consideration, his kind understanding, and his leadership that have been an inspiration to me throughout this session.

I also was appreciative of the opportunity to have been among those who talked with the President and to wish him a happy holiday and to assure him that Congress, as far as the Senate leadership is concerned, stands ready to continue to cooperate with him in transacting the business of the Senate and the business of the people.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I shall not prolong this moment. However, I do

want to join with the distinguished majority whip in expressing the appreciation that I have for the graciousness and the cooperation and the wonderful attitude always of the distinguished majority leader and the distinguished minority leader, both of whom I have an opportunity to work with on a day-to-day basis.

It says a great deal for both of them that they share the leadership responsibilities with us and give us opportunities to participate just as they did a few moments ago to participate in the call to the President of the United States at this particular time.

I am very glad that the distinguished Senator from Louisiana (Mr. LONG) said what he did about the majority leader: That there was this opportunity before we adjourned to pay our respects particularly to him, and that the minority leader expressed what we all feel on this side of the aisle; namely, that our job is made a great deal easier by the kindness, generosity, and understanding of the distinguished majority leader.

Everything has been said, I wish to underline, to emphasize, and to say that I agree with it wholeheartedly.

Mr. MANSFIELD. Mr. President, that sounds like backslapping on the part of a Senate quartet; but that is all right.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a convention on the Executive Calendar.

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

EXECUTIVE P, 93D CONGRESS, 1ST SESSION, THE CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSIT OF GOODS

Mr. MANSFIELD. Mr. President, as announced 2 days ago, there will be a rollcall vote on Executive P, 93d first session, the Customs Convention on the International Transit of Goods. The vote will occur at 3 p.m. on Monday, January 21, 1974.

So that Senators may have background information on the convention, I ask unanimous consent to have printed in the RECORD the letter of the President transmitting the convention to the Senate and the letter of submittal from Acting Secretary of State Kenneth Rush to the President.

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

LETTER OF TRANSMITTAL

THE WHITE HOUSE,
July 23, 1973.

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Customs Convention on the International Transit of Goods (ITI Convention) opened for signature at Vienna June 7, 1971.

For the information of the Senate, I am also transmitting the report of the Department of State with respect to the Convention.

The Convention is designed to meet the present need to facilitate international transport while, at the same time, providing the customs control arrangements necessary for such transport. The Convention provides for new, uniform control and documentation procedures which carriers of Governments party to the Convention would be able to use at their option.

The Convention would help open the way for United States exporters and carriers to benefit in Western Europe and other markets of the world from the simplified and uniform procedures for which it provides.

I recommend that the Convention be given early and favorable consideration by the Senate.

RICHARD NIXON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, D.C., July 5, 1973.

THE PRESIDENT,
The White House.

I have the honor to submit to you the Customs Convention on the International Transit of Goods (ITI Convention) opened for signature at Vienna on June 7, 1971 and signed by the United States on June 5, 1972. I recommend that you transmit the Convention to the Senate for advice and consent to ratification.

The Convention is designed to meet the present need to facilitate international transport, particularly by international containers, while, at the same time, providing the mechanics of customs control necessary for such transport. This control is maintained by a guarantee system that covers a carrier for a stated period of time instead of the journey-by-journey guarantee heretofore required in international customs procedures under the carnet system. It will provide greater flexibility for carriers in transporting goods and should result in lower costs.

The documentation system provided by the Convention is based on the use of a declaration accompanying the shipment for the entire journey. The format of the declaration is patterned on the layout key developed by the United Nations Economic Commission for Europe. The declaration can be used by itself, or its manifest portion can be replaced by an acceptable commercial document, thus adding to the flexibility afforded the carriers.

The Convention also provides other advantages such as the mutual acceptance of customs seals and procedures where participating countries are members of customs or economic unions.

United States carriers would not be obligated to use the ITI system in place of any other international procedures for a particular shipment. They would be free to choose whichever system seemed most advantageous under the circumstances.

This Convention will enter into force three months after five of the States members of the Customs Cooperation Council, the United Nations or its specialized agencies have signed without reservation of ratification or have deposited their ratifications or accessions.

Bringing the Convention into force at an early date would help open the way for United States exporters and carriers to benefit in Western Europe and other markets of the world from the simplified and uniform procedures provided therein. It is hoped that the Convention will be given early and favorable consideration by the Senate.

Respectfully submitted.

KENNETH RUSH,
Acting Secretary of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report of the Committee on Foreign Relations which recommends that the Senate give its advice and consent to ratification of the convention.

There being no objection, the excerpt from the report (No. 93–27) was ordered to be printed in the RECORD, as follows:

The Committee on Foreign Relations, to which was referred the Customs Convention on the International Transit of Goods (ITI Convention) opened for signature at Vienna June 7, 1971, having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

According to the State Department, the Customs Convention on International Transit of Goods (ITI Convention) is designed to meet the present need to facilitate international transport, particularly by international containers, and provide the mechanics of customs control necessary for such transport. This control is maintained by a guarantee system that covers a carrier for a stated period of time instead of the journey-by-journey guarantee heretofore required in international customs procedures under the carnet system. It will provide greater flexibility for carriers in transporting goods and should result in lower costs.

MAJOR PROVISIONS

The ITI Customs Convention will facilitate international transport of bonded trailers, railway cars, vessels and large containers by providing simplified customs control mechanisms and uniform documentation procedures for such transport. Carriers may opt to use ITI procedures or another system if more advantageous.

The documentation system uses a standardized declaration form in English or French which accompanies the shipment for its entire trip. The declaration alone can be used or its manifest portion can be replaced by an acceptable commercial document.

The Convention also contains provisions dealing with—

Setting up ITI regional areas where customs or economic unions exist;

Mutually accepting administrative procedures, customs seals, etc.;

Relaying customs information, regulations etc., between signatories;

Accommodations between ITI signatories and non-signatories;

Taking care of irregularities caused by a breach of regulations or accidents in transit;

Allowances for future amendments, revisions and the settling of differences; and

Limitations on customs administraitve charges (as opposed to duties and taxes).

DATE OF ENTRY INTO FORCE

The ITI Convention will enter into force three months after five of the States members of the Customs Cooperation Council, the United Nations or its specialized agencies have signed without reservation or ratification or have deposited their ratifications or accessions. As of this date, Algeria is the only country which has ratified the Convention.

COMMITTEE ACTION

The Customs Convention on the International Transit of Goods was transmitted to the Senate on July 23, 1973. A public hearing was held on the convention on November 29, 1973, at which time Mr. Glenn R. Dickerson of the U.S. Customs Service testified on behalf of the Administration. Mr. Dickerson's statement is reprinted below.

During an executive session on December 14, 1973, the Committee on Foreign Relations, by a voice vote, ordered the convention favorably reported with the recommendation that the Senate give its advice and consent to ratification.

Mr. President, I ask unanimous consent that Executive P, 93d Congress, first session, the Customs Convention on the

International Transit of Goods, be laid before the Senate and carried to its final reading before the vote.

There being no objection, the Senate, as in Committee of the Whole, proceded to consider the Convention (Executive P, 93d Congress, First Session), the Customs Convention of the International Transit of Goods, which was read for the second time, as follows:

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSIT OF GOODS

(ITI Convention)

Preamble

The CONTRACTING PARTIES to this Convention, established under the auspices of the Customs Co-operation Council,

Desiring to facilitate the international transport of goods,

Recognising the growing importance of through international transport operations,

Convinced that the facilitation of such transport operations would be of considerable benefit to international trade.

Have agreed as follows:

CHAPTER I

DEFINITIONS

ARTICLE 1

For the purposes of this Convention:

(a) The term "transport-units" means:

(i) Containers having an internal volume of one cubic metre or more.

(ii) Road vehicles, including trailers and semi-trailers,

(iii) Railway wagons, and

(iv) Lighters, barges and other vessels suitable for use on inland waterways,

which are used for the transport of goods, are identifiable and are constructed, equipped and approved in accordance with paragraph 1 of Article 5 of this Convention;

(b) The term "exceptional load" means one or more heavy or bulky objects which because of their weight, size or nature are not normally carried in a closed transport-unit, provided that they can be readily identified;

(c) The term "import duties and taxes" means Customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation of goods, but not including fees and charges which are limited in amount to the approximate cost of services rendered;

(d) The term "ITI operation" means the transport of goods from an office of departure to an office of destination under the procedure (ITI procedure) laid down in this Convention;

(e) The term "office of loading" means any Customs office of a Contracting Party under whose authority transport-units are placed under Customs seal in order to facilitate commencement of an ITI operation at an office of departure;

(f) The term "office of departure" means any Customs office of a Contract Party at which an ITI operation commences;

(g) The term "office *en route*" means any Customs office of a Contracting Party where a transport-unit is imported or exported in the course of an ITI operation;

(h) The term "office of destination" means any Customs office of a Contracting Party at which an ITI operation is terminated;

(ij) The term "Goods manifest" means the document which is used to describe goods carried in transport-units, or exceptional loads, and which contains the following:

(i) Marks, numbers, number and kind of packages or items;

(ii) Description of goods;

(iii) Gross weight of each consignment;

(iv) Identification of the transport-unit(s);

(v) Name and address of the person responsible for the accuracy of the manifest;

(vi) Details of any appended documents;

(vii) Reference number;

(viii) Space for recording the office of loading, particulars of the Customs seals and the date on which they were affixed;

(k) The term "ITI declaration form" means a form conforming to the model reproduced at Annex 1 to this Convention;

(l) The term "ITI declaration" means the ITI declaration form duly completed, together with the Goods manifest or manifests to which it refers;

(m) The term "ITI area" means the territories of Contracting Parties having concluded an agreement for the purposes specified in Article 26 of this Convention;

(n) The term "guaranteeing association" means an association approved by the Customs authorities of a Contracting Party to act as surety for persons using the ITI procedure;

(o) The term "guaranteeing chain" means the international organisation to which guaranteeing associations are affiliated;

(p) The term "guarantee card" means a card conforming to the model reproduced at Annex 3 to this Convention, issued by a guaranteeing association as evidence that the holder is covered by a guarantee;

(q) The term "declarant" means the person who signs an ITI declaration or on whose behalf it is signed;

(r) The term "person" means both natural and legal persons, unless the context otherwise requires;

(s) The term "ratification" means ratification, acceptance or approval;

(t) The term "the Council" means the Organisation set up by the Convention establishing a Customs Co-operation Council, done at Brussels on 15th December, 1950.

CHAPTER II

Scope

ARTICLE 2

1. This Convention is applicable to the transport of—

(*a*) Goods in transport-units,

(*b*) Exceptional loads.

in the territories of two or more Contracting Parties provided that transport from the office of loading (or, in the case of an exceptional load, from the office of departure) to the office of destination crosses at least one frontier.

2. The provisions of paragraph 1 of this Article shall apply notwithstanding that the transport operation includes an international journey by sea or air, or a journey across the territory of a State which is not a Contracting Party to this Convention.

3. References in this Convention to transport-units shall be taken to include exceptional loads, unless it is expressly stated to the contrary or specific provision is made in respect of exceptional loads.

ARTICLE 3

For the ITI procedure to become operative:

(*a*) except in the case of exceptional loads, transport must be performed by means of transport-units which fulfill the conditions specified in Article 5 of this Convention;

(*b*) the loaded transport-unit with the ITI declaration must be presented to the Customs authorities at the office of departure;

(*c*) when a Contracting Party requires a guarantee, the declarant must be the holder of a valid guarantee card or, if permitted by the Contracting Party concerned, be covered by some other form of guarantee.

ARTICLE 4

1. Provided that the conditions laid down in this Convention are fulfilled then, for the purposes of this Convention, the goods:

(*a*) Shall not be subjected to the payment or deposit of import duties and taxes at the office of departure or at offices *en route;*

(*b*) Shall not, as a general rule, be subjected to Customs examination at offices *en route;*

(*c*) Shall not, as a general rule, be subjected by the Contracting Parties to any Customs transit formalities additional to those laid down in this Convention. However, nothing in this Convention shall prevent the application of regulations relating to other matters, for example, those concerning public morality or security, public hygiene or health, or based on veterinary or phytopathological considerations.

2. The provisions of paragraph 1(b) of this Article shall not apply to exceptional loads.

CHAPTER III

Technical conditions applicable to transport-units

ARTICLE 5

1. Transport-units used for the transportation of goods under this Convention must be constructed and equipped in such a manner that:

(*a*) Customs seals can be simply and effectively affixed to them;

(*b*) no goods can be removed from, or introduced into, the sealed part of the transport-unit without leaving visible traces of tampering or without breaking the Customs seal;

(*c*) they contain no concealed spaces where goods may be hidden;

(*d*) all spaces capable of holding goods are readily accessible for Customs inspection.

and must be approved for the transport of goods under Customs seal.

2. Transport-units approved for the transport of goods under Customs seal for the purposes of the international instruments referred to below shall not be required to be separately approved for the purposes of this Convention:

(*a*) containers which have been approved under the Customs Convention on Containers, done at Geneva on 18th May 1956;

(*b*) road vehicles and containers which have been approved under the Customs Convention on the International Transport of Goods under cover of TIR carnets, done at Geneva on 15th January 1959;

(*c*) railway wagons owned or registered by a railway administration which is a member of the International Union of Railways (UIC) and which have been approved by that administration under the terms of the *Unité Technique des Chemins de fer* concluded at Berne in May 1886, 1960 edition;

(*d*) transport-units approved under any international instruments that may supersede those specified in sub-paragraphs (a) to (c) above.

3. The provisions of paragraph 2 of this Article may be extended to transport-units approved under other international instruments, in respect of transport operations which are performed wholly within the territories of the Contracting Parties to such instruments.

4. Any State which is not a Contracting Party to any of the international instruments referred to in paragraph 2 of this Article may declare at the time of signing, ratifying or acceding to this Convention, or notify the Secretary General of the Council after becoming a Contracting Party to this Convention, that it does not accept the transport-units referred to in paragraph 2 as apt for the transport of goods under this Convention without separate approval. Such notification shall take effect three months after the date of its receipt by the Secreary General. Any Contracting Party having entered such a reservation may at any time withdraw it by notifying the Secretary General.

5. The Contracting Parties meeting in accordance with Article 55 of this Convention shall, when necessary, make Recommendations specifying the conditions and procedure for the approval of transport-units which:

(*a*) have not been approved under the in-

struments referred to in paragraph 2 of this Article; or

(b) require approval for use outside the territories of the Contracting Parties to the instruments referred to in paragraph 3 of this Article; or

(c) require separate approval because of a reservation entered under paragraph 4 of this Article.

As regards containers and road vehicles, such conditions shall meet the standards laid down in the instruments referred to in paragraph 2 of this Article.

CHAPTER IV

Customs seals and fastenings

ARTICLE 6

1. Customs seals and fastenings used in the application of this Convention shall fulfil the minimum requirements laid down in Annex 2 to this Convention.

2. Whenever possible, Contracting Parties shall accept Customs seals and fastenings meeting the minimum requirements laid down in Annex 2 to this Convention affixed by Customs authorities of other Contracting Parties and shall refrain from adding their own seals and fastenings.

3. When Customs seals and fastenings affixed in the territory of a Contracting Party are accepted by another Contracting Party, they shall be afforded the same legal protection in the territory of the latter as national seals and fastenings.

4. The Customs authorities of a Contracting Party may authorise persons to affix Customs seals and fastenings, on condition that those Customs authorities take adequate steps to prevent abuse and accept the obligations arising out of this Convention as though they had affixed the seals and fastenings themselves. Customs seals and fastenings affixed under this paragraph shall be accepted by all Contracting Parties in the same way as Customs seals and fastenings affixed by the Customs authorities themselves.

ARTICLE 7

A Contracting Party shall, at the express request of another, send to it specimens or photographs of the Customs seals and fastenings it uses.

CHAPTER V

Guarantees and guaranteeing associations

ARTICLE 8

1. Subject to such conditions as it shall determine, each Contracting Party may approve associations to act as guaranteeing associations.

2. An association shall not be approved unless its guarantee covers the liabilities incurred in the country in which it is established in connection with ITI operations carried out by the holder of a guarantee card issued by:

(a) That association;

(b) Foreign members of the guaranteeing chain to which that association is affiliated;

(c) Members of other guaranteeing chains with which that association has reciprocal arrangements.

3. The instrument of approval may specify the maximum financial liability of a guaranteeing association in respect of any transport-unit load or exceptional load carried under the ITI procedure.

ARTICLE 9

1. Each guaranteeing association shall issue a guarantee card, or cards, to persons it has approved.

2. At each stage of an ITI operation where guarantee cover is provided by a guaranteeing association, a guarantee card shall be available for production to the Customs authorities. However, the production of a guarantee card shall not be required if the Customs authorities at a preceding office, at the request of the declarant, have certified on the ITI declaration that the details of the guarantee given on that declaration are correct. The presentation of such a certification shall have the same effect as the presentation of the guarantee card itself.

3. A guaranteeing association may withdraw approval from a person by withdrawal of the guarantee card or cards issued to that person.

ARTICLE 10

1. The guaranteeing association shall undertake to the Customs authorities of the country in which it is established to pay any import duties and taxes falling due in the case of non-compliance with the conditions prescribed in respect of goods transported in that country under the ITI procedure under cover of guarantee cards issued in accordance with paragraph 2 of Article 8 of this Convention. It shall be liable jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums.

2. No payment shall be required from the guaranteeing association in cases where it has been established to the satisfaction of the Customs authorities that the goods have been exported, re-exported or presented at the office of destination, without having been used during the ITI operation, and that:

(a) the person concerned has failed, through accident, force majeure, and inadvertent error or a slight fault, to comply with any time-limit for exportation, re-exportation or presentation at the office of destination or any prescribed itinerary;

(b) any discrepencies discovered between particulars given in the Goods manifest and the contents of the transport-unit are due to an inadvertent error in the loading or dispatch of the goods or in the drawing up of the Goods manifest.

3. The guaranteeing association shall not be liable for the payment of any pecuniary penalties incurred by persons using the ITI procedure.

4. Notwithstanding the provisions of paragraph 3 of this Article, when the laws and regulations of a Contracting Party do not provide for the payment of import duties and taxes in the case referred to in paragraph 1 of this Article the guaranteeing association shall undertake to the Customs authorities to pay an amount equal to the import duties and taxes.

5. The liability of the guaranteeing association shall cover not only the goods listed in the Goods manifest, but also goods which, though not listed therein, are carried in the sealed part of the transport-unit or with the exceptional load.

ARTICLE 11

1. The liability of the guaranteeing association to the Customs authorities in the country where the office of departure is situated in respect of goods transported under cover of a guarantee card issued in accordance with paragraph 2 of Article 8 of this Convention shall commence at the time when the relevant ITI declaration is accepted by the Customs authorities of that country.

2. The liability of the guaranteeing association to the Customs authorities of a country of transit or the country in which the office of destination is situated shall commence at the time when the transport-unit is imported into that country or, where the transport-unit is not imported under cover of a guarantee card issud in accordance with paragraph 2 of Article 8 of this Convention, from the time when the relevant III declaration, accompanied by a guarantee card, is accepted by the Customs authorities of that country.

3. In the cases referred to in paragraphs 1 and 2 above, the liability of the guaranteeing association shall not be affected if the period of validity of the guarantee card has expired or the card has been withdrawn before the goods concerned have been exported, re-exported or presented at the office of destination.

CHAPTER VI

Irregularities

ARTICLE 12

1. In the case of irregularity, any action to recover import duties and taxes falling due shall be taken by the Customs authorities of the Contracting Party in whose territory the irregularity occurred.

2. When it is not possible to establish the territory in which an irregularity occurred, it shall be deemed to have occurred in the territory of the Contracting Party where it is detected.

ARTICLE 13

In the case of irregularity, Contracting Parties are recommended to request payment from the person from whom any sums are due before making a claim against the guaranteeing association.

ARTICLE 14

In the case of fraud, abuse or any other breach of the provisions of this Convention, the Contracting Party in whose territory the offence was committed, or was deemed to have been committed under Article 12 of this Convention, shall, notwithstanding any other provision of this Convention, be free to take proceedings against the offender for the recovery of the import duties and taxes and other sums payable and also for the imposition of any penalties prescribed by the law of that Contracting Party.

CHAPTER VII

Claims upon guaranteeing associations in cases of irregularity

ARTICLE 15

1. When the Customs authorities of a country have certified on the ITI declaration that the part of the ITI operation taking place in their territory has been satisfactorily completed they may no longer claim from the guaranteeing association payment of the sums referred to in Article 10 of this Convention unless the certificate was obtained improperly or fraudulently or there was a breach of the provisions of this Convention.

2. The Customs authorities shall in no circumstances require from the guaranteeing association payment of the sums referred to in Article 10 of this Convention unless they have made a claim against that association within a period of eighteen months from the date on which the relevant ITI declaration was accepted by the Customs authorities of the Contracting Party involved. The claim shall be accompanied by details of the ITI operation concerned and of the nature and circumstances of the irregularity and shall, except as provided for in paragraph 3 of this Article, state the amount due.

3. In cases which become the subject of legal proceedings, the amount due shall be notified to the guaranteeing association within one year of the date when the decision of the Court becomes enforceable.

ARTICLE 16

1. When a claim is made under Article 15 of this Convention, the guaranteeing association shall have a period of six months from the date of the claim to prove to the satisfaction of the Customs authorities that no irregularity has taken place.

2. If such proof is not furnished within the time allowed the guaranteeing association shall forthwith deposit, or pay provisionally, the sums claimed under Article 15 of this Convention. This deposit or payment shall become final after a period of twelve months from the date of the deposit or payment. During the latter period the guaranteeing association may still furnish the proof referred to in paragraph 1 of this Article with a view to the recovery of the sums deposited or provisionally paid.

3. When the laws and regulations of a Contracting Party do not provide for the

deposit or provisional payment of the sums referred to in paragraph 2 of this Article, such sums shall be paid outright, but they shall be refunded if the proof referred to in paragraph 1 of this Article is furnished within twelve months of the date of payment.

ARTICLE 17

When as a result of a claim made in respect of an ITI operation payments need to be made between guaranteeing associations to refund sums paid under the provisions of this Convention, facilities shall be granted, where appropriate, by the Contracting Parties for the necessary transfer of currency.

CHAPTER VIII

Formalities to be accomplished at the offices of loading and departure

ARTICLE 18

1. Transport-units which are likely to enter the ITI procedure at a later stage shall, whenever possible, be sealed at a Customs office at the request of the person presenting the transport-unit and the Goods manifest to the Customs authorities.

2. The office where the seals were affixed (office of loading), details of the Customs seals affixed and the date on which they were affixed shall be recorded on the Goods manifest.

3. The Customs authorities at the office of loading shall, at their discretion, take whatever steps are appropriate within the context of national legislation and practice to satisfy themselves of the accuracy of Goods manifests completed in respect of transport-units presented to them, and of the security of such transport-nuiots. However, this provision shall not be taken as obliging the Customs authorities at that office to verify the accuracy of Goods manifests by checking them against other documents or by examination of the goods.

4. The provisions of this Article shall not apply to exceptional loads.

ARTICLE 19

1. At the office of departure loaded transport-unit with the ITI declaration relating to the goods shall be presented to the Customs authorities.

2. The Customs authorities at the office of departure shall satisfy themselves that:

(*a*) The ITI declaration is in order;

(*b*) The transport-unit is secure and that any Customs seals and fastenings previously affixed are intact;

(*c*) Where required, a guarantee is in force;

and shall endorse the ITI declaration.

3. If the Customs seals and fastenings are not intact, or if Customs seals and fastenings have not been affixed or have been removed by the Customs authorities at the office of departure, those atuhorities shall affix Customs seals and fastenings and record particulars thereof on the ITI declaration.

4. The Customs authorities at the office of departure shall, whenever possible and notwithstanding their general right to examine the goods, limit such examination to random checks.

5. The ITI declartaion shall be registered and returned to the person concerned who shall ensure that it is available for Customs control purposes at any stage of the ITI operation. The Cutsoms authorities at the office of departure shall retain a copy of the ITI declaration.

6. With regard to exceptional loads:

(*a*) The provisions of paragraphs 2(b), 3 and 4 of this Article shall not apply;

(*b*) Authority to use the ITI procedure shall be granted only if, in the opinion of the Customs authorities, the exceptional loads and any accessories thereto can be readily identified, for example, by reference to the manufacturers' marks or numbers or to the description given or by affixing identification marks or Customs seals, so that such loads and accessories cannot be replaced in whole or in part by others and that nothing can be removed from them, without it being evident;

(*c*) The Customs authorities may require packing lists, photographs, blueprints, etc. of the goods to be appended to the ITI declaration. In this case they shall authenticate these documents, and the ITI declaration shall incorporate a reference to such documents.

ARTICLE 20

The functions laid down in Articles 18 and 19 of this Convention may be performed by one Customs office acting both as an office of loading and as an office of departure.

CHAPTER IX

Formalities to be accomplished at offices en route

ARTICLE 21

1. At each office of entry *en route*, the loaded transport-unit, with Customs seals and fastenings intact, and the ITI declaration relating to the goods shall be presented to the Customs authorities.

2. The Customs authorities at each office of entry *en route* shall satisfy themselves that:

(*a*) The ITI declaration is in order;

(*b*) The transport-unit is secure and the Customs seals and fastenings intact, or, in the case of an exceptional load, that it complies with the conditions of paragraph 6(b) of Article 19 of this Convention;

(*c*) Where required, a guarantee is in force;

and endorse the ITI declaration.

3. The Customs authorities at each office of entry *en route* shall retain a copy of the ITI declaration containing the particulars required for the purposes of national control.

ARTICLE 22

1. At each office of exit *en route*, the loaded transport-unit, with Customs seals and fastenings intact, and the ITI declaration relating to the goods shall be presented to the Customs authorities. Those authorities shall satisfy themselves that the transport-unit has not been interfered with and that any Customs seals and fastenings or identification marks are intact, and shall endorse the ITI declaration.

2. The Customs authorities at each office of exit *en route* may retain a copy of the ITI declaration.

ARTICLE 23

When the Customs authorities remove a Customs seal in order to examine a loaded transport-unit at an office *en route* or in the course of the journey, they shall record on the ITI declaration accompanying the transport-unit particulars of the new Customs seal affixed.

ARTICLE 24

1. If Customs seals and fastenings are broken or good are destroyed or damaged accidentally during an ITI opeartion the person performing the transport shall report the facts to the nearest Customs office without delay. The Customs authorities at this office shall draw up a report, if possible using an accident report form conforming to the model reproduced at Annex 4 to this Convention, and shall take any necessary measures to permit continuation of the ITI operation. A copy of the report shall be attached to the ITI declaration.

2. If it is not possible to approach a Customs authority immediately, other competent authorities shall be approached. The authority called in shall draw up a report, if possible using an accident report form conforming to the model reproduced at Annex 4 to this Convention and attach it to the ITI declaration. This report shall be produced together with the transport-unit and the ITI declaration to the next Customs office. The Customs authorities at that office shall take any necessary measures to permit continuation of the ITI operation.

3. In the event of imminent danger necessitating immediate unloading of the whole or part of the load, the person performing the transport may take appropriate action on his own initiative. Subsequently, the procedure laid down in paragraph 1 or 2 of this Article, as the case may be, shall be followed.

4. When the breakage of a Customs seal or fastening or damage or destruction of goods did not take place in the territory of a Contracting Party, the Customs authorities at the next office of entry *en route* shall take action to ensure that the necessary report is drawn up and to permit continuation of the ITI operation.

CHAPTER X

Formalities to be accomplished at the office of destination

ARTICLE 25

1. At the office of destination, the loaded transport-unit, with Customs seals and fastenings intact, and the ITI declaration relating to the goods shall be presented to the Customs authorities.

2. The Customs authorities at the office of destination shall undertake any control deemed necessary to ascertain whether the declarant or declarants have complied with all their obligations.

3. The Customs authorities at the office of destination shall certify on the ITI declaration the date of presentation of the loaded transport-unit and the results of any control. The ITI declaration bearing this certificate shall be returned to the person concerned.

4. The Customs authorities at the office of destination shall retain one copy of the ITI declaration containing the particulars required for the purposes of national control. They may also require the presentation of an additional copy of that declaration.

CHAPTER XI

ITI areas

ARTICLE 26

Contracting Parties may, by bilateral or multilateral agreements, form ITI areas in order to simplify, in accordance with Articles 27 to 31 of this Convention, the formalities applied to goods transported under the ITI procedure in their territories.

ARTICLE 27

1. The control of an ITI operation taking place wholly or in part in an ITI area shall be undertaken by the office of departure, where situated in the ITI area or, otherwise, by the first office of entry *en route* in the ITI area. The Customs authorities at the office which undertakes control may prescribe a time-limit for accomplishment of the ITI operation in that area. When such a time-limit is prescribed the provisions of paragraph (a) of Article 38 of this Convention shall not apply.

2. If the loaded transport-unit is to be exported from the ITI area, the last office of exit *en route* of the ITI area shall, whenever possible, be specified in the ITI declaration when it is delivered to the Customs office which undertakes control under paragraph 1 of this Article.

3. For the purposes of the control referred to in paragraph 1 of this Article, an additional copy of the ITI declaration shall be available for production at any stage of the journey in the ITI area. This copy shall indicate the Customs office which undertakes control under paragraph 1 of this Article and, when appropriate, the last office of exit *en route* of the ITI area.

ARTICLE 28

The Customs authorities at the offices of exit *en route* of an ITI area, other than the office referred to in Article 30 of this Convention, shall not require a copy of the ITI declaration to be deposited, and shall dis-

pense with the formalities prescribed in Article 22 of this Convention, except in special cases to be specified in agreements establishing the ITI areas.

ARTICLE 29

1. The Customs authorities in an ITI area may, at the request of the person concerned:

(*a*) Extend any time-limit prescribed under paragraph 1 of Article 27 of this Convention;

(*b*) Permit goods being transported under the ITI procedure to be exported from the ITI area at a Customs office other than that specified in the ITI declaration as the last office of exit *en route* of the ITI area.

2. Modifications authorised under paragraph 1 of this Article shall be recorded on the copy of the ITI declaration referred to in paragraph 3 of Article 27 of this Convention by the Customs authorities concerned and shall be notified by them to the Customs office specified in paragraph 1 of Article 27 of this Convention.

ARTICLE 30

The Customs authorities at the office of destination where situated in the ITI area or, otherwise, at the last office of exit *en route* of the ITI area, shall inform the Customs office which undertakes control under paragraph 1 of Article 27 of this Convention of the completion of the ITI operation in the ITI area.

ARTICLE 31

When notification under Article 30 of this Convention is not received by the Customs office which undertakes control under paragraph 1 of Article 27 of this Convention, the Customs authorities at that office shall take any necessary regularisation action and, if appropriate, inform the other Customs authorities within the ITI area who are directly concerned, of the action taken and its results.

ARTICLE 32

Contracting Parties which have set up ITI areas are recommended, where appropriate, to make every effort to merge such areas.

CHAPTER XII

Mutual administrative assistance

ARTICLE 33

1. On express written request by the Customs authorities of a Contracting Party who are investigating any breach or suspected breach of the provisions of this Convention, the Customs authorities of another Contracting Party shall communicate as promptly as possible:

(*a*) Any available information relating to Goods manifests completed or accepted in their territory which are suspected of being false;

(*b*) Any available information enabling the authenticity of seals claimed to have been affixed in their territory to be verified.

2. Requests for information under paragraph 1(a) of this Article shall be made only in cases of a serious nature and when enquiries through other channels have proved unsatisfactory.

ARTICLE 34

1. When the Customs authorities of a Contracting Party discover a serious inaccuracy in a Goods manifest, or any other serious irregularity in connection with a transport operation performed under the provisions of this Convention, they shall spontaneously and without delay notify the Customs authorities of the other Contracting Parties concerned, if they consider that the information will be of use to those authorities.

2. Notifications under paragraph 1 of this Article to Contracting Parties whose territories constitute an ITI area shall be made to the Customs office which undertakes control under paragraph 1 of Article 27 of this Convention.

3. The provisions of paragraph 1 of this Article shall not require the Customs authorities of any Contracting Party to exercise any measures beyond those deemed necessary for national purposes.

CHAPTER XIII

Miscellaneous provisions

ARTICLE 35

In the course of an ITI operation:

(*a*) No additional goods may be loaded into a transport-unit unless a new ITI operation is started;

(*b*) Goods may be unloaded at more than one Customs office in the country of destination. In such a case an additional copy of the ITI declaration shall be lodged at each intermediate Customs office. The Customs authorities at these offices shall record on the ITI declaration the details of the goods unloaded and take the necessary measures to permit continuation of the ITI operation.

ARTICLE 36

At the request of the person concerned, an ITI operation may be terminated at a Customs office other than that specified in the ITI declaration as the office of destination, the Customs authorities which authorise the change recording it on the ITI declaration.

ARTICLE 37

Transfer of responsibility for a loaded transport-unit from the declarant to another person during an ITI operation may take place only at Customs offices competent for this purpose. Until an ITI declaration by the new declarant has been accepted by the Customs authorities, responsibility for compliance with the conditions under which Customs transit was allowed remains with the previous declarant. A copy of the ITI declaration showing the results of any control shall be furnished to the previous declarant at his request.

ARTICLE 38

When it is considered necessary, Contracting Parties may, for the completion of that part of an ITI operation taking place in their territories:

(*a*) Prescribe a time-limit;

(*b*) Require transport-units to follow prescribed itineraries;

(*c*) Require transport-units to be transported under Customs escort.

ARTICLE 39

1. The Goods manifest may be completed in any language acceptable to the Customs authorities of the country where the office of loading is situated. The Customs authorities of Contracting Parties may require a translation of that document. It is recommended that the use of foreign languages be permitted by Contracting Parties if this will facilitate the transport operation.

2. Contracting Parties are recommended to make known as widely as possible their requirements regarding the languages in which Goods manifests may be completed and accepted and their requirements regarding the production of translations.

3. Contracting Parties shall recommend to persons using the ITI procedure that weights and other measurements be expressed in units of the metric system.

ARTICLE 40

1. The ITI declaration form shall be printed in English or French and it may also be printed in a second language.

2. However, by agreement between Contracting Parties ITI declaration forms printed in a language other than English or French may be used for ITI operations taking place wholly in their territories.

ARTICLE 41

1. When an ITI declaration presented at a Customs office of a Contracting Party in accordance with the provisions of this Convention was signed in the territory of another Contracting Party, a countersignature shall not be required.

2. Notwithstanding the provisions of paragraph 1 of this Article, a countersignature may be required where there is no handwritten signature on the ITI declaration.

ARTICLE 42

Exemption from payment of the import duties and taxes normally chargeable shall be granted when it is established to the satisfaction of the Customs authorities that goods being transported under the provisions of this Convention:

(*a*) Have been destroyed or irrecoverably lost by accident or by force majeure;

(*b*) Are short for reasons due to their nature.

ARTICLE 43

1. Each Contracting Party shall designate the Customs offices which are competent to perform the functions laid down in this Convention.

2. As far as possible, Contracting Parties shall:

(*a*) Ensure that the time required for completion of Customs formalities at offices *en route* is reduced to a minimum;

(*b*) Ensure that priority is given to the clearance of perishable goods, livestock and other goods for which rapid transport is essential;

(c) Facilitate the execution outside normal working days and hours of Customs formalities at offices *en route*.

3. Contracting Parties having adjacent territories shall endeavour to correlate the powers and working hours of corresponding Customs offices.

ARTICLE 44

As regards the Customs formalities referred to in this Convention, no charge shall be made for Customs attendance, save where it is provided on days or at times or places other than those normally appointed for such formalities.

ARTICLE 45

1. Each of the Contracting Parties shall have the right to exclude temporarily or permanently from the operation of this Convention any person guilty of a serious offence against Customs laws or regulations.

2. Any exclusion under paragraph 1 of this Article shall be notified without delay to the Customs authorities of the Contracting Party in whose territory the person concerned is established or resident.

3. The Customs authorities of Contracting Parties who exclude a person from the operation of this Convention shall notify the relevant guaranteeing associations established in their territories.

ARTICLE 46

Nothing in this Convention shall be construed as preventing the controls laid to the Customs authorities of a Contracting Party under Articles 18 to 24, 27 to 31 and 36 of this Convention from being accomplished with the assistance of the railway administration of that Contracting Party.

ARTICLE 47

When goods are carried in the territory of a Contracting Party which applies, in respect of the mode of transport concerned, arrangements under which all Customs transit formalities are waived, that Contracting Party may:

(*a*) Defer the commencement of an ITI Operation until carriage by that mode of transport is terminated;

(*b*) Suspend an ITI Operation which has already commenced provided that such suspension does not hinder the resumption of that operation.

ARTICLE 48

The provisions of this Convention set out the minimum facilities to be accorded and do not prevent the application of greater facilities which certain Contracting Parties grant or may grant in the future by unilateral provisions or in virtue of bilateral and multilateral agreements, provided that the grant of such greater facilities does not

hinder the accomplishment of operations carried out under this Convention.

ARTICLE 49

Guarantee cards and blanks thereof, sent to guaranteeing associations by corresponding foreign associations or by guaranteeing chains, shall be admitted free of import duties and taxes and free of import prohibitions and restrictions.

CHAPTER XIV

Final provisions

ARTICLE 50

1. Any State Member of the Council and any State Member of the United Nations or its specialised agencies may become a Contracting Party to this Convention:

(*a*) By signing it without reservation of ratification;

(*b*) By depositing an instrument of ratification after signing it subject to ratification; or

(*c*) By acceding to it.

2. This Convention shall be open until 30th June, 1972, for signature at the Headquarters of the Council in Brussels, by the States referred to in paragraph 1 of this Article. Thereafter, it shall be open for their accession.

3. Any State, not being a Member of the Organisations referred to in paragraph 1 of this Article, to which an invitation to that effect has been addressed by the Secretary General of the Council at the request of the Contracting Parties, may become a Contracting Party to this Convention by acceding thereto after its entry into force.

4. The instruments of ratification or accession shall be deposited with the Secretary General of the Council.

ARTICLE 51

1. This Convention shall enter into force three months after five of the States referred to in paragraph 1 of Article 50 thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any State signing without reservation of ratification, ratifying or acceding to this Convention after five States have signed it without reservation of ratification or have deposited their instruments of ratification or accession, this Convention shall enter into force three months after the said State has signed without reservation of ratification or deposited its instrument of ratification or accession.

ARTICLE 52

1. Any State may, at the time of signing this Convention without reservation of ratification, or of depositing its instrument of ratification or accession or at any time thereafter, declare by notification given to the Secretary General of the Council that this Convention shall extend to all or any of the territories for whose international relations it is responsible or for which it assumes international responsibility. Such notification shall take effect three months after the date of the receipt thereof by the Secretary General of the Council. However, the Convention shall not apply to the territories named in the notification before the Convention has entered into force for the State concerned.

2. Any State which has made a notification under paragraph 1 of this Article extending this Convention to any territory for whose international relations it is responsible or for which it assumes international responsibility may notify the Secretary General of the Council, in accordance with Article 54 of this Convention, that the territory in question will no longer apply the Convention.

ARTICLE 53

1. Any State may declare, at the time of signing, ratifying or acceding to this Convention, or notify the Secretary General of the Council after becoming Contracting Party to this Convention, that it will apply the present Convention only if part of the ITI operation takes place outside its territory. Such notification shall take effect three months after the date of its receipt by the Secretary General. Any Contracting Party having entered such a reservation may at any time withdraw it by notifying the Secretary General.

2. Apart from the reservations provided for in paragraph 1 of this Article and in paragarph 4 of Article 5 of this Convention no other reservation to this Convention shall be permitted.

ARTICLE 54

1. This Convention is of unlimited duration. However, any Contracting Party may denounce it at any time after the date of its entry into force under Article 51 thereof.

2. The denunciation shall be notified by an instrument in writing, deposited with the Secretary General of the Council.

3. The denunciation shall take effect six months after the receipt of the instrument of denunciation by the Secretary General of the Council.

4. When a Contracting Party denounces this Convention in accordance with paragraph 1 of this Article, or makes a notification under paragraph 4 of Article 5, under paragraph 2 of Article 52 or under paragraph 1 of Article 53 of this Convention, that Contracting Party shall continue to be bound by the provisions of this Convention in respect of any transport operation dealt with by its Customs authorities under the provisions of this Convention before the date on which the denunciation or notification takes effect. In addition, the validity of any guarantee card issued before that date shall not be affected by the denunciation or notification.

ARTICLE 55

1. The Contracting Parties shall meet together when necessary in order to consider the operation of this Convention and, in particular, in order to consider measures to secure uniformity in the interpretation and application of this Convention.

2. Such meetings shall be convened by the Secretary General of the Council at the request of any Contracting Party and, unless the Contracting Parties otherwise decide, shall be held at the Headquarters of the Council.

3. The Contracting Parties shall lay down the rules of procedure for their meetings.

4. Decisions of the Contracting Parties shall be taken by a majority of not less than two-thirds of the Contracting Parties present at the meeting and voting. Only Contracting Parties casting an affirmative or negative vote shall be deemed to be voting.

5. The Contracting Parties shall not take a decision on any matter unless more than half of them are present.

ARTICLE 56

1. Any dispute between Contracting Parties concerning the interpretation or application of this Convention shall so far as possible be settled by negotiation between them.

2. Any dispute which is not settled by negotiation shall be referred by the Contracting Parties in dispute to the Contracting Parties, meeting in conformity with Article 55 of this Convention, which shall thereupon consider the dispute and make recommendations for its settlement.

3. The Contracting Parties in dispute may agree in advance to accept the recommendations of the Contracting Parties as binding.

ARTICLE 57

1. Amendments to this Convention may be proposed either by a Contracting Party or by the Contracting Parties meeting in accordance with Article 55 of this Convention.

2. The text of any amendment so proposed shall be communicated by the Secretary General of the Council to all the Contracting Parties, to all other signatory States and to the Secretary General of the United Nations.

3. Within a period of six months from the date on which the proposed amendment is so communicated, any Contracting Party may inform the Secretary General of the Council:

(*a*) That it has an objection to the proposed amendment, or

(*b*) That, although it intends to accept the proposed amendment, the conditions necessary for such acceptance are not yet fulfilled in its country.

4. If a Contracting Party sends the Secretary General of the Council a communication as provided for in paragraph 3(b) of this Article, it may, so long as it has not notified the Secretary General of its acceptance of the proposed amendment, submit an objection to that amendment within a period of nine months following the expiry of the six-month period referred to in paragraph 3 of this Article.

5. If an objection to the proposed amendment is stated in accordance with the terms of paragraph 3 or 4 of this Article, the amendment shall be deemed not to have been accepted and shall be of no effect.

6. If no objection to the proposed amendment in accordance with paragraph 3 or 4 of this Article has been stated, the amendment shall be deemed to have been accepted as from the date specified below:

(*a*) If no Contracting Party has sent a communication in accordance with paragraph 3(b) of this Article, on the expiry of the period of six months referred to in paragraph 3;

(*b*) If any Contracting Party has sent a communication in accordance with paragraph 3(b) of this Article, on the earlier of the following two dates:

(i) The date by which all the Contracting Parties which sent such communications have notified the Secretary General of the Council of their acceptance of the proposed amendment, provided that, if all the acceptances were notified before the expiry of the period of six months referred to in paragraph 3 of this Article, that date shall be taken to be the date of expiry of the said six-month period;

(ii) The date of expiry of the nine-month period referred to in paragraph 4 of this Article.

7. Any amendment deemed to be accepted shall enter into force either six months after the date on which it was deemed to be accepted or, if a different period is specified in the proposed amendment, on the expiry of that period after the date on which the amendment was deemed to be accepted.

8. The Secretary General of the Council shall, as soon as possible, notify all the Contracting Parties and other signatory States of any objection to the proposed amendment made in accordance with paragraph 3(a), and of any communication received in accordance with paragraph 3(b), of this Article. He shall subsequently inform all the Contracting Parties and other signatory States whether the Contracting Party or Parties which have sent such a communication raise an objection to the proposed amendment or accept it.

9. Independently of the amendment procedure laid down in paragraphs 1 to 8 of this Article, Article I (ij) and the Annexes to this Convention may be modified by a decision of the competent administrations of all the Contracting Parties; such a decision shall be deemed to have been taken unless the competent administration of a Contracting Party informs the Secretary General of the Council, within a period of three months from the date on which the Secretary General of the Council has circulated the proposed amendment, that it has an objection to the proposed amendment. Such a decision shall also specify the date of entry into force of the amendment and may provide that during a transitional period the unmodified provision

shall remain in force, wholly or in part, concurrently with the modified provision.

10. Any State ratifying or acceding to this Convention shall be deemed to have accepted any amendments or modifications thereto which have entered into force at the date of deposit of its instrument of ratification or accession.

ARTICLE 58

Any agreement setting up an ITI area in accordance with Article 26 of this Convention, any amendment thereto or any modification of the territorial application of such an agreement shall be notified to the Secretary General of the Council by the Contracting Parties concerned.

ARTICLE 59

For the purposes of Article 2 and paragraph 1 of Article 53 of this Convention, Contracting Parties which form a Customs or Economic Union may agree that their territories are to be taken as a single territory. The Contracting Parties concerned shall notify the Secretary General of the Council of any such agreement.

ARTICLE 60

The Annexes to this Convention shall be construed to be an integral part of the Convention.

ARTICLE 61

The Secretary General of the Council shall notify all the Contracting Parties, the other signatory States and the Secretary General of the United Nations, of:

(a) Signatures, ratifications and accessions under Article 50 of this Convention;

(b) The date of entry into force of this Convention in accordance with Article 51;

(c) Notifications received in accordance with Article 52;

(d) Declarations and notifications made in accordance with paragraph 4 of Article 5 and paragraph 1 of Article 53 and the date on which reservations or withdrawals of reservations take effect;

(e) Denunciations under Article 54;

(f) Any amendment deemed to have been accepted in accordance with Article 57 and the date of its entry into force;

(g) Notifications received in accordance with Article 58 and 59.

ARTICLE 62

In accordance with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Secretary General of the Council.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Vienna this seventh day of June nineteen hundred and seventy-one, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary General of the Council who shall transmit certified copies to all the States referred to in paragraph 1 of Article 50 of this Convention.

The Secretary General of the Customs Co-operation Council certifies that this is a true copy of the original deposited in the archives of the Customs Co-operation Council.

CHEVALIER ANNEZ DE TABOADA,
Secrétaire Général.

ANNEX 1

ITI Declaration Form

The margins, column widths and spacing of ITI declaration forms shall correspond as closely as possible to the model form reproduced in the Annex.

The copy of the ITI declaration which is to accompany the transport-unit to the office of destination shall be marked "ORIGINAL" at the office of departure.

The size of the ITI declaration form shall be 210 × 297 mm.

ANNEX 2

Minimum requirements to be met by Customs seals and fastenings.

Customs seals and fastenings shall meet the following minimum requirements:

1. General requirements in respect of seals and fastenings:

The seals and fastenings, together, shall:

(a) Be strong and durable;

(b) Be capable of being affixed easily and quickly;

(c) Be capable of being readily checked and identified;

(d) Not permit removal or undoing without breaking or tampering without leaving traces;

(e) Not permit use more than once;

(f) Be made as difficult as possible to copy or counterfeit.

2. Physical specification of seals:

(a) The shape and size of the seal shall be such that any identifying marks are readily legible;

(b) Each eyelet in a seal shall be of a size corresponding to that of the fastening used, and shall be positioned so that the fastening will be held firmly in place when the seal is closed;

(c) The material used shall be sufficiently strong to prevent accidental breakage, early deterioration (due to weather conditions, chemical action, etc.) or undetectable tampering;

(d) The material used shall be selected by reference to the sealing system used.

3. Physical specifications of fastenings:

(a) The fastening shall be strong and durable and resistant to weather and corrosion;

(b) The length of the fastening used shall not enable a sealed aperture to be opened or partly opened without the seal or fastening being broken or otherwise showing obvious damage;

(c) The material used shall be selected by reference to the sealing system used.

4. Identification marks:

The seal or fastening, as appropriate, shall be marked:

(a) To show that it is a Customs seal, by application of the word "Customs" preferably in one of the official languages of the Council (English or French);

(b) To show the country which applied the seal, preferably by means of the sign used to indicate the country of registration of motor vehicles in international traffic;

(c) To enable the Customs office by which the seal was affixed, or under whose authority it was affixed, to be identified, for example, by means of code letters or numbers.

ANNEX 3

Guarantee card

The guarantee card shall be printed in English or French, and may also be printed in a second language.

The reverse of the guarantee card may be used by the issuing association for its own purposes (e.g. giving instructions to the user).

The size of the guarantee card shall be 80 × 160 mm.

ANNEX 4

Accident report form

The accident report form shall be printed in English or French and may also be printed in a second language.

The margins, column widths and spacing of accident report forms shall correspond as closely as possible to the model form reproduced in this Annex.

Its size shall be 210 × 297 mm.

In the event of an accident the following provisions of the ITI Convention must be complied with:

Article 24

1. If Customs seals and fastenings are broken or goods are destroyed or damaged accidentally during an ITI operation the person performing the transport shall report the facts to the nearest Customs office without delay. The Customs authorities at this office shall draw up a report, if possible using an accident report form conforming to the model reproduced at Annex 4 to this Convention and shall take any necessary measures to permit continuation of the ITI operation. A copy of the report shall be attached to the ITI declaration.

2. If it is not possible to approach a Customs authority immediately, other competent authorities shall be approached. The authority called in shall draw up a report, if possible using an accident report form conforming to the model reproduced at Annex 4 to this Convention and attach it to the ITI declaration. This report shall be produced together with the transport-unit and the ITI declaration to the next Customs office. The Customs authorities at that office shall take any necessary measures to permit continuation of the ITI operation.

3. In the event of imminent danger necessitating immediate unloading of the whole or part of the load, the person performing the transport may take appropriate action on his own initiative. Subsequently, the procedure laid down in paragraph 1 or 2 of this Article, as the case may be, shall be followed.

4. When the breakage of a Customs seal or fastening or damage or destruction of goods did not take place in the territory of a Contracting Party, the Customs authorities at the next office of entry en route shall take action to ensure that the necessary report is drawn up and to permit continuation of the ITI operation.

The ACTING PRESIDENT pro tempore. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be stated.

The second assistant legislative clerk read as follows:

Resolved (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Customs Convention on the International Transit of Goods (ITI Convention) Opened for Signature at Vienna June 7, 1971.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of legislative business.

THE SENATE'S RECORD IN 1ST SESSION OF 93D CONGRESS

Mr. MANSFIELD. Mr. President, in my opinion, the Senate has made a very productive record this year. Its membership, both Democratic and Republican, has acted responsibly. It is my opinion that if there has been any year when the Senate has proved its worth, it is this year, this most troublesome of years.

ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, with that accolade to the Senate—and it is well deserved—I move, pursuant to House Concurrent Resolution 412, as amended by the Senate, that the Senate stand adjourned sine die.

The motion was agreed to; and at 2:54 p.m. the Senate adjourned sine die.